

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**10.00 A.M., FRIDAY 19 JUNE 2009**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Bennett, K. L. (Chairman)  
Williams, Mrs. P. (Vice-Chairman)

Allen, F.W.C.	Green, M. R.
Ansell, Mrs. P.A.	Grice, Mrs. D.
Burnett, J.	Holder, M. J.
Easton, R.	

(An apology for absence was received from Councillor Mrs. D. M. Todd).

**3 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 I, Schedule 12A, Local Government Act 1972 (as amended).

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**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**10.00 A.M., FRIDAY 19 JUNE 2009**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 2**

**4. Application for a Hackney Carriage Proprietor's Licence**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.9 of the Official Minutes of the Council).

The Applicant attended the meeting to present his case.

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. She advised that the application for a Hackney Carriage Proprietor's Licence had been made by the Applicant on 19 May 2009. The Applicant was aware of the Council's age policy and that an exemption applied for "exceptional vehicles". It was reported that the vehicle was first licensed by the Authority as a hackney carriage vehicle on 13 December 2007 and continued to be licensed until its 6<sup>th</sup> birthday on 5 June 2009. The Officer then outlined the findings of the Enforcement Officer's inspection of the vehicle (included at Annex 4 of the report).

Members were asked to determine the application and consider whether the vehicle was an "exceptional vehicle".

The Applicant was afforded the opportunity of asking questions of the Officer and then the Members of the Committee. There being none the Applicant was then asked to present his case.

The Applicant explained that the vehicle was only used part time as he had another job. The vehicle was an LPG conversion the use of which was encouraged by the Government and had been well maintained.

The Committee was then given the opportunity of asking questions of the Applicant. A Members asked if the car had been involved in an accident and when it was serviced. The Applicant reported that it had not been in an accident and was serviced every 10,000/12,000 miles or once a year if the mileage had not been attained. A copy of the car's service history was shown to the Chairman.

Following this, Members then examined the Applicant's vehicle.

The Officer was then afforded the opportunity to ask questions of the Applicant, the Officer asked if the cigarette burn had been repaired and when it had occurred. The Applicant

explained that it had been repaired by SMART Repairs who mixed fibres into the fabric and that Members would not be able to see where it had been. It was reported that the burn had occurred before the smoking ban had been imposed

The Applicant was then afforded the opportunity to sum up his case.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee.

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

The Committee carefully considered all relevant factors, issues and the responses of the applicant, who stated that the vehicle had not been used regularly as he had another job. He referred to the fact that it was also an LPG car, saying that this made it not only economical to run but environmentally and attracted cheaper car tax.

The Committee had regard to the vehicles licensing history, the mileage, service history, as well as the Licensing officer's representations and the Amenities Committee report of 25<sup>th</sup> September 1997 on proposed age restrictions for Hackney Carriage vehicles, and the interest of public protection.

This was then followed by a physical inspection of the applicant's vehicle during which several questions were asked about its service history and service intervals and a hole on the front seat which had been made from a cigarette burn. The inspection revealed that the outward appearance of the vehicle was clean as was its interior and there appeared to be no apparent defects. The vehicle was also switched on and allowed to run for several minutes.

A Member asked the applicant if the vehicle had had any accidents, to which the applicant said no.

The Chairman asked to see the log book and examined the service intervals as he noted that the 4<sup>th</sup> service page of the manual had not been stamped. The applicant explained that the vehicle had always been serviced in the same garage and he believed that the lack of a stamp was due to an error.

The Committee then resumed and the applicant was asked if he had any inquiries to make of the committee, which he declined.

The Committee deliberated briefly and reached a unanimous decision to grant the applicant a "Proprietors licence" to operate his Vauxhall Vectra 1.8 dual fuel (Petrol & LPG) as a hackney carriage in 'exceptional condition' over 6 years of age, for a further 12 months.

## 5. Application for a Hackney Carriage Proprietor's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.13 of the Official Minutes of the Council).

The Applicant attended the meeting to present his case.

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. She advised that the application for a Hackney Carriage Proprietor's Licence had been made by the Applicant on 6 May 2009. The Applicant was aware of the Council's age policy and that an exemption applied for "exceptional vehicles". It was reported that the vehicle was last licensed by the Authority as a hackney carriage vehicle on 7 May 2008 following determination by this Committee on 13 April 2008. At a meeting of the Cabinet held on 24 August 2006 the following resolution was endorsed:-

'That a condition be applied to Private Hire Licences granted in respect of stretch limousines, requiring mechanical testing and inspection by the Council's appointed garage, every 6,000 miles and that such testing and inspection be funded by the licence holder.'

The Officer then outlined the findings of the Enforcement Officer's inspection of the vehicle (included at Annex 6 of the report).

Members were asked to determine the application and consider whether the vehicle was an "exceptional vehicle".

(At this juncture Councillor J. Burnett tendered his apologies and left the meeting)

Following this, Members then examined the Applicant's vehicle.

The Applicant was afforded the opportunity of asking questions of the Officer, there being none the Applicant was then asked to present his case. He informed the Committee that the vehicle had a few chips on the paintwork due to its age, however, he considered it was in a better condition than it was when last considered to be an exceptional vehicle.

Members of the Committee were then afforded the opportunity of asking questions of the Applicant. Concern was raised relating to a door sealant which was showing some wear and some rusting/corrosion to engine parts. The Applicant responded that passenger safety was of utmost importance to him and if the car was to break down it would not look good on the company, therefore, he endeavoured to make sure this would not happen. He explained that the car was not used very often.

The Officer of the Licensing Authority was then afforded the opportunity of asking questions of the Applicant, who was asked what work had been carried out on the vehicle since the Licensing Officer's Inspection. It was explained that the car had been polished and the interior cleaned thoroughly and the indicator lamp replaced.

The Officer then summed up the Council's case. It was reported that the vehicle was at least 14 years old and had done 145,000 miles and the Committee had to consider whether it was an exceptional vehicle that would represent Cannock Chase both inside and outside of the area.

The Applicant was then afforded the opportunity to sum up his case who advised that he had nothing further to add.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee.

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, subject to the condition being applied in respect of Private Hire Licences granted in respect of stretch limousines, requiring mechanical testing and inspection by the Council's appointed garage, every 6,000 miles and that such testing and inspection be funded by the licence holder.'

#### Reason for the decision

The Committee carefully considered all relevant factors, issues and the responses of the applicant, who stated that he had tried to look after the vehicle as best as possible. He stated that he was aware of some changes on the car and that even though it was inevitable in his opinion with a car of that age, he believed it was in better condition than it had been last year.

The Committee had regard to the vehicles licensing history, the mileage, service history, as well as the Licensing officer's representations and the Amenities Committee report of 25<sup>th</sup> September 1997 on proposed age restrictions for Hackney Carriage vehicles, and the interest of public protection.

It also took into consideration a condition introduced by a resolution by the Cabinet on the 24<sup>th</sup> of August 2006 that (Private Hire vehicles granted in respect of stretch limousines, requiring mechanical testing and inspection by the Councils appointed garage every 6,000 miles and that such testing and inspection be funded by the license holder"

This was then followed by a physical inspection of the applicant's vehicle during which several questions were asked about its service history, service intervals and other aspects of the car. The inspection revealed that the outward appearance of the vehicle was clean as was its interior and there appeared to be no apparent defects. The vehicle was also switched on and allowed to run for several minutes.

A Member asked about the service intervals which the applicant said was every 5,000 miles.

A Member then brought up a defect he had spotted regarding the trim on the rear right side door as well as some rust he had spotted in the engine bay and asked for assurances that it would be looked at. The applicant said that he would get his repairer to look at it.

A Member asked the applicant if the vehicle was used a lot, to which he said "hardly ever at that".

The Chairman then asked the Licensing officer if she had any questions to put to the applicant, which she said she had.

The Licensing officer asked the applicant to detail all the work he had done to the vehicle since he had put in his application.

The applicant said he had polished and T Cut the whole of the vehicle had the carpets shampooed and spent two days cleaning up the car.

The Chairman then invited the Licensing Officer to sum up her case which she did saying that "The vehicle was 14 years of age and had over 145,000 miles which was reasonable for its year. She stated further that the applicant had detailed all that he had done to the vehicle and asked the Committee to make sure that it was indeed satisfied that the vehicle was an exceptional vehicle"

The Committee then asked the applicant if he had any inquiries to make of the Committee, which he declined.

The Committee deliberated briefly and reached a unanimous decision to grant the applicant a "Proprietors licence" to operate his Lincoln Towncar as a hackney carriage in 'exceptional condition' over 6 years of age, for a further 12 months subject to the report of the Director of Community Services and policy for stretch limousines, used as private hire vehicles which requires mechanical testing every 6,000 miles by the councils appointed garage, which the applicant was required to fund.

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CHAIRMAN