

Please ask for: Mrs. W. Rowe

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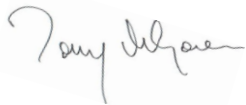
26 November, 2019

Dear Councillor,

**LICENSING AND PUBLIC PROTECTION COMMITTEE
2:00 P.M., WEDNESDAY 4 DECEMBER, 2019
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

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

Yours sincerely,



T. McGovern
Managing Director

To: Councillors

Todd, Mrs. D.M. (Chairman)
Dudson, A. (Vice-Chairman)

Boucker, A.S.	Pearson, A.R.
Crabtree, S.K.	Smith, C.D.
Fisher, P.A.	Snape, D.J.
Jones, B.	Witton, P.T.

A G E N D A

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 17 May 2019 (enclosed).

4. Licensing Sub-Committee Minutes

To note the Minutes of the Licensing Sub-Committee held on 11 July 2019 (enclosed).

5. Exclusion of the Public

The Chairman 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. Application for a Hackney Carriage Driver's Licence

Not for Publication Report of the Head of Economic Prosperity (Enclosure 6.1 – 6.36).

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 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).

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 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

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
HELD ON THURSDAY 11 JULY 2019 AT 10:00AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:

Councillors:

Dudson, A.
Fisher, P.A.
Pearson, A.R.

Applicant

Mr S. Singh

Objectors to the Application

Sgt. J. Finn (Northern Licensing Unit, Staffordshire Police)
PC. Gallimore (Northern Licensing Unit, Staffordshire Police)
Ms. N. Bills (Southern Licensing Unit, Staffordshire Police)

Witnesses for the Objectors

Mr S. Doyle (Trading Standards, Walsall Council)
Ms. G. Fisher (Trading Standards, Walsall Council)

Representing the Licensing Authority:

Mr D. Prosser-Davies (Food, Safety & Licensing Manager)
Mr S. Kearney (Licensing Enforcement Officer)

Legal Advisor to the Sub-Committee:

Mr G. Finn (Senior Licensing Officer)

Secretary to the Sub-Committee:

Mr M. Berry (Senior Committee Officer)

1. Appointment of Chairman

Councillors P.A. Fisher and A.R. Pearson nominated Councillor A. Dudson as Chairman.

RESOLVED:

That Councillor A. Dudson be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

No apologies were received.

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

No declarations of interests were received.

4. Licensing Act 2003 – Application to Transfer a Premises Licence and Vary the Designated Premises Supervisor, Broadway Convenience Store, 50 Broadway, Hednesford, WS12 4HP

The Chairman 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 in respect of the application and outlined the relevant matters for consideration (Enclosure 4.1 – 4.4 of the Official Minutes of the Council). The Applicant, Objectors to the Application and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Officer of the Licensing Authority on the report presented. No questions were asked.

The Objectors to the Application then presented their case to the Sub-Committee, with the Witnesses for the Objectors providing further background detail to the additional evidence submitted by the Objectors in advance of the meeting. The Applicant and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Objectors and their Witnesses. Questions were put by the Applicant and Members of the Sub-Committee to the Witnesses.

The Applicant then presented his case to the Sub-Committee. The Objectors to the Application and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Applicant. Questions were put by the Objectors and Members of the Sub-Committee.

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

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 and reasons for the decision, as follows:

After considering; the evidence and representations from Staffordshire Police, Walsall Trading Standards and the Applicant (“the Parties”); the matters set out in the report; the additional documents referred to at the hearing by the Parties; the statutory guidance issued under section 182 of the Licensing Act 2003 (“the Guidance”); and the Council’s Licensing Policy, it was:

RESOLVED:

That:

- (A) Having regard to the notice made by Staffordshire Police, under section 42(6) of the Act, the Committee considered that the application should be rejected, since it considered it appropriate to do so for the purposes of promoting the crime prevention and protection of children from harm objectives.
- (B) As a result of decision (A), it followed therefore that the application to vary the premises licence to specify the Designated Premises Supervisor as the Applicant was also rejected.

Reasons for Decisions

The Applicant had been convicted of three offences that the Committee considered were highly relevant to the application, and that they were an exceptional set of circumstances as the convictions showed the Applicant had a propensity to commit offences that undermined the said licensing objectives.

The Committee believed that Applicant had not shown sufficient due diligence when operating his businesses.

The Committee therefore rejected the application to transfer the Premises Licence and Vary the Designated Premises Supervisor, as it considered this an appropriate measure in order to promote the licensing objectives in relation to crime prevention and the protection of children from harm.

The Chairman then advised the Applicant and Objectors to the Application of their right of appeal against the decisions of the Committee under Schedule 5 of the Licensing Act 2003, should they wish to do so.

The meeting closed at 11:19 a.m.

CHAIRMAN