

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**HELD ON THURSDAY, 16 FEBRUARY, 2012 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Snape, P.A. (Chairman)

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

**1. Apologies**

Apologies for absence were received from Councillors Mrs. S.M. Cartwright (Vice-Chairman), Mrs. D. J. Bennett, J. Burnett, P. A. Fisher and Mrs. P. Williams.

**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>
F. W. C. Allen	Hackney Carriage Proprietor's Licence – Exceptional Vehicle – Member knows the second applicant	Personal

**3. Minutes**

RESOLVED:

That the Minutes of the meetings held on 1 and 6 December, 2011 be approved as a correct record, subject to the following amendment being made to the second reason for the decision of Minute 5, (page 4) of the meeting held on 6 December, 2011:-

‘The Committee did not take the decision to revoke the licence lightly.....’

**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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**MINUTES OF THE MEETING OF THE**  
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**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**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Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.24 of the Official Minutes of the Council).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. A copy of the service history was circulated at the meeting. The Applicant, together with Members of the Committee were offered the opportunity to ask questions of the Officer, there being none the Committee then viewed the Applicant's vehicle.

The Applicant then presented his case. He informed the Committee that it had proven to be a reliable car and was serviced every 10,000 miles. The interior and exterior of the car was well maintained, consequently he considered it appropriate to apply for an extension.

The Officer of the Licensing Authority and the Applicant's representative 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.

REASON 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.

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

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.17 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. He explained that the Applicant had been asked to provide details of the service history of the vehicle and these had been received the day after the deadline for the agenda being published and consequently had been circulated separately. Members were asked to consider whether the Applicant's vehicle was exceptional. A copy of the service history was circulated at the meeting.

The Licence Holder was offered the opportunity to ask questions of the Officer. He said he could not understand why the Officer had considered it necessary to report that some documents had been provided late. The Chairman explained that an Officer of the Licensing Authority had given the Applicant a date when all the information needed to be supplied and he had failed to do this. Members of the Committee were then afforded the opportunity to ask questions of the Officer, there being none the Committee then viewed the Applicant's vehicle.

The Licence Holder presented his case. He explained that he was the only driver of the vehicle and worked part time. The car had a low mileage and was well maintained. Members of the Committee and the Officer of the Licensing Authority were afforded the opportunity to ask questions of the Licence Holder.

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:**

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 continued to be well looked after since it was last inspected by the Committee 12 months ago, and it was noted that the minor work to the bonnet, etc. had now been rectified. If the number plates were removed one would not know that the vehicle was 9 years old.
3. The Committee therefore agreed that the Applicant's vehicle still satisfies the criterion as an "exceptional vehicle" and that it should therefore be licensed for a further period of 12 months.

The meeting closed at 10.55 a.m.

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CHAIRMAN