

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., WEDNESDAY 15 DECEMBER, 2010
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Allen, F.W.C. (Chairman)

Adamson, G.	Burnett, J.
Ansell, Mrs. P.A.	Yates, Ms. W.
Bernard, J.D.	

26. Apologies

Apologies for absence were received from Councillors Mrs. D. Grice (Vice-Chairman), M. Sutherland and Mrs. P. Williams.

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

No Interests were declared.

28. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committees held on 3 November, 2010 be approved as a correct record.

29. Draft Policy on Street Trading

Prior to the presentation taking place the Chairman advised the Committee that he would be allowing members of the public to ask questions and make comments at the end of the presentation.

Mrs. K. Sulway, Environmental Health Manager and Mr. S. O'Meara, Senior Licensing Officer gave a presentation on the Draft Policy on Street Trading.

The Officers provided information on the legislation and the street trading consents which would not be granted to those under 17 year olds or for trading in a highway to which a control order was in force. There were a number of reasonable conditions which could be attached which included preventing nuisance or annoyance to any person and the times of trading could be specified.

Information was provided on fees and charges and there were a number of limitations which included the number of consented streets and limited regulatory control.

The challenges included balancing amenities and vibrancy, maintaining character and Improving visual appearance.

The Council had so far drafted a policy, prepared and consulted upon, the consultation responses had been considered and a second draft under preparation. The next steps would be to carry out a second consultation which would be considered by this Committee and then recommended to Council.

A Member referred to the draft policy and the problems that were raised at the recent Cannock Community Forum regarding the nuisance made by traders on Fridays and Saturdays and asked why the Council were not exercising more control. The Environmental Health Manager referred to the recent event which was in fact a craft fair and was a 'none regular' event. She explained that the concerns were being raised with the organiser and consents were being put in place.

The Senior Licensing Officer advised that problems do currently exist although the Council were trying to tackle these issues by talking with the town traders. He advised that he would be carrying out an inspection in the town although he had been unable to do it this week.

He referred to the consultation and explained that the timescale had come to an end when the Council were made aware that local people had objections. The first contact being made in September by a local resident.

The Senior Licensing Officer explained that it was difficult to enforce anything with traders when there was currently no policy in place and advised that traders were currently complying with what was asked of them, although they would now be aware that a policy would be coming into force.

He advised the Committee that he had contacted a Fire Officer who was present in Cannock Town Centre last week to see if there were any obstructions by the traders. The Fire Officer had reported that there was a minor obstruction which was noted and dealt with.

A Member asked the Officer who had been consulted with regarding the draft policy. The Senior Licensing Officer indicated that existing street traders and consultees including the Police, Fire Service and Environmental Health had been consulted with. He advised that the draft policy was intended to go on the Council's website together with a press release however, there was a staff absence and heavy workload in the Council's PR and Marketing department which meant this did not happen.

There was a general consensus between the Members of the Committee that there was a requirement for the public to be involved the next time.

The Chairman then allowed for questions and comments from the members of the public who were present.

A member of the public commented that there was no mandate and questioned why street traders were in the town in the first place. She also commented that the traders posed a safety issue and stated that the war memorial should be kept free.

A member of the public advised the Committee that problems started around August time and concerns were raised with 2 Councillors regarding safety in the town centre. She also commented and raised concern regarding hygiene aspects with traders serving produce, which

was addressed by the Environmental Health department. Further concern was then raised when she found that the public had not been consulted with regarding the policy due to no press release being issued.

The Senior Licensing Officer commented that a wide range of people were consulted with and only 1 member of the public asked for a copy of the draft policy which he agreed was not sufficient. The Environmental Health Manager then responded and advised the Committee and members of the public that there would be a second consultation which would involve the public.

The member of the public then raised concern regarding a particular trader's parking and where he was placing his stock. The Senior Licensing Officer advised that the parking situation had been dealt with and the trader had been spoken with about the set up of his stalls.

A member of the public stated that if more than 5 stalls were being run by a trader, then they were operating a market and asked about legislation. The Environmental Health Manager stated that they were not operating a market although on occasions there may be a mandate to do this. This would still be street trading although conditions would be attached.

The Chairman thanked the members of the public for their comments regarding the draft policy.

30. 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

31. Application for a Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.15 of the Official Minutes of the Council).

The Applicant and her representative attended the Hearing to present the Applicant's case.

The Chairman then invited all those present to introduce themselves.

The Officer of the Licensing Authority 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/Private Hire Driver's Licence had been made by the Applicant on 22 October, 2010. Officers could not grant the Licence due to an unspent conviction committed in January, 2007 and 6 points on the Applicant's DVLA Driving Licence.

The Applicant was then afforded the opportunity to ask questions of the Officer of the Licensing Authority. There being none Members of the Committee were afforded the opportunity to ask questions of the Officer of the Licensing Authority. There being none the Applicant and/or her representative was asked to put the case in respect of the matter.

The Applicant referred to the report and advised that a number of letters had been submitted which explained her situation. She referred to the drink driving and having no insurance and explained that she was previously in an abusive marriage and although she was no longer with her partner, her mail was still being forwarded which was being opened and not getting to her, and her ex partner had been found in possession of her documents. She explained that she was stopped by the Police who advised her that she had no insurance even though a few weeks before her mother had paid for her road tax. She stated that she was finding it difficult to find a job and had only been successful with one company. The Applicant's representative advised the Committee that he had met the Applicant approximately 3 months ago. He stated that there was a need for more female drivers as his company currently had 1 female driver who was inundated with work. He advised that the Applicant had been to his company's office everyday for the past 3 months and she had just been granted a badge by Staffordshire County Council for child escort work. He explained that the Applicant's circumstances were not the best but he felt that she needed a chance, and that it would be good to have another female driver on board.

Members of the Committee were then afforded the opportunity to ask questions of the Applicant and/or her representative. A Member asked the Applicant if she still drank alcohol. The Applicant advised that she did not drink alcohol any longer. The Member stated that the car was taxed within a few weeks of the motor insurance expiring and queried why this had not been picked up. The Applicant advised that her mother paid for and collected the tax but nothing was mentioned. A member asked the Council's legal representative if any checks would be carried out to enable the Applicant to escort children. The legal representative advised that there would be a Social

Services check and a CRB check. The Officer of the Licensing Authority advised that the CRB check had been received on 12 November, 2010.

The Officer of the Licensing Authority was then afforded the opportunity to ask questions of the Applicant. The Officer asked the Applicant what would make her a good driver. The Applicant stated that she had previously dealt with the public on a daily basis and also with children. The Officer asked how she would deal with people late at night. The Applicant referred to her previous job as a licensee of a public establishment. The Officer asked the Applicant what steps she would take if someone was not willing to pay a fare. The Applicant advised that she would notify the taxi base and ask them how she should deal with the problem. The Applicant's representative advised the Committee that if the Applicant was successful she would be taken on a full-time basis but initially on days and then she would proceed to night time work.

Both the Officer from the Licensing Authority and the Applicant and her representative were afforded the opportunity to sum up their respective cases.

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

RESOLVED:

That, having regard to all the circumstances, the application for a Hackney Carriage Private Hire Driver's Licence be approved as the Committee was satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence

Reasons for the Decision

The Committee gave careful consideration to the report presented by the Environmental Protection Manager and to the representations made by the Applicant and her representative. Due regard was also given to the definition of who was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and the relevant policy of the Council which deals with applicants who have criminal records and/or have driving licences with penalty points endorsed on them.

The Committee took note of the Applicant's circumstances which led to her convictions in February 2007 and May 2010, and were minded to give her the benefit of the doubt in deciding to grant her the licence. They accepted that the Applicant had endured a difficult time with regard to her marriage and appreciated her willingness to put this behind her.

Despite the existence of these two convictions, the Committee considered the Applicant to be a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

CHAIRMAN

(The meeting closed at 11.40 a.m.).