

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
FRIDAY, 24 MAY, 2013 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors

Stretton, Mrs. P.Z. (Chairman)
Dudson, A. (Vice-Chairman)

Allen, F.W.C.	Grice, Mrs. D.
Anslow, C.	Snape, P.A.
Fisher, P. A.	Todd, Mrs. D.M.

1. Apologies

Apologies for absence were received from Councillors J. D. Bernard and B. Bottomer.

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

There were no Declarations of Interests made in addition to those already confirmed by Members in the Register of Members' Interests.

3. Minutes

RESOLVED:

That the Minutes of the meetings of the Licensing and Public Protection Committee held on 14 and 26 March, 2013 be approved as a correct record.

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 – Exceptional Vehicle

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.34 of the Official Minutes of the Council).

The Applicant attended the hearing to present his case.

The Chairman 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 considered to be exceptional.

The Applicant was then given the opportunity to ask questions of the Officer, which he declined.

The Committee then viewed the Applicant's vehicle. Members of the Committee were offered the opportunity to ask questions of the Officer.

There being none, the Applicant then presented the case.

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 asked the Applicant about the vehicle's exhaust, which appeared smoky on starting up. The Applicant advised that a local Skoda dealer had tested the exhaust and he provided the Committee with an inspection certificate. Members viewed this and the service history attributed to the vehicle in question.

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.

RESOLVED:

That:

- (A) Having regard to all the circumstances, the application for a hackney carriage proprietors' licence be granted, as the Committee considers the vehicle is exceptional in accordance with the Council's policy on age restrictions for hackney carriage vehicles.
- (B) The Committee decided that the vehicle should be retested for emissions in six months.

Reasons for the Decision

- 1. Although the mileage was over the guidance mileage of 120,000 for a diesel vehicle that is six years old, the exterior and the interior of the vehicle were in very good condition; and
- 2. The vehicle had an adequate service history and was well maintained.

6. Application for the Extension of an Existing Hackney Carriage Proprietors' Licence on an Exceptional Vehicle Basis

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.36 of the Official Minutes of the Council).

The Applicant attended the hearing to present his case.

The Chairman 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 considered to be exceptional.

The Applicant was then given the opportunity to ask questions of the Officer, which he declined.

The Committee then viewed the Applicant's vehicle.

Members of the Committee were offered the opportunity to ask questions of the Officer.

There being none, the Applicant then presented the case, advising the Committee that, while the vehicle did have a high mileage for its age, he considered it to be in very good condition and he had always had any required works done on the

vehicle to keep it in a serviceable condition.

Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant. Members viewed the service history attributed to the vehicle in question.

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.

RESOLVED:

That, having regard to all the circumstances, the application for an extension of the existing hackney carriage proprietors' licence be granted until 10 April, 2014, as the Committee considered the vehicle to be in accordance with the Council's policy on age restrictions for hackney carriage vehicles.

Reasons for the Decision

1. Although the mileage was over the guidance mileage for a diesel vehicle that is six years old, the exterior and the interior of the vehicle were in excellent condition; and
2. The vehicle had an adequate service history.

7. Hackney Carriage/Private Hire Driver

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.12 of the Official Minutes of the Council).

The Licence Holder attended the hearing to present his case.

The Chairman 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 consider whether the Licence Holder remained a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Licence Holder was then given the opportunity to ask questions of the Officer. Members of the Committee were then offered the opportunity to ask questions of the Officer.

There being none, the Licence Holder presented his case.

The Officer of the Licensing Authority and Committee Members asked questions of the Licence Holder for clarification.

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.

RESOLVED:

That, having regard to all the circumstances, the Hackney Carriage/ Private Hire Driver's Licence should be suspended for 21 days.

Reasons for the Decision

1. The Committee found that deliberate criminal damage had been caused to the vehicle of another licensed driver during an argument and the Licence Holder failed to notify the Council of the caution received from the Police.
2. Such conduct was not considered fit and proper behaviour for a licensed driver, and drivers must notify the Council of cautions and convictions they receive.

CHAIRMAN

The meeting closed at 12.30 p.m.