

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**HELD ON THURSDAY, 10 MAY, 2012 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Snape, P.A. (Chairman)  
Cartwright, Mrs. S.M. (Vice-Chairman)

Allen, F.W.C.            Grice, Mrs. D.  
Bernard, J.D.            Todd, Mrs. D.M.  
Fisher, P.A.

**1. Apologies**

There were no apologies.

**2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
Fisher, P.A.	Item 6 - Member knows Licence Holder who is a personal friend	Personal/Prejudicial

**3. Minutes**

RESOLVED:

That the Minutes of the meetings held on 29 March, 2012 be approved as a correct record and signed.

**4. Exclusion of the Public**

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 2, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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**PART 2**

**5. Hackney Carriage Proprietors' Licence**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.44 of the Official Minutes of the Council).

The Licence Holder attended the Hearing to present his case.

The Chairman then invited all those present to introduce themselves and outlined the procedure to be followed at the Hearing. All parties confirmed their understanding of the procedure.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration and Members were asked to consider whether the Applicant's vehicle was exceptional.

The Applicant was afforded the opportunity to ask questions of the Officer, there being none the Committee then viewed the Applicant's vehicle.

Members of the Committee were then afforded the opportunity to ask questions of the Officer, there being none the Applicant was then given the opportunity to present his case.

The Applicant then presented his case. He informed the Committee that the vehicle had been well maintained and then circulated a copy of the service history to Members of the Committee.

Members of the Committee and the Officer were then afforded the opportunity to ask questions of the Applicant. A Member pointed out the high mileage for the age of the vehicle, however the Applicant stated that the vehicle was well looked after and serviced regularly.

The Officer of the Licensing Authority and the Applicant were then afforded the opportunity to sum up their cases.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee. The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

**RESOLVED:**

That, having regard to all the circumstances, the application for a Hackney Carriage Proprietor's Licence be approved for a period of 12 months as the Committee was satisfied that the vehicle was an 'exceptional vehicle' as defined by the Council's policy for the age restriction of Hackney Carriage Vehicles.

**REASONS FOR THE DECISION**

1. The Committee carefully considered all relevant factors, issues and the responses given by the Applicant. Due regard was also given to the Council's Policy on the age restrictions for the licensing of Hackney Carriage Vehicles and also to the powers given to licensing authorities under Section 37 of the Town Police Clauses Act 1847 and Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.
2. The Committee were afforded the opportunity of inspecting the vehicle both inside and out and of perusing the service/maintenance records. It was considered that the vehicle had been well looked after and its condition was indeed exceptional, and Members of the Committee stated they would be more than happy to travel in it themselves.
3. The Committee therefore agreed that the Applicant's vehicle satisfies the criterion as an "exceptional vehicle" and that it should therefore be licensed for a period of 12 months.

(Having declared a personal and prejudicial interest, Councillor P.A. Fisher left the meeting prior to the last application being considered).

## **6. Hackney Carriage/Private Hire Driver**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.27 of the Official Minutes of the Council).

The Licence Holder attended the Hearing to present his case.

The Chairman then invited all those present to introduce themselves and outlined the procedure to be followed at the Hearing. All parties confirmed their understanding of the procedure.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. Members were asked to determine whether the Licence Holder remained a fit and proper person to hold a Hackney Carriage/Private Hire Driver's licence and if so whether any further action was necessary in light of the incident and issues raised.

The Licence Holder was offered the opportunity to ask questions of the Officer. He had no questions he wished to ask.

The Licence Holder presented his case and referred Members of the Committee to the letter he had written which was contained at Annex 6 of the report. In addition he explained that the incident was out of character for him and never thought it would lead to him being before the Committee; however he would understand whatever the decision was that the Committee made.

Members of the Committee and the Officer of the Licensing Authority were afforded the opportunity to ask questions of the Licence Holder. Members of the Committee and the Officer asked questions of the Licence Holder in respect of the incident. The Licence Holder confirmed that should the Committee agree that he retain his licence, his present employer would re-employ him.

The Officer of the Licensing Authority and the Licence Holder were then afforded the opportunity to sum up their cases.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee. The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

**RESOLVED:**

The Committee carefully considered all relevant factors, issues and the responses given by the Applicant and having regard to all the circumstances it was considered that the Licence Holder was a fit and proper person to hold a Hackney Carriage / Private Hire Driver's Licence.

#### REASONS FOR THE DECISION

1. That having regard to all the circumstances and the Licence Holder's contrition and explanation before the Committee, it was considered that the Licence Holder was a fit and proper person to hold a Hackney Carriage / Private Hire Driver's Licence despite the conviction referred to in the report.
2. Given the remorse and contrition shown by the Licence Holder, and the period of suspension already imposed, which the Committee considered totally appropriate the Committee did not consider it proportionate or reasonable to impose a further suspension.

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CHAIRMAN

The meeting closed at 11.30 a.m.