

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
THURSDAY 2 AUGUST, 2012 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Dudson, A. (in the Chair)

Allen, F.W.C.	Fisher, P.A.
Anslow, C.	Grice, Mrs. D.
Bernard, J.D.	Snape, P.A.
Cartwright, Mrs. S.M.	Todd, Mrs. D.M.

1. Apologies

An apology for absence was received from Councillor Mrs. P.Z. Stretton (Chairman).

2. 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>
Fisher, P.A.	Item 7 on the Agenda – Application for a Private Hire Exceptional Vehicle Licence – Member Is a personal friend of the Applicant	Personal & Prejudicial

3. Minutes

RESOLVED:

That the minutes of the Licensing and Public Protection Committees' held on 8 June and 17 July, 2012 be approved.

4. Licensing Sub Committee Minutes

RESOLVED:

That the minutes of the Licensing Sub Committees' held on 9 and 16 July, 2012 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 Paragraphs 2, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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PART 2

6. Hackney Carriage Proprietors' Licence – Private Hire Exceptional Vehicle Application

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.16 of the Official Minutes of the Council).

The Licence Holder attended the Hearing to present her 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 and Members were asked to consider whether the Applicant's vehicle was exceptional. The Applicant, together with Members of the Committee were offered the opportunity to ask questions of the Officer, there being none, the Committee then viewed the Applicant's vehicle.

The Applicant then presented her case and outlined the reasons why she considered the vehicle should be classed as exceptional. It was explained that the vehicle was used only for corporate jobs and a copy of a receipt for new tyres was circulated at the meeting.

Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant. There being none the Officer of the Licensing Authority and the Applicant were then afforded the opportunity to sum up their cases.

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

All parties then returned to the meeting and the Chairman outlined the decision of the Committee.

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 decided that the vehicle was an 'exceptional' vehicle and should be licensed for private hire.

REASON FOR THE DECISION:

Although the vehicle was more than six years old the Committee considered it to be an exceptional vehicle in view of its excellent condition.

(Having declared a personal and prejudicial interest, Councillor P.A. Fisher left the room whilst the next Application was discussed).

7. Hackney Carriage Proprietor's Licence – Private Hire Exceptional Vehicle Application

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 Committee deliberated in private and agreed to the Licence Holder's representative attending in his absence.

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 and Members were asked to consider whether the Applicant's vehicle was exceptional. The Applicant, together with Members of the Committee were offered the opportunity to ask questions of the Officer, there being none, the Committee then viewed the Applicant's vehicle.

Following inspection of the vehicle Members asked questions in respect of the broken windscreen, service history and mileage.

The Applicant was then afforded the opportunity to present his case. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant. There being none the Officer of the Licensing Authority and the Applicant were then afforded the opportunity to sum up their cases.

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

All parties then returned to the meeting and the Chairman outlined the decision of the Committee.

RESOLVED:

That, having regard to all the circumstances, the hearing be adjourned.

REASONS FOR THE DECISION:

There was insufficient information before the Committee to decide whether the vehicle was exceptional, as per paragraph 3.5 of Enclosure 7.4, Annex 1 of the report.

(At this point Councillor P.A. Fisher returned for consideration of the next Application).

8. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 8.1 – 8.12 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 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 then heard representations from the Officer for the Licensing Authority and from the Applicant as to whether it should admit details of the Applicant's spent convictions. At this point the Committee deliberated in private.

The Committee decided that the spent convictions were not relevant to the issue as to whether the Applicant was a fit and proper person, since the spent convictions dated from 1992 or earlier, therefore the Committee decided not to admit details of the spent convictions.

The Committee then heard from witnesses and all parties were afforded the opportunity to ask questions.

The Applicant was then afforded the opportunity to present his case. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant. There being none the Officer of the Licensing Authority and the Applicant were then afforded the opportunity to sum up their cases.

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

All parties then returned to the meeting and the Chairman outlined the decision of the Committee.

RESOLVED:

That, having regard to all the circumstances, the application for a Hackney Carriage Proprietor's Licence be refused as the Committee did not consider that the Applicant was a fit and proper person to hold a Hackney Carriage Private Hire Driver's Licence.

REASONS FOR DECISION:

- i) The Committee was concerned at the evidence given by Staffordshire Police regarding the Applicant's conduct and considered that this evidence weighs against the Applicant, suggesting that he was not a fit and proper person.
- ii) The Committee considered that the protection of the public should take precedence over the individual circumstances of the Applicant in this case.

9. Hackney Carriage/Private Hire Driver and Hackney Carriage Proprietor

Consideration was given to the Not for Publication Briefing Note of the Head of Environmental Health (Enclosure 9.1 – 9.6 of the Official Minutes of the Council).

The Head of Environmental Health outlined the purpose of the Briefing Note to Members of the Committee.

RESOLVED:

That the Briefing Note be agreed and relevant action be taken by Officers concerning the revocation of the Hackney Carriage/Private Hire Driver's Licence and the transferring of the Proprietor's Licences.

CHAIRMAN

The meeting closed at 12.15 p.m.