

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
TUESDAY 17 DECEMBER 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)

Anslow, C.	Grice, Mrs. D.
Bernard, J.D.	Snape, P.A. (substitute for Sutherland, M.)
Bottomer, B.	Todd, Mrs. D.M.
Fisher, P.A.	

32. Apologies

Apologies for absence were received from Councillors F.W.C. Allen and M. Sutherland.

Councillor P.A. Snape was in attendance as Councillor M. Sutherland's nominated substitute.

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

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

34. Minutes

RESOLVED:

That the Minutes of the meeting of the Licensing and Public Protection Committee held on 12 November 2013, and the Minutes of the meetings of the Licensing Sub-Committees held on 11, 15 and 18 November 2013 be approved as a correct record and signed.

35. 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

36. Application for a Private Hire Vehicle Proprietors Licence on an Exceptional Basis

Members were advised in advance of the meeting that this item had been withdrawn from the Agenda.

37. Consultation Paper from the Department for Culture, Media and Sport – Consultation on a Proposal to use a Legislative Reform Order to make changes to Entertainment Licensing

The Senior Licensing Officer circulated to Members in advance of the meeting a consultation document from the Department for Culture Media and Sport (DCMS) regarding proposed changes to the law in respect of entertainment licensing.

Members considered the consultation and provided comments to the Senior Licensing Officer, particularly focussed on the potential impact of the changes on the licensing sector and the four licensing objectives, as set out in the Licensing Act 2003.

38. Application for A Hackney Carriage/Private Hire Vehicle Proprietors' Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Item 5.1 – 5.6 of the Official Minutes of the Council).

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.

The Applicant's Legal Representative then put questions to the Officer of the Licensing Authority.

The meeting then moved into private session to allow Members to consider whether or not the witness for the Applicant could sit in the meeting whilst all

issues were being considered.

The meeting then reconvened and the Chairman announced the decision:

RESOLVED:

That the witness for the Applicant remains outside of the Hearing until called in, in order for all evidence in the case to be heard and considered in an orderly manner.

The Members of the Committee then put questions to the Officer of the Licensing Authority.

The Officer of the Licensing Authority then presented four witnesses in turn to the Committee, and each witness put forward their views in relation to the respective complaints they were involved in.

The Applicant's Legal Representative and Members of the Committee then put questions to each individual witness.

The Applicant's Legal Representative then presented the Applicant's case to the Committee.

The Officer of the Licensing Authority and Members of the Committee then put questions to the Applicant and the Applicant's Legal Representative.

The Applicant's Legal Representative then presented two witnesses in turn to the Committee, and each witness put forward their views in relation to the respective complaints they were aware of. *During this section of the meeting Councillor J.D. Bernard left the meeting and did not return.*

The Officer of the Licensing Authority put questions to the first witness, and Members of the Committee put questions to both witnesses.

The Officer of the Licensing Authority and the Applicant's Legal Representative then summed up their cases.

The Officer of the Licensing Authority, the Applicant and the Applicant's Legal Representative then left the room in order that the Committee could deliberate in private, accompanied by the Council's Legal Advisor and Secretary to the Committee.

Following deliberation, the Officer of the Licensing Authority and the Applicant returned to the meeting, and the Chairman read out the decision of the Committee:

RESOLVED:

That the Hackney Carriage/Private Hire Driver's Licence be granted, but is suspended with immediate effect until 01 March 2014.

Reasons for the Decision

The Committee finds that the driver did overcharge a customer on 25 May 2013.

The Committee also finds that the driver exceeded the speed limit, collided with a parked vehicle and grabbed a female passenger's arm on 17 July 2013.

The Committee also finds that the driver slammed on his brakes and behaved inappropriately towards passengers on 26 October 2013.

The Committee also finds that the driver used excessive speed when driving passengers on 08 November 2012.

The Committee finds that the driver failed to meet the reasonable standards expected of licensed drivers.

The Committee finds it proportionate and reasonable to grant, then immediately suspend the licence until 01 March 2014 on the grounds of public safety.

The meeting closed at 3:50pm

CHAIRMAN