

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., THURSDAY 3 MARCH, 2011
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Allen, F.W.C. (Chairman)
Grice, Mrs. D. (Vice-Chairman)

Ansell, Mrs. P.A. Sutherland, M.
Burnett, J. Williams, Mrs. P.

38. Apologies

Apologies for absence were received from Councillors G. Adamson, J.D. Bernard and R. Easton.

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

| <u>Member</u> | <u>Nature of Interest</u> | <u>Type</u> |
|---------------|---------------------------|-------------|
| Allen, F.W.C. | Member knows Applicant | Personal |

40. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committee held on 27 January, 2011 be approved as a correct record.

41. 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

42. Application for a Hackney Carriage Proprietor's Licence – Exceptional Vehicle

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.16 of the Official Minutes of the Council).

The Applicant attended the Hearing to present his 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 Vehicle Licence had been made by the Applicant on 8 February, 2011. 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 1 March, 2007 and continued to be licensed until 25 February, 2011. The Officer then explained that the findings of the Enforcement Officer's inspection of the vehicle were included at Annex 5 of the report.

Members were asked to determine the application and consider whether the vehicle was an "exceptional vehicle".

Members of the Committee then examined the Applicants' vehicle. 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 also afforded the opportunity to ask questions of the Officer of the Licensing Authority. There being none, the Applicant was then given the opportunity to present his case. The Applicant had nothing further to add.

Therefore, Members of the Committee were then afforded the opportunity to ask questions of the Applicant. A Member referred to the mileage of the vehicle and the Council's policy and was keen to know if the mileage was within the prescribed limit. At this point the Officer of the Licensing Authority asked the Applicant if the speedometer reading was correct. The Applicant advised that it was but was under the impression that mileage of a taxi would not be taken into consideration. The Officer of the Licensing Authority stated that there was still guidance contained within the Council's policy. A Member asked the Applicant if the scratches on his vehicle would be removed. The Applicant confirmed they would.

The Officer of the Licensing Authority was then afforded the opportunity to ask questions of the Applicant. The Officer referred to Annex 6, paragraph 1.5 of the report which showed that the vehicle mileage was roughly 11,000 miles per year. The Applicant at this point advised the Committee that he now worked part-time only. The Officer referred to 2 accidents which had occurred within the last 12 months and was keen to know the circumstances surrounding these. The Applicant advised that over the winter period his vehicle had been 'snowballed' which had

damaged the offside door mirror and the other incident to the front bumper happened when the car was parked at a supermarket. He also referred to a previous incident where a car hit the back bumper which went through an insurance claim.

At this point the Chairman allowed a Member to ask a question of the Officer of the Licensing Authority. The Member was keen to know if the 'snowball' incident was classed as an accident. The Officer advised Members that the Licensing Authority should be told about any damage to a vehicle given that it may not only affect the appearance but also the safety of the vehicle.

Both the Officer from the Licensing Authority and the Applicant were afforded the opportunity to sum up their respective 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 a Hackney Carriage Proprietor's Licence be granted as the Committee were satisfied that the vehicle was an "exceptional vehicle" as defined by the Council's policy for the age restriction of Hackney Carriage Vehicles.

Reasons for the Decision

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 the Local Government (Miscellaneous Provisions) Act 1976.

The Committee were afforded the opportunity of inspecting the vehicle both inside and out and of perusing the service/maintenance records. It was generally considered that the vehicle had continued to be well maintained, although some light scratches on the bodywork were noticed. The Committee was however of the opinion that the vehicle satisfied the criterion as an "exceptional vehicle" and that it should therefore be licensed for a further 12 months.

However, the Chairman of the Committee did wish to point out that this was now the third time this particular vehicle had been before them. The Applicant therefore needed to ensure that the vehicle continued to be looked after should he decide to make a further application for a licence next year.

CHAIRMAN

(The meeting closed at 10.30 a.m.).