

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
THURSDAY, 29 MARCH, 2012 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Snape, P.A. (Chairman)
Cartwright, Mrs. S.M. (Vice-Chairman)

Allen, F.W.C. Todd, Mrs. D.M.
Fisher, P.A. Williams, Mrs. P.

1. Apologies

Apologies for absence were received from Councillors J.D. Bernard and J. Burnett.

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

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
Todd, Mrs. D.M.	Hackney Carriage/Private Hire Driver – Not for Publication Report (Enclosure 6.1 – 6.25) – Member knows one of the witnesses personally	Personal (left the meeting during consideration of the application)

3. Minutes

RESOLVED:

That the Minutes of the meeting held on 16 February 2012 be approved as a correct record.

4. 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).

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PART 2

5. Hackney Carriage Proprietors' Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.13 of the Official Minutes of the Council).

The Applicant along with her representative attended the Hearing to present her case.

The Chairman then invited all those present to introduce themselves and outlined the procedure to be followed at the Hearing. All parties confirmed their understanding of the procedure.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. Members were asked to determine whether the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence. The Applicant together with Members of the Committee were afforded the opportunity to ask questions of the Officer.

The Applicant and her representative then presented her case. Members of the Committee and the Officer of the Licensing Authority were afforded the opportunity to ask questions of the Applicant.

The Officer of the Licensing Authority and the Applicant's representative were then afforded the opportunity to sum up their cases.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee. The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

RESOLVED:

(A) That, having regard to all the circumstances, the application for a Hackney Carriage /Private Hire Driver's Licence be approved for 12 months as the Committee was satisfied that the Applicant was a fit and proper person to hold a licence.

(B) That the Applicant be required to have an eye examination every 12 months.

REASON FOR THE DECISION:

The Committee had regard to the Applicant's previous history and the fact that the Applicant had had monocular vision since birth.

6. Hackney Carriage/Private Hire Driver

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.17 of the Official Minutes of the Council).

The Licence Holder along with his representative attended the Hearing to present his case.

The Chairman then invited all those present to introduce themselves and outlined the procedure to be followed at the Hearing. All parties confirmed their understanding of the procedure.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. Members were asked to determine whether the Licence Holder remained a fit and proper person to hold a Hackney Carriage/Private Hire Driver's licence and if so whether any further action was necessary.

The Committee considered they wished to hear the evidence from the three witnesses who had provided the written statements included in the report at Annex 2, 3 and 4.

Councillor Mrs. D. Todd declared that she knew one of the witnesses personally. She withdrew from the meeting and took no part in the decision making process. After the evidence of the witnesses had been heard the Licence Holder and his representative were then offered the opportunity to present the Licence Holder's case. Members of the Committee and the Officer of the Licensing Authority were afforded the opportunity to ask questions of the Licence Holder.

The Officer of the Licensing Authority and the Licence Holder were then afforded the opportunity to sum up their cases.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee. The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

RESOLVED:

That, having regard to all the circumstances, the Hackney Carriage/Private Hire Driver's Licence be revoked immediately in the interests of public safety as per Section 61(2B) Local Government (Miscellaneous Provisions) Act 1976 as the Committee was satisfied that the Licence Holder was not a fit and proper person to hold a licence.

REASONS FOR THE DECISION:

1. The Committee finds that the Licence Holder has driven dangerously and at excessive speed while driving passengers, including a child, on more than one occasion.
2. The Committee considers that the Licence Holder's standard of driving and his regard for passenger safety falls well short of the standard expected of licensed hackney carriage drivers and private hire drivers, and consequently the Committee finds that the Licence Holder is not a fit and proper person.

The meeting closed at 11.50 a.m.

CHAIRMAN