

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., THURSDAY 7 OCTOBER, 2010
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

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

Adamson, G. Bernard, J.D.
Ansell, Mrs. P.A. Williams, Mrs. P.

13. Apologies

Apologies for absence were received from Councillors J. Burnett, R. Easton and M. Sutherland.

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

No interests were declared.

15. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committees on 29 June and 16 July 2010 be approved as a correct record.

16. Licensing Sub Committee Minutes

RESOLVED:

That the Licensing Sub Committee Minutes from the meeting on 7 September 2010 be noted.

17. Licensing Act 2003: Protocol for Site Visits

Consideration was given to the Report of the Director of Service Improvement (Enclosure 5.1 – 5.6 of the Official Minutes of the Council).

RESOLVED:

That the proposed protocol for site visits in respect of the Licensing Act 2003 as set out at Annex 1 to the report be approved and implemented as required subject to the following amendment:

- Second bullet point to read “Introduction of Elected Members of the Sub Committee”

18. 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

19. Application for a Hackney Carriage Proprietor's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.15 of the Official Minutes of the Council).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 Environmental Health Manager 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 Proprietor's Licence had been made by the applicant on 8 September, 2010. The applicant was aware of the Council's age policy and that an exemption applied for "exceptional vehicles". The vehicle was first licensed by the Authority as a Hackney Carriage Vehicle on 13 June 2007 and will continue to be licensed until it becomes 6 years old on 11 October 2010. The Officer then explained that the findings of the Enforcement Officer's inspection of the vehicle were included at Annex 5 of the report. The vehicle had been examined by the Licensing Enforcement Officer and a summary of his findings were included at Annex 4. She stated that the applicant provided the service history of the vehicle and this was passed round for the benefit of Members.

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 along with Members of the Committee were afforded the opportunity of asking questions of the Officer. A Member asked why the applicant had chosen to drive taxis in Cannock when he lived in Walsall. The applicant stated that Cannock was a better place to work and he had been here for almost four years. He had taken over running "Brummies" taxi company around six months ago. Another Member, having viewed the service history of the vehicle, asked the applicant to confirm whether there was any connection with "Rosehill" taxis. The applicant explained that there was no connection other than he received a discount on parts for the vehicle.

The applicant was then asked to present his case. He explained that he drove the vehicle on a part time basis, it was a nice clean car which he kept in a good condition. Any replacement parts on the vehicle were from the dealer and the vehicle had been fitted with a new engine. He considered the vehicle to be exceptional.

Members were then given the opportunity of asking questions of the applicant. In response to a question the applicant confirmed that the mileage on the vehicle was 83,000 before the engine

was replaced and the mileage was now 118,000. Therefore the vehicle had done 35,000 miles with the new engine.

The Environmental Health Manager was then afforded the opportunity to ask questions of the applicant. There being none she was given the opportunity to sum up her case. She stated that Members had viewed the vehicle and the service history. Members were being asked to determine whether the vehicle was an "exceptional vehicle" and whether it should continue to be licensed as a Hackney Carriage Vehicle. She confirmed that the suggested annual mileage of an exceptional vehicle would start again following the vehicle being fitted with a new engine.

The applicant was then given the opportunity to sum up his case.

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 approved 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.

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/Private Hire 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 perusing the service history/receipts. The Committee unanimously agreed that the vehicle was "exceptional". Members stated that they would be happy to travel in this particular vehicle given its current condition.

The Committee is therefore of the opinion that the vehicle satisfies the criterion as set out in the Council's Policy and accordingly the licence application should be granted for a period of 12 months.

20. Briefing Note

Consideration was given to the Not for Publication Briefing Note of the Head of Environmental Health (Enclosure 8.1 – 8.2 of the Official Minutes of the Council).

RESOLVED:

That the action taken by the licensee against the decision made by the Licensing and Public Protection Committee on 6 October 2009 and outcomes be noted.

CHAIRMAN