

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON FRIDAY, 9 SEPTEMBER, 2011 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Snape, P.A. (Chairman)

Allen, F.W.C.	Todd, Mrs. D.M.
Burnett, J.	Williams, Mrs. P.
Grice, Mrs. D.	

1. Apologies

Apologies for absence were received from Councillors J. D. Bernard, S. Cartwright (Vice Chairman) and R. Easton.

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

No declarations of interests were made.

3. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committee held on 28 June, 2011 be approved as a correct record and signed, subject to it being noted that the meeting closed at 1.30 pm.

4. Licensing Sub Committee Minutes

RESOLVED:

That the Minutes of the Licensing Sub Committee held on 16 August, 2011 be noted.

5. 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

6. Application for a Hackney Carriage Proprietors' Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.14 of the Official Minutes of the Council).

The Applicant and his representative attended the Hearing to present his case.

The Chairman then 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. She advised that the application for a Private Hire Vehicle Licence had been made by the Applicant on 9 August, 2011. The vehicle was first registered in the UK on 1 August, 2001 and was over 10 years old. The Applicant was advised that the Council could only license the vehicle if it was considered 'exceptional'. The vehicle has not been previously licensed by the Authority.

Members of the Committee then examined the Applicant's vehicle and the service history. The Applicant and his representative along with Members of the Committee were afforded the opportunity of asking questions of the Officer. There being none the Applicant was asked to present his case.

The Applicant stated that he considered the vehicle to be in a really good condition with below average mileage and had been well maintained regardless of cost. He explained that it was mostly used for corporate clients

Members of the Committee were then afforded the opportunity to ask questions of the Applicant. A Member asked if the vehicle was to be based in Cannock and it was confirmed that it was and that the vehicle had to be pre booked. As a matter of clarity the Officer of the Licensing Authority explained that the vehicle would be held under an Operators License registered in the Cannock Chase area.

The Officer of the Licensing Authority was then afforded the opportunity to ask questions of the Applicant. There being none the Officer was afforded the opportunity to sum up the Council's case.

The Applicant was then asked to sum up his case. He advised that he had nothing further to add.

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

The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

RESOLVED:

That, having regard to the provisions of Section 47 of the 1976 Act and the Council's policy on age restrictions for private hire vehicles, the Committee has decided that it is an 'exceptional' vehicle and should be licensed for private hire, notwithstanding that it is now over ten years old.

REASONS FOR THE DECISION:

- (a) The vehicle has a very low mileage for its age and a full service history.
- (b) The vehicle is in excellent condition.

7. Hackney Carriage/Private Hire Driver

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.17 of the Official Minutes of the Council).

The Licence Holder attended the Hearing to present his case, together with his legal representative.

The Chairman then 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 Committee was asked to determine whether the Licence Holder remained a fit and proper person to hold a Hackney Carriage/Private Driver's Licence and if so, whether any additional action was necessary in light of the issues raised.

The Licence Holder's legal representative and Members of the Committee were offered the opportunity to ask questions of the Officer.

The Licence Holder's legal representative presented his case.

Members of the Committee and the Officer of the Licensing Authority were afforded the opportunity to ask questions of the Licence Holder and his legal representative.

The Officer of the Licensing Authority and the Licence Holder's representative were then afforded the opportunity to sum up their cases.

Following this, the Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee.

The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

RESOLVED:

That having regard to all the circumstances it was considered that the Licence Holder was a fit and proper person to hold a Hackney Carriage / Private Hire Driver's Licence, however, his Licence should be suspended for a period of two days in view of him smoking in the Hackney Carriage

Vehicle on 8 July, 2011 and his receiving a Fixed Penalty Notice for smoking in a licensed vehicle on 14 June, 2009.

REASONS FOR THE DECISION

The Committee had carefully considered all relevant factors, issues and responses given by the Licence Holder and his legal representative and given due regard to the Council's licence conditions which are issued to its taxi drivers who operate within the district. Although the Committee considered that the Licence Holder was a fit and proper person to hold a Hackney Carriage / Private Hire Driver's Licence, his Licence should be suspended for a period of two days in view of him smoking in the Hackney Carriage Vehicle on 8 July, 2011 and him having received a Fixed Penalty Notice for smoking in his licensed vehicle on 14 June, 2009.

8. Hackney Carriage/Private Hire Driver's Licence

The Legal Representative for the next two items on the agenda informed the Committee that they would take a considerable length time to be heard.

RESOLVED:

That consideration of the following two items on the agenda be deferred and that two separate meetings of the Committee be arranged for the hearings.

9. Former Hackney Carriage/Private Hire Driver

Consideration was given to the Not for Publication Briefing Note of the Head of Environmental Health (Enclosure 10.1 – 10.2 of the Official Minutes of the Council).

RESOLVED:

That the Not for Publication Briefing Note be noted.

The meeting closed at 12.30 pm

CHAIRMAN