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2 December 2021

Dear Councillor,

**Licensing and Public Protection Committee**

**9:30am, Monday 13 December 2021**

**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. Clegg**  
**Chief Executive**

To: Councillors:

Jones, B. (Chairman)	
Johnson, T.B. (Vice-Chairman)	
Adamson, G.	Kruskonjic, P.
Arduino, L.	Smith, C.D.
Dunnett, Ms. A.J.	Sutton, Mrs. H.M.
Fisher, P.A.	Wilson, Mrs. 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 30 June 2021 (enclosed).

### 4. Licensing Sub-Committee Minutes

To note the Minutes of the Licensing Sub-Committee held on 30 July 2021 (adjourned from 14 July 2021) (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 / 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Not for Publication Report of the Head of Economic Prosperity (Enclosure 6.1 – 6.18).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.

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

Not for Publication Report of the Head of Economic Prosperity (Enclosure 7.1 – 7.23).

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 Wednesday 30 June 2021 at 10:00am**  
**In the Council Chamber, Civic Centre, Cannock**  
**Part 1**

**Present:** Councillors

Jones, B (Chairman)  
Johnson, T.B. (Vice-Chairman)

Arduino, L.	Smith, C.D.
Buttery, M.S. (substitute)	Sutton, Mrs. H.M.
Crabtree, S.K. (substitute)	Wilson, Mrs. L.J.
Fisher, P.A.	

**1. Apologies**

Apologies for submitted for Councillors G. Adamson and Ms. A.J. Dunnett.

Councillor M. McCall was unable to attend due to not having received the required training.

Councillors Buttery and Crabtree were in attendance as substitutes for Councillors McCall and Dunnett, respectively.

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

No declarations of interests were received.

**3. Minutes**

The Minutes of the meeting held on 15 October 2020 (adjourned from 19 February 2020) were approved as a correct record.

**4. Licensing Sub-Committee Minutes**

The Minutes of the Licensing Sub-Committee held on 2 June 2021 (adjourned from 21 May 2021) were 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 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 Wednesday 30 June 2021 at 10:00am**  
**In the Council Chamber, Civic Centre, Cannock**  
**Part 2**

**6. 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 6.1 – 6.12 of the Official Minutes of the Council).

The Chairman 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, the Applicant and the Applicant's witness through the report, outlining the relevant issues for consideration.

The Applicant and 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 only.

The Applicant then presented their case to the Committee and called their witness to speak also.

The Officer of the Licensing Authority, 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 and the Legal Advisor only.

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, the Applicant and the Applicant's witness left the room during the deliberations.

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

**Resolved:**

That the application for a licence to drive hackney carriage/private hire vehicles under sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 not be granted.

## **Reasons for Decision**

The Committee considered the Taxi Licensing Policy, licensing legislation, the Report presented by the Officer of the Licensing Authority, the Applicant's (and their witnesses') representations, and relevant case law.

The decision was made in line with the Council's Taxi Licensing Policy, and it was noted there were no exceptional circumstances presented that warranted the Committee deviating from the Policy.

Based on the matters considered by the Committee, it was considered that the Applicant was not a fit and proper person to hold a licence to drive hackney carriage/private hire vehicles.

The Chairman advised the Applicant that if they were dissatisfied with the decision of the Committee then they could appeal to the Magistrates Court within 21 days of receiving written confirmation of the Committee's decision.

The meeting closed at 11:33 a.m.

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**Chairman**

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

**Held on Wednesday 14 July 2021 at 9:30am**

**Via Remote Access**

**Part 1**

**Present:**

**Councillors:**

B. Jones  
C.D. Smith  
Mrs. L.J. Wilson (substitute)

**Officer Representing the Licensing Authority:**

Mr. D. Prosser-Davies (Food, Safety & Licensing Manager, Cannock Chase Council)

**Legal Advisor the Sub-Committee**

Ms. F. Samuda (Solicitor, Cannock Chase Council)

**Secretary to the Sub-Committee**

Mr. M. Berry (Democratic Services Team Leader, Cannock Chase Council)

**Responsible Authorities**

Sgt. J. Finn (Staffordshire Police Licensing Unit) (via telephone)

Ms. N. Bills (Licensing Officer, Staffordshire Police Licensing Unit) (via telephone)

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

**Applicant's Representative**

Mr. D. Craig (Head of Licensing, Citadel Chambers)

**1. Appointment of Chairman**

Councillor B. Jones was nominated as Chairman.

**Resolved:**

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

## **2. Apologies and Reconstitution of Membership**

An apology for absence was received from Councillor P.A. Fisher. Councillor Mrs. L.J. Wilson was in attendance as substitute.

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

Councillor Wilson advised that she had been lobbied by the applicant via telephone. The Legal Advisor to the Sub-Committee advised that the Councillor should consider whether the contact made would preclude them from taking part in the Hearing. The Chairman advised that the Councillor had declined to engage with the applicant, therefore was satisfied they could sit on the Hearing.

All parties present at the Hearing introduced themselves.

## **4. Licensing Act 2003 – Application for a Variation to an Existing Premises Licence: The Indian Smokehouse, 35 Market Street, Hednesford, Staffordshire, WS12 1AY**

The Chairman advised that a request had been submitted for the Hearing to be adjourned in the public interest. An alternative date of Friday 20 August had been proposed, but it was noted the Applicant and Applicant's Representative were unhappy with this proposal.

Availability of all parties for a different date was then discussed, with Friday 30 July being put forward instead.

### **Resolved:**

That, in accordance with Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Sub-Committee extends the time to hear the application from 14 July 2021 to 30 July 2021 in the public interest.

### **Reason for Decision**

This would allow for an 'in person' Hearing to take place where all parties could attend, and which would enable the Applicant to have a fair hearing and the representations heard in person.

The meeting was adjourned at 9:56 a.m.



**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Licensing Sub-Committee**  
**Held on Friday 30 July 2021 at 9:30am**  
**(adjourned from Wednesday 14 July 2021)**  
**Via Remote Access**  
**Part 1**

**Present:**

**Councillors:**

B. Jones (Chairman)  
C.D. Smith  
Mrs. L.J. Wilson

**Officer Representing the Licensing Authority:**

Mr. D. Prosser-Davies (Food, Safety & Licensing Manager, Cannock Chase Council)

**Legal Advisor the Sub-Committee**

Mr. S. Turner (Legal Services Manager, Cannock Chase Council)

**Secretary to the Sub-Committee**

Mr. M. Berry (Democratic Services Team Leader, Cannock Chase Council)

**Responsible Authorities**

Sgt. J. Finn (Staffordshire Police Licensing Unit) (via telephone)

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

**Witness for the Responsible Authorities**

Mr. J. Johnson (Senior Environmental Health Officer, Cannock Chase Council)

**Applicant**

Mr. M. Singh

**Applicant's Representative**

Mr. D. Craig (Head of Licensing, Citadel Chambers)

## **5. Apologies and Reconstitution of Membership**

No apologies for absence were received.

## **6. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

No declarations of interest were received.

## **7. Licensing Act 2003 – Application for a Variation to an Existing Premises Licence: The Indian Smokehouse, 35 Market Street, Hednesford, Staffordshire, WS12 1AY**

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 Chairman then advised that a request for a further adjournment had been received, and called upon the Police, Officer Representing the Licensing Authority, and the Applicant's Representative to put forward their views on the request.

The Sub-Committee then considered in private the adjournment request, accompanied by the Legal Advisor and Secretary to the Sub-Committee.

Upon conclusion of the deliberations, all parties returned, and the Chairman advised that the request to further adjourn was not granted, as the Sub-Committee considered the evidence contained in the report and the CCTV footage to be presented was sufficient for them to consider the application, whilst also being mindful of fairness to the Applicant for the matter to be heard in a timely manner.

The Officer representing the Licensing Authority then presented the report of the Head of Economic Prosperity (Enclosure 4.1 – 4.92), outlining the relevant matters for consideration by the Sub-Committee.

The Applicant's Representative, the Police, and the Sub-Committee were then afforded the opportunity to ask questions of the Officer of the Licensing Authority. No questions were asked.

The Police, prior to presenting their case, requested that the meeting be held in closed session when the CCTV footage was displayed due to members of the public being identifiable. No objections to this request were raised, therefore the Chairman moved that:

“The public be excluded from the meeting during the showing of the CCTV footage 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).”

The Police then presented their case, including the four separate elements of CCTV footage as broadcast.

The meeting returned to public session.

The Witness for the Responsible Authorities and the Senior Licensing Officer then spoke on the final element of the CCTV footage.

The Applicant's Representative, Officer of the Licensing Authority and the Sub-Committee were then afforded the opportunity to ask questions of the Police. Questions were asked by the Applicant's Representative and the Sub-Committee. The Applicant's Representative also asked questions of the Witness for the Responsible Authorities.

The Senior Licensing Officer then presented their case.

The Applicant's Representative, the Police and the Sub-Committee were then afforded the opportunity to ask questions of the Senior Licensing Officer. Questions were asked by the Applicant's Representative and the Police.

The Applicant's Representative then presented their case on behalf of the Applicant, including reference to proposed revised licence conditions that had been provided to the Sub-Committee prior to the start of the meeting.

The Officer Representing the Licensing Authority, the Responsible Authorities, and the Sub-Committee were then afforded the opportunity to ask questions of the Applicant's Representative and the Applicant. Questions were asked by all parties.

The Officer Representing the Licensing Authority, the Police and the Applicant's Representative then summed up their respective cases.

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

Upon conclusion of the deliberations, all parties returned, and the Chairman announced the decision of the Sub-Committee, and the reasons for the decision, as follows:

**Resolved:**

That the Application to Vary the existing Premises Licence be refused.

**Reasons for Decision:**

The Sub-Committee:

Found that there were a number of serious breaches of the premises licence relating to fundamental issues, particularly relating to failure to maintain the incident log, the taking of glassware outside the premises, and non-production of training records.

Also noted poor management of Coronavirus restrictions in the video evidence of the England / Scotland game – i.e., mixing of groups, no social distancing, and no obvious input from staff to stop this happening.

Found there was compelling evidence of long-standing non-compliance with licence conditions.

Had no confidence that the Licence Holder and Designated Premises Supervisor would comply with the existing licensing conditions and future conditions as well.

Considered the contents of the report, the representations made and the evidence from each party, and considered the statutory guidance and the Council's Statement of Licensing Policy.

Found that the demeanour and attitude of the licence holder when visited on 22 June 2021 was unprofessional, unhelpful, and obstructive. His actions on the day of the England game had potential to inflame the situation and cause disorder in breach of the licensing objectives.

Accepted the evidence and recommendations of the two Responsible Authorities and felt they had given the licence holder every opportunity to comply with the licence conditions and make improvements to management of the premises.

The Chairman advised that a copy of the formal decision notice, setting out the decision made by the Sub-Committee and the reasons for that decision, would be issued to all parties within seven working days.

The meeting closed at 4:36 p.m.

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**Chairman**