

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON FRIDAY 17 MAY 2019 AT 10:00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Johnson, T.B. (Chairman)
Allen, F.W.C. (Vice-Chairman)

Cartwright, Mrs. S.M. Todd, Mrs. D.M.
Crabtree, S.K. Witton, P.T.

7. Apologies

Apologies for absence were submitted for Councillors C.D. Smith and D.J. Snape.

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

No Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

9. Minutes

RESOLVED:

That the Minutes of the meeting held on 4 October 2018 be approved as a correct record and signed.

10. Licensing Sub-Committee Minutes

RESOLVED:

That the Minutes of the Licensing Sub-Committee held on 5 November 2018 be noted.

(Councillor Mrs. Todd arrived at the meeting during this item.)

11. Draft Charitable Collections Policy

Consideration was given to the report of the Head of Economic Prosperity (Enclosure 5.1 – 5.21 of the Official Minutes of the Council) *(presented by the Food, Safety & Licensing Manager)*.

The Food, Safety & Licensing Manager took Members through the key sections of the report.

Members were also advised that the draft Policy document setting out the initial proposals at this stage could be subject to change during the course of the public consultation process.

A Member asked for clarity about who had oversight of 'postal' charity collections. The Senior Licensing Officer replied that certain companies, particularly those with a large-scale national presence had statutory exemptions in place that meant they could contact homeowners/residents directly. The Food, Safety & Licensing Manager further replied that concern about such practices had increased in recent years due to the potential impact on vulnerable persons. Changes made to data protection laws last year had sought to address this issue by using an 'opt-in' process for receiving direct communications.

Members views were then sought on the proposed geographical areas and collections timescales covered by the draft policy and the percentage value of any collections made that should be donated to charity. Members confirmed they were satisfied with the proposals as outlined in the relevant paragraphs of the draft policy. The Senior Licensing Officer advised that the purpose of the proposed percentage split was to give people confidence that a good amount of the money was being donated from any collections made, but at the same time not drive companies away from wanting to collect in the District.

RESOLVED:

That:

- (A) The contents of the draft Charitable Collections Policy be noted, in particular the proposed timescales, locations and percentages etc. as outlined in paragraphs 7.7, 7.8, 7.9 and 10.2 of the draft policy.
- (B) It be further noted that the policy document will be submitted to full Council once a full consultation process has been completed.

12. 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

13. Application for a Hackney Carriage Proprietors' Licence

Consideration was given to the Not for Publication Report of the Head of Economic Prosperity (Enclosure 7.1 – 7.22 of the Official Minutes of the Council) *(presented by the Food, Safety & Licensing Manager)*.

The Chairman invited all parties present to introduce themselves and then confirmed the procedure for the Hearing.

The Officer representing the Council presented the Council's case by taking the Committee and Applicant through the report.

A short adjournment was then held to allow Committee Members to view the vehicle that was the subject of the application being considered.

The meeting was reconvened and the Applicant and Members of the Committee were given the opportunity to ask questions of the Officer representing the Council. No questions were asked.

The Applicant then presented their case to the Committee. The Officer representing the Council and Members of the Committee were given the opportunity to ask questions of the Applicant. Questions were asked by Members of the Committee only.

The Officer representing the Council and the Applicant were then given the opportunity to sum up their respective cases to the Committee. Summation was provided by the Officer representing the Council only.

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

At the conclusion of the deliberations the Applicant and Officer representing the Council returned to the meeting and the Chairman announced the decision of the Committee:-

RESOLVED (UNANIMOUS):

That the Committee considered the vehicle was suitable for licensing by the Council.

Reasons for Decision

The Committee gave due regard to the Council's policy on the 5 year age restriction for the licensing of purpose-built vehicles, and also to the powers given to licensing authorities under the Town Police Clauses Act 1847.

The Committee was given the opportunity of inspecting the vehicle and noted that it had low mileage and was well maintained. The condition of the vehicle was considered to be exceptional.

There was a shortage of wheelchair accessible vehicles in the Cannock Chase District of such design and capability, which provided a much needed service to residents.

In this particular instance there was justification for the Council to deviate from Paragraph 11.2 of its Hackney Carriage/Private Hire Driver, Vehicle and Operator Licensing Policy.

The meeting closed at 10:52 a.m.

CHAIRMAN