

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
TUESDAY 28 AUGUST, 2012 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Dudson, A. (Vice-Chairman)

Allen, F.W.C.
Bernard, J.D.
Fisher, P.A.

Grice, Mrs. D.
Snape, P.A.
Todd, Mrs. D.M.

1. Apologies

Apologies for absence were received from Councillors Mrs. P.Z. Stretton (Chairman) and C. Anslow.

In the absence of the Chairman, Councillor Mrs. P.Z. Stretton, the Vice-Chairman, Councillor A. Dudson took the Chair for the meeting.

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 6 on the Agenda – Application for a Private Hire Exceptional Vehicle Licence – Member is a personal friend of the Applicant	Personal & Pecuniary

3. Minutes

RESOLVED:

That the minutes of the Licensing and Public Protection Committee held on 2 August, 2012 be approved.

4. Licensing Sub Committee Minutes

RESOLVED:

That the minutes of the Licensing Sub Committee held on 13 August, 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. Private Hire Vehicle Licence – Private Hire Exceptional Vehicle Application

This item was deferred from the meeting held on 2 August, 2012. Only those Members who were present at the meeting on 2 August, 2012 took part in consideration of this application and the decision making process.

Having declared a personal and pecuniary interest, Councillor P.A. Fisher left the room whilst the application was determined.

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.11 of the Official Minutes of the Council).

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 Applicant was not present but a representative of the Applicant attended the meeting to present the case.

The Officer of the Licensing Authority explained that the application was considered by the Committee on 2 August, 2012 but the decision was deferred because there was insufficient information provided to help them determine whether the vehicle was an exceptional vehicle. He then explained that the Applicant had provided further information about the vehicle and it was attached at Annex 1 to the report. Members were asked to consider whether the Applicant's vehicle was exceptional. The Committee then viewed the Applicant's vehicle.

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

The Applicant's representative 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's representative. The Officer of the Licensing Authority and the Applicant's representative 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 and the Council's policy on age restrictions for private hire vehicles, the Committee decided that the vehicle was not an "exceptional" vehicle and the

application was therefore refused.

REASONS FOR THE DECISION:

1. The vehicle is more than six years old.
2. The vehicle does not have a satisfactory service history.
3. The vehicle has higher mileage than the guideline mileage for exceptional vehicles.
4. The general condition of the vehicle is not exceptional.

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

7. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.19 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 Applicant and Members of the Committee were offered the opportunity to ask questions of the Officer.

The Applicant was then afforded the opportunity to present his case. The Applicant submitted three character references and these were considered by the Committee. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant. 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 the application for a Hackney Carriage/Private Hire Driver's Licence be refused as the Committee was not satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

REASONS FOR DECISION:

1. The Committee was concerned to hear allegations that the Applicant's Hackney Carriage vehicle had collided with a passenger.
2. The Committee considered that the protection of the public should take precedence over the individual circumstances of the Applicant in this case.
3. The Committee was not satisfied on the current evidence that the Applicant was a fit and proper person.

CHAIRMAN

The meeting closed at 11.25 a.m.