

Cannock Chase Council
Minutes of the Meeting of the
Licensing and Public Protection Committee
Held on Wednesday 13 September 2023 at 10:00am
In the Civic Centre, Cannock
Part 1

Present: Councillors

Wilson, L.J. (Chair)
Prestwood, F. (Vice-Chair)
Arduino, L. Kenny, B.
Aston, J. Kruskonjic, P.
Bishop, L. Stanton, P.
Jones, P.T. (Sub)

7. Apologies

Apologies for absence were received from Councillors P.A. Fisher and M. Sutherland.

Notification had been received that Councillor P.T. Jones would be substitute for Councillor M. Sutherland.

8. Minutes

The Minutes of the meeting held on 31 July 2023 were approved as a correct record.

9. Revised Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy

Consideration was given to the Report of the Head of Economic Development and Planning (item 4.1 - 4.53).

The Environmental Health and Public Protection Manager and the Senior Licensing Officer led Members through the report outlining the relevant issues for consideration. The policy had been consulted upon and the responses received were attached as Annexes to the report.

A revised Enclosure 4.51 was circulated to Members, and it was explained that this now included additional paragraphs that had been omitted from the original report. The paragraphs should come after the 5th bullet point on Enclosure 4.51, and were as follows:-

“The Government’s Department for Transport (DfT) in its document: *Taxi and private hire vehicle: best practice guidance to assist licensing authorities*, state that only about a quarter of all licensing authorities have restrictions on tinted windows in HCV’s. They indicated that best practice for licensing authorities is not to restrict the use of darkened windows in licensed vehicles.

The Government Department for Business Innovation & Skills in its *Regulators Code*, sets out 6 principles by which regulators like the Council, should set out its regulatory

framework. Two of those principles are directly relevant to our current policy on darkened rear windows in HCV's. These are:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should base their regulatory activities on risk.”

The Environmental Health and Public Protection Manager then referred Members to the Council's proposed response to the consultation responses as attached at Annex 10 to the report. He outlined this for Members information. Members noted that the table on Enclosure 4.47, which referred to April 2023 as being the date that all vehicles only powered by ICE would cease to be licensed, should state April 2030.

Members considered there was a need to increase Wheelchair Accessible Vehicles (WAV's) licensed by the Council and asked officers whether they had any proposals for doing this. The Senior Licensing Officer confirmed that there were currently 10 licensed WAV's, but the majority of these were used to undertake school contracts, so were not always available. It was however intended to approach the larger operators to encourage them to consider adding one to two WAV's to their fleet.

A Member made reference to hydrogen powered vehicles and asked whether officers had considered including these in the policy in addition to Electric and Hybrid vehicles. The Senior Licensing Officer commented that consideration would be given to including this in the policy document prior to it going to Council in November.

Members noted the amendment to the policy regarding darkened rear windows which was welcomed by the Taxi trade along with the Government guidance on best practice which supported the amendment. The Senior Licensing Officer commented that once this issue had been addressed, the Council would be compliant with all the Department for Transport best practice guidance.

Members were advised that the table at Annex 11 on Enclosure 4.52 outlined all the amendments to the existing policy along with the reasons for the amendments.

Resolved:

- (A) That the consultation responses as outlined in the report be noted.
- (B) To note that, following the consultation process, the timescales and other proposals given within the original consultation document have been revised and updated within the Council's response to the consultation appraisals.
- (C) To note that the timescales given within the consultation response document may be subject to review and change due to unforeseen economic or geographical circumstances which might affect the vehicle market.
- (D) That the finalised policy be referred to Council on 8 November 2023 for approval and adoption.

10. 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).

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Part 2

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

Consideration was given to the Not for Publication Report of the Head of Economic Development and Planning (Item 6.1 – 6.14).

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 of the Committee.

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 Applicant were then afforded the opportunity to sum up their respective cases. Summation was provided by the Officer of the Licensing Authority.

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 Chair announced the decision of the Committee, as follows:

Resolved:

That:

- (A) The applicant was a fit and proper person to hold a hackney carriage and private hire drivers' licence with this Authority.
- (B) The licence be granted with the condition that, should the applicant incur any speeding offences within a 12-month period from the date the licence was granted, he would be referred back to the Committee for consideration.

Reasons for Decisions:

The Applicant was referred to the Committee as Officers were unable to deal with this matter under their delegated powers given the reason for the revocation of the original Hackney Carriage/Private Hire Driver's Licence.

The Committee considered the Report of 13 September 2023, heard representations from the Applicant and evidence in relation to the reason for the revocation of the original Hackney Carriage/Private Hire Driver's Licence and the circumstances of the case.

The Committee further had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Licensing Policy and the responses given by the applicant to questions.

The Council's Licensing Policy states licences cannot be granted unless it is satisfied that the Applicant is a fit and proper person to hold a driver's licence. In considering whether an applicant is a fit and proper person the Council take into account the applicant's conduct, demeanour, and the need for public protection.

Based upon the information contained with the report of the Head of Economic Development & Planning and representations made at the meeting, the Committee considered the Applicant's engagement with the Licensing Officer, considered the application for a licence, and took the fit and proper test into account, and considered in all the circumstances, that they were minded to grant a Hackney Carriage/Private Hire Driver's Licence. However, the Hackney Carriage/Private Hire Driver's Licence was subject to a condition, for a period of 12 months, that should there be any further speeding offences within that period, the Applicant would be brought back before the Committee to ensure public safety remains paramount.

The meeting closed at 12noon.

Chair