

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., TUESDAY 7 JULY 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. Holder, M. J.
Ansell, Mrs. P.A. Todd, Mrs. D. M.

(Apologies for absence were received from Councillors R. Easton and M. R. Green).

6 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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PART 2

7. 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Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.10 of the Official Minutes of the Council).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 27 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 24 September 2007 and continued to be licensed until its 6th birthday on 14 June 2009. The Officer then outlined the findings of the Licensing 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 who indicated that he had none.

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

The Applicant was then asked to present his case. He explained that he considered that the vehicle was in good condition for its age and that he would be retiring in April 2010 and would find it difficult to find other work. The Committee was then given the opportunity to ask questions of the Applicant. A Members asked if the car had a full service history and was informed that since he had bought the vehicle it had been serviced when required and produced copies for the Committee to view. He explained that the vehicle had not been in use as a taxi since 14 June 2009.

The Officer was then afforded the opportunity to ask questions of the Applicant. The Officer asked how often the vehicle had been serviced and was informed that it had been carried out every 12,000 miles and that any remedial work needed had been carried out when M.O.T.s had been required.

The Officer then summed up the Council's case.

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 declined to make any representations other than to add that it was a good car for its year and had only done 106,914 miles.

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 25th 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. 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.

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

The Committee deliberated briefly and reached a unanimous decision to grant the applicant a "Proprietors licence" to operate his Peugeot 406, 109 diesel estate, as a hackney carriage in 'exceptional condition' over 6 years of age, for a further 12 months.

CHAIRMAN