

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
TUESDAY, 17 JULY, 2012 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Snape, P.A. (in the Chair)

Anslow, C.
Fisher, P.A.

Grice, Mrs. D.
Todd, Mrs. D.M.

1. Apologies

Apologies for absence were received from Councillors Mrs. P.Z. Stretton (Chairman), F. W. C. Allen, J. Bernard and Mrs. S. Cartwright.

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

Member	Nature of Interest	Type
Todd, Mrs. D.M.	Item 7 on the Agenda - Hackney Carriage Proprietor's Proprietor's Licence – Exceptional Vehicle – Member uses the same Club as the Applicant	Personal

3. Minutes

RESOLVED:

That the minutes of the Licensing and Public Protection Committee held on 15 June, 2012 be approved.

4. Licensing Sub Committee Minutes

RESOLVED:

That the minutes of the Licensing Sub Committee held on 29 June, 2012 be noted.

5. 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 Paragraphs 2, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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PART 2

6. Hackney Carriage Proprietors' Licence – Exceptional Vehicle Application

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.28 of the Official Minutes of the Council).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, 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 and he outlined the reasons why he considered the vehicle should be classed as exceptional. A copy of the service history was circulated at the meeting. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant.

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. The Council's Legal Advisor advised the Applicant that he would be written to within seven working days (or as soon as practicable) confirming the Committee's decision and giving reasons for that decision which was 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 was afforded the opportunity of inspecting the vehicle both inside and out and of perusing the service/maintenance records. It was noted that the vehicle had had around £1,500.00 spent on it during the last 12 months and it was in better condition than when the Committee last inspected it on 28 June 2011. It was considered that the residents of the Cannock area would be happy to travel in the vehicle and it would not embarrass the Council if it were to remain in service as a licensed hackney carriage.
3. The Committee was therefore of the opinion that the Applicant's vehicle satisfied the criterion as an "exceptional vehicle" and accordingly it should be licensed for a further period of 12 months.

7. Hackney Carriage Proprietors' Licence – Exceptional Vehicle Application

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.21 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, 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 and he outlined the reasons why he considered the vehicle should be classed as exceptional. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant.

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. The Council's Legal Adviser advised the Applicant that he would be written to within seven working days (or as soon as practicable) confirming the Committee's decision and giving reasons for that decision which was 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 was afforded the opportunity of inspecting the vehicle both inside and out and of perusing the service/maintenance records. It was evident the vehicle had been well looked after and it was considered that the residents of the Cannock area would be happy to travel in the vehicle. The vehicle was representing the Council and the Applicant should ensure that he continues to look after the vehicle and keep it well maintained.
3. The Committee was therefore of the opinion that the Applicant's vehicle satisfied the criterion as an "exceptional vehicle" and accordingly it should be licensed for a further period of 12 months.

The meeting closed at 10.40 a.m.

CHAIRMAN