

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., TUESDAY 13 APRIL, 2010
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors

Bennett, K. L. (Chairman)
Williams, Mrs. P. (Vice-Chairman)

Allen, F.W.C.	Easton, R.
Ansell, Mrs. P.A.	Grice, Mrs. D.
Burnett, J.	Todd, Mrs. D.M.

33. Apologies

Apologies for absence were received from Councillor J.D. Bernard and M.R. Green

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

There were no declarations.

35. Minutes

RESOLVED:

That the Minutes of the meeting held on 26 February, 2010 be approved as a correct record.

36. Exclusion of the Public

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

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

Consideration was given to the Report of the Head of Environmental Health (Enclosure 5.1 – 5.15 of the Official Minutes of the Council).

One of the Applicants attended the hearing to present the case.

The Chairman then invited all those present to introduce themselves.

The Licensing Officer 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 joint Applicants on 25 March 2010. The Applicant who was not present at the meeting had given his authority for the other Applicant to speak on his behalf. The Applicants were 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 26 June 2009 and continued to be licensed until its 6th birthday on 27 March 2010. The Officer then explained that the findings of the Enforcement Officer's inspection of the vehicle were included at Annex 4 of the report.

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

The Applicant was afforded the opportunity of asking questions of the Officer. There being none the Committee then examined the Applicants' vehicle.

Following this, Members of the Committee were then afforded the opportunity of asking questions of the Licensing Officer. There being none the Applicant was asked to present his case. He stated that the vehicle had been well maintained and was clean and tidy with no knocks, rattles or bangs. It had plenty of leg room as it was a purpose built MPV to carry 6 persons. The engine had a complete overhaul in January, a new clutch had been fitted to the vehicle and it had been serviced regularly.

The Committee was then given the opportunity of asking questions of the Applicant. A Member asked to view the service documents for the vehicle and these were circulated. He asked the Applicant to explain why he had purchased a vehicle of this age when he was aware of the age restriction policy. The Applicant informed the Committee that the vehicle had been his personal vehicle prior to it being licensed as a Hackney Carriage Vehicle.

The Applicant was to explain when he intended to replace the vehicle. The Applicant stated that if it was passed today he intended to replace it at the end of 12 months.

The Licensing Officer was then afforded the opportunity to ask questions of the Applicant. She asked the Applicant to explain the situation with regards to the joint Applicant. He stated that they had set up a business together and currently had three licensed vehicles between them.

The Licensing Officer then summed up the Council's case.

The Applicant was then afforded 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 for a period of 12 months, 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 representations and responses submitted 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 Section 47 of 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 records. It was generally considered that the vehicle had been well maintained.

The Committee is therefore satisfied that the vehicle meets the criterion as an "exceptional vehicle" and that it should therefore be licensed for a period of 12 months.

38. Other business

Members then discussed whether delegated powers should be given to Officers in order that they could determine applications of this nature in the future. Members considered that a report should be prepared outlining the options for standards for exceptional vehicles. The Officer explained that the previous Head of Legal and Democratic Services had prepared a draft report on this matter prior to leaving the Authority and it may be possible to obtain a copy.

RESOLVED:

That a report outlining the options for standards for exceptional vehicles and giving consideration to delegating powers to Officers to determine exceptional vehicles be submitted to a future meeting of Cabinet for consideration.

The meeting closed at 10.45 a.m.

CHAIRMAN