

Please ask for: Mrs. W. Rowe
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16 August 2022

Dear Councillor,

Licensing and Public Protection Committee

10.00am, Wednesday 24 August 2022

Esperance Room, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,



T. Clegg
Chief Executive

To: Councillors:

Arduino, L. (Chair)
Cartwright, S.M. (Vice-Chair)
Dunnett, M.J. Kruskonjic, P.
Fisher, P.A. Smith, C.D.
Jones, B. Thornley, S.J.
Jones, P.T. Wilson, L.J.

Agenda

Part 1

1. Apologies

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

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Minutes

To approve the Minutes of the meeting held on 25 January 2022 (enclosed).

4. Licensing Sub-Committee Minutes

To note the Minutes of the Licensing Sub-Committee held on 14 March 2022 (enclosed).

5. Exclusion of the Public

The Chair to move:

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 of the Local Government Act 1972 (as amended).

6. Review of a Hackney Carriage / Private Hire Driver's Licence

Not for Publication Report of the Head of Economic Prosperity (Enclosure 6.1 – 6.18)

This Report is confidential due to the inclusion of information which is likely to reveal the identity of an individual.

Cannock Chase Council
Minutes of the Meeting of the
Licensing and Public Protection Committee
Held on Tuesday 25 January 2022 at 10:00 am
In the Council Chamber, Civic Centre, Cannock
Part 1

Present: Councillors

Jones, B (Chair)

Arduino, L. Sutton, Mrs. H.M.
Kruskonjic, P. Wilson, Mrs. L.J.
Smith, C.D.

14. Apologies

Apologies were submitted for Councillors T.B. Johnson (Vice-Chair), G. Adamson, Ms. A.J. Dunnett, and P.A. Fisher

15. Declarations of Interest of Members in Contracts and Other Matters and Restrictions on Voting by Members

No declarations of interests were received.

16. Minutes

The Minutes of the meeting held on 13 December 2021 were approved as a correct record.

17. 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 of the Local Government Act 1972 (as amended).

Cannock Chase Council
Minutes of the Meeting of the
Licensing and Public Protection Committee
Held on Tuesday 25 January 2022 at 10:00 am
In the Council Chamber, Civic Centre, Cannock
Part 2

18. Application for a Hackney Carriage / Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Economic Prosperity (Item 5.1 – 5.14 of the Official Minutes of the Council).

The Chair invited all those present to introduce themselves and then confirmed the procedure for the Hearing.

The Officer representing the Licensing Authority presented the Council's case by taking the Committee and the Applicant through the report, outlining the relevant issues for consideration.

The Applicant, Members of the Committee, and the Legal Advisor to the Committee were then afforded the opportunity to ask questions of the Officer representing the Licensing Authority. Questions were asked by Members only.

The Applicant then presented their case to the Committee.

The Officer of the Licensing Authority, Members of the Committee, and the Legal Advisor to the Committee were then afforded the opportunity to ask questions of the Applicant. Questions were asked by Members of the Committee, the Officer representing the Licensing Authority and the Legal Advisor.

The Officer representing the Licensing Authority and the Applicant then both summed up their respective cases.

The Committee then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Committee. The Officer representing the Licensing Authority and the Applicant left the room during the deliberations.

At the conclusion of the deliberations, the Officer representing the Licensing Authority and the Applicant returned to the room, and the Chairman announced the decision of the Committee, as follows:

Resolved:

That the application for the grant of a licence to drive hackney carriage/private hire vehicles under sections 51(1)(a) and 59(1)a of the Local Government (Miscellaneous Provisions) Act 1976 **be refused.**

Reasons for Decision

The Applicant was afforded the opportunity throughout the hearing to confirm why they considered themselves to be a 'fit and proper' person and to provide compelling reasons for consideration by the Committee to enable it to deviate from its Policy. Nothing was forthcoming in this regard.

The Committee further considered the provisions of the 1976 Act and the Council's Licensing Policy, the Department of Transport Standards and the Institute of Licensing Guidance and the responses given by the Applicant to questions tendered.

The Committee therefore determined not to deviate from Policy and pursuant to Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 to refuse the application for the grant of a Hackney Carriage Private Hire Drivers Licence. The Committee therefore concluded that the Applicant was not a 'fit and proper' person to hold a licence to drive hackney carriage and private hire vehicles.

The meeting closed at 11:53 am

Chair

Cannock Chase Council
Minutes of the Meeting of the
Licensing Sub-Committee

Held on Monday 14 March 2022 at 10:00 am

Held in the Council Chamber, Civic Centre, Cannock

Part 1

Present:

Councillors:

Jones, B.
Smith, C.D.
Wilson, L.J.

Applicant:

J. Brown (J.L. Brown Enterprises Ltd.)

Persons who submitted Representations on the Application

Six members of the public

Officer representing the Licensing Authority:

S. O'Meara (Senior Licensing Officer, Cannock Chase Council)

Legal Advisor to the Sub-Committee:

F. Samuda (Solicitor, Stafford Borough Council)

Secretary to the Sub-Committee:

J. Hunt (Senior Committee Officer, Cannock Chase Council)

1. Appointment of Chairman

Councillors C.D. Smith and L.J. Wilson nominated Councillor B. Jones as Chairman.

Resolved:

That Councillor B. Jones be appointed as Chairman of the Sub Committee.

2. Apologies and Reconstitution of Membership

None received.

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

None received.

4. Licensing Act 2003 – Application for a Premises Licence - J.L Brown Enterprises Ltd, Micro Pub / Neighbourhood Bar, 65-67 Lodge Road, Brereton, Rugeley, Staffordshire, WS15 1HR

The Chair asked all parties present to introduce themselves and to confirm their understanding of the procedure for the Hearing, which had been circulated to all parties in advance.

The Officer representing the Licensing Authority then presented the report of the Head of Economic Prosperity in respect of the application and outlined the relevant matters for consideration (Enclosure 4.1 – 4.93 of the Official Minutes of the Council).

Objectors present at the meeting were given the opportunity to ask questions of the Officer representing the Licensing Authority who presented the report. The Applicant and Members of the Sub-Committee were afforded the opportunity to ask questions of the Officer representing the Licensing Authority. Questions were asked by Objectors and Members of the Sub-Committee.

The Applicant then presented his case to the Sub Committee. Objectors present at the meeting were given the opportunity to ask questions of the Applicant, and Members of the Sub-Committee were given the opportunity to ask questions of the Applicant. Questions were asked by Objectors and Members of the Sub-Committee.

Objectors present at the meeting were given the opportunity to present their respective cases. The Applicant and Members of the Sub-Committee were given the opportunity to ask questions. Members of the Sub Committee asked questions.

The Officer representing the Licensing Authority, the Applicant, and any Objectors were then given the opportunity to sum up their respective cases. Summation was provided by the Officer, Applicant and Objectors.

Members of the Sub-Committee then deliberated in private, accompanied by the Legal Advisor and Secretary to the Sub Committee.

All parties then returned to the meeting and the Chairman announced the decision of the Sub-Committee as follows:

Resolved:

That the application for a Premises Licence be granted.

Reasons for Decision:

The Sub-Committee was concerned with the four Licensing Objectives when making its decision, noting the concerns raised by residents related to 'what might happen' and were therefore not evidence based.

As such, the Sub-Committee determined that the representations made were not evidence based, and so there was no evidence of a failure to promote the Licensing Objectives relating to the Premises or nuisance behaviour derived from the Premises; there were no recorded issues relating to the Licensing Objectives specifically arising, in line with licensing legislation, at the Premises.

The Sub-Committee considered the negotiated conditions of Staffordshire Police and Environmental Health and deemed these as both necessary and relevant in the promotion of the Licensing objectives. In view of this, the Sub-Committee was satisfied that the Premises Licence should be granted, in its entirety, subject to the agreed conditions. The Sub-Committee accepted the negotiated conditions of Staffordshire Police and Environmental Health and the standard conditions in place for the Council's Licensing Department.

The meeting closed at 12:05pm

Chair