

Please ask for: Mrs. W. Rowe

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22 June 2021

Dear Councillor,

**LICENSING AND PUBLIC PROTECTION COMMITTEE
10:00 A.M., WEDNESDAY 30 JUNE, 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,



B. Kean
Interim Managing Director

To: Councillors

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

Adamson, G.	McCall, M.
Arduino, L.	Smith, C.D.
Dunnett, Ms. A.J.	Sutton, Mrs. H.M.
Fisher, P.A.	Wilson, Mrs. L.J.

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 15 October 2020 (adjourned from 19 February 2020) (enclosed).

4. Licensing Sub-Committee Minutes

To note the Minutes of the Licensing Sub Committee held on 2 June 2021 (adjourned from 21 May 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Not for Publication Report of the Head of Economic Prosperity (Enclosure 6.1 – 6.13).

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 19 FEBRUARY, 2020 AT 10.00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Todd, Mrs. D.M. (Chairman)

Dudson, A. (Vice-Chairman)

Pearson, A.R. Witton, P.T.

Smith, C.D.

7. Apologies

Apologies for absence were received from Councillors B. Jones and P. Fisher. Councillor Mrs. H. Sutton had indicated she would be substituting for Councillor Jones; however she submitted her apologies for the meeting.

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 December, 2019 be approved as a correct record and signed.

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, Local Government Act 1972 (as amended).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON WEDNESDAY 19 FEBRUARY, 2020 AT 10:00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
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 Prosperity (Enclosure 5.1 – 5.15 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 Council presented the Council's case by taking the Committee, the applicant and his legal representative through the report outlining the relevant issues for consideration.

At this point the Officer representing the Council called his first witness. The applicant and his legal representative were afforded the opportunity of asking questions of the Officer representing the Council and his witness. The applicant's legal representative asked questions.

Members of the Committee were then given the opportunity to ask questions of the Officer representing the Council and his witness. Members of the Committee asked questions.

(The witness left the room at this point in the proceedings).

As the second witness was unable to be contacted a Member moved that the meeting be adjourned. This was seconded.

RESOLVED:

That the meeting be adjourned.

(Meeting adjourned at 11.30am).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
RE-CONVENED LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON THURSDAY 15 OCTOBER, 2020 AT 9:37 AM
HELD REMOTELY VIA ZOOM
PART 2

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

PRESENT: Councillors

Todd, Mrs. D.M. (Chairman)
Smith, C.D. (Vice-Chairman)

Dudson, A. Witton, P.T.

(As the applicant had technical issues connecting to the remote meeting the start of the meeting was slightly delayed).

The Chairman asked all those present to introduce themselves. She then invited the Officer representing the Council to provide an update to Members so that they could be reminded of what had been discussed at the meeting on 19 February, 2020. He led Members through the Not for Publication report of the Head of Economic Prosperity (Enclosure 5.1 – 5.15). He also led Members through the additional Not for Publication Report (Item 5.16 – 5.18) that had been circulated in advance of the meeting.

The Officer representing the Council confirmed that the Committee was being asked to determine whether the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Chairman then explained that the meeting would commence at point 5 in the proceedings; the point at which the meeting on 19 February, 2020 was adjourned.

Members of the Committee were afforded the opportunity to ask questions of the Officer representing the Licensing Authority. Members of the Committee asked questions.

The Applicant's legal representative then presented the applicant's case to the Committee. He referred to an email that he had received from the DBS Team Leader clarifying a number of points and sought confirmation that the Committee had been provided with a copy. The Committee confirmed that they had received a copy of this email.

The Officer representing the Council, the Council's Legal Advisor and Members of the Committee were given the opportunity to ask questions of the Applicant and

his legal representative. Questions were asked by the Officer representing the Council, the Council's Legal Advisor and Members of the Committee.

The Officer representing the Council, and the Applicant and his legal representative, were then given the opportunity to sum up their respective cases to the Committee. Both parties summed up their cases.

The Committee then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Committee. The Officer representing the Council, the Applicant and his legal representative left the remote meeting and were not present during the deliberations.

At the conclusion of the deliberations the Applicant, his legal representative and the Officer representing the Council were returned to the remote meeting and the Council's Legal Advisor announced the decision of the Committee:-

RESOLVED:

That the Applicant was not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

Reasons for Decision:-

The matter was heard by the Licensing and Public Protection Committee in two parts, on 19 February and 15 October, 2020. The matter was part-heard on 19 February and thereafter recommenced on 15 October. The Committee considered the report of 19 February and the supplementary report of 15 October, heard representations from the Applicants legal representative, and evidence from the Applicant in relation to the allegations and circumstances of the case. The Committee further heard representations from Cannock Chase Council's Licensing Officer in relation to the Committee report and the Senior Transport Co-ordinator from Staffordshire County Council on 19 February.

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

The Committee noted that an application had been made on 9 October 2019 for a Hackney Carriage Private Hire Driver's Licence with the Authority. It was noted that the Applicant was previously licensed with the Authority, but the licence was not renewed by the Applicant upon expiring.

The Applicant had however been referred to the Committee as Officers were unable to grant the licence under delegated powers, due to the Authority receiving sensitive information in about the Applicant in late 2019.

In view of the evidence presented and the representations made, the Committee determined pursuant to Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 that it was not satisfied that the Applicant was a fit and proper person to hold a Licence to drive Hackney Carriage and Private Hire vehicles.

The meeting closed at 11:17 am.

CHAIRMAN

Cannock Chase Council
Minutes of the Meeting of the
Licensing Sub-Committee
Held on Friday 21 May 2021 at 10:00am
Via Remote Access
Part 1

Present:

Councillors:

S.K. Crabtree
C.D. Smith (substitute)
P.T. Witton

Officer representing the Licensing Authority:

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

Legal Advisor to the Sub-Committee:

Mr. G. Finn (Senior Legal Officer, Stafford Borough Council)

Secretary to the Sub-Committee:

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

1. Appointment of Chairman

Councillor P.T. Witton was nominated as Chairman.

Resolved:

That Councillor P.T. Witton be appointed as Chairman of the Sub Committee.

2. Apologies and Reconstitution of Membership

An apology for absence was received from Councillor Mrs. S. Cartwright. Councillor C.D. Smith was in attendance as substitute.

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

Councillor C.D. Smith advised that he was a ward member for the application site concerned and had been approached by several residents about the application. As such,

he considered he had a conflict of interest in the matter and so could not consider the application.

The Secretary to the Sub-Committee advised that it would therefore be necessary to adjourn the Hearing so that Councillor Mrs. Cartwright could be present, and the application heard.

The agreed date for the hearing to reconvene was Wednesday 2 June 2021 at 10am.

Meeting adjourned at 10:10am

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

Held on Wednesday 2 June 2021 at 10:00am
(adjourned from Friday 21 May 2021)

Via Remote Access

Part 1

Present:

Councillors:

Mrs. S.M. Cartwright
S.K. Crabtree
P.T. Witton (Chairman)

Applicant's Representative:

Mr P. Burke (PMB Licensing)

Officer representing the Licensing Authority:

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

Legal Advisor to the Sub-Committee:

Mr. G. Finn (Senior Legal Officer, Stafford Borough Council)

Secretary to the Sub-Committee:

Mrs. W. Rowe (Senior Committee Officer, Cannock Chase Council)

4. Apologies and Reconstitution of Membership

No apologies for absence were received.

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

No declarations of interest were received.

6. Licensing Act 2003 – Application for a Premises Licence – Londis, 8 Park Road, Cannock, WS11 1JN

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 of the Head of Economic Prosperity in respect of the application and outlined the relevant matters for consideration (Enclosure 4.1 – 4.30 of the Official Minutes of the Council).

There were no objectors present at the meeting to ask questions of the Officer representing the Licensing Authority who presented the report. The Applicant's representative and Members of the Sub Committee were afforded the opportunity to ask questions of the Officer representing the Licensing Authority. No questions were asked.

The Applicant's representative then presented the Applicant's case to the Sub Committee. There were no objectors present at the meeting to ask any questions of the Applicant's representative. Members of the Sub Committee were afforded the opportunity to ask questions of the Applicant's representative. No questions were asked.

The objectors were not present at the meeting and therefore did not present their respective cases. The Applicant's representative and Members of the Sub Committee did not therefore ask any questions.

The Officer representing the Licensing Authority and the Applicant's representative were then given the opportunity to sum up their respective cases. Summation was provided by the Applicant's representative.

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, subject to the revised opening hours and delivery times as outlined in the report which the applicant had agreed to.

Reasons for Decision:

No representations had been received from any of the Responsible Authorities.

The 3 objectors who had made representations were not present at the meeting to state their respective cases further.

There were no reasons or evidence present to indicate that any of the licensing objectives would be compromised by the licence being granted.

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 Chairman also advised that the Applicant and any objectors had the right of appeal to the Magistrates Court if they were dissatisfied with the decision of the Sub Committee.

The meeting closed at 10:45am

CHAIRMAN