

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
THURSDAY, 10 JANUARY, 2013 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Stretton, Mrs. P.Z. (Chairman)
Dudson, A. (Vice-Chairman)

Allen, F.W.C.	Grice, Mrs. D.
Anslow, C.	Snape, P.A.
Bernard, J. D.	Todd, Mrs. D.M.

1. Apologies

Apologies for absence were received from Councillors Mrs. S. Cartwright and P.A. Fisher.

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

No other Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

3. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committee held on 7 December, 2012 be approved as a correct record.

4. Licensing Sub Committee Minutes

RESOLVED:

That the Minutes of the Licensing Sub Committee from the meeting held on 29 November, 2012 be 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, Local Government Act 1972 (as amended).

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PART 2

6. Private Hire Vehicle Licence – Exceptional Vehicle

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.22 of the Official Minutes of the Council).

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 Applicant and his representative were in attendance to present their case.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration and Members were asked to consider whether the Applicant's vehicle was considered to be exceptional. The Applicant, together with Members of the Committee were offered the opportunity to ask questions of the Officer, there being none, the Committee then viewed the Applicant's vehicle.

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

The Officer of the Licensing Authority and the Applicant and his 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.

RESOLVED:

That, having regard to all the circumstances, the application for a Hackney Carriage Proprietors Licence be granted as the Committee was satisfied that the vehicle was exceptional in accordance with the Council's policy on age restrictions for Hackney Carriage Vehicles.

Reasons for the Decision

- 1 The Committee carefully considered all relevant factors, issues and the responses given by the Applicant. Due regard was also given to the Council's policy on the age restrictions for the licensing of vehicles and also to the powers given to licensing authorities under Section 37 of the Town Police Clauses Act 1847 and Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2 The Committee was afforded the opportunity of inspecting the vehicle both inside and out and of perusing the service/maintenance records. It was noted that the vehicle had continued to be well maintained and had done relatively few miles since it was last licensed.
- 3 The Committee was therefore of the opinion that the Applicant's vehicle satisfied the criterion as an "exceptional vehicle" and accordingly it should be licensed for a further period of 12 months.

6. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.13 of the Official Minutes of the Council).

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 Licence holder attended the meeting to present his case.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration and Members were asked whether they considered the Licence holder to be a fit and proper person to hold a Hackney Carriage/Private Hire Drivers' Licence. The Licence holder and Members of the Committee were offered the opportunity of asking questions of the Officer from the Licensing Authority. The Licence holder was then afforded the opportunity to present his case.

The Officer from the Licensing Authority and Members were then given 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.

RESOLVED:

(A) That, having regard to all the circumstances, the Licence Holder was considered to be a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

(B) That the Hackney Carriage/Private Hire Driver's Licence be suspended for

28 days but the suspension be suspended until the current licence expires on 31 October, 2013.

- (C) That the Licence Holder continue to be licensed until at least 31 October, 2013 however, the licence will automatically be suspended, under Officers delegated powers, for 28 days if, within the intervening period, he commits any other criminal offence (or receives any further police cautions), or breaches any conditions of his licence.

Reasons for the Decision

- 1 The Committee carefully considered all relevant factors, issues and the responses given by the licence holder. Due regard was also given to the Council's licence conditions which are issued to its taxi drivers who operate within the district and to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2 The Committee was satisfied that the licence holder had failed to notify the Licensing Unit of the police caution dating back to September 2010, thereby breaching his licence conditions, and the Committee had also taken into account that the licence holder's licence had been suspended for one day on two previous occasions.
- 3 The Committee was therefore of the opinion that the licence holder should have his licence suspended for 28 days should he commit any further misdemeanours between now and 31 October 2013.

7. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.11 of the Official Minutes of the Council).

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 Licence holder attended the meeting to present his case.

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

The Legal Adviser explained that Members of the Committee would need to consider the issue of the Licence holder's spent convictions and whether they considered them to be relevant by applying the 3 stage test as outlined in the case *Adamson v Waveney District Council* (1997). The Licence holder and the Officer representing the Licensing Authority then left the room whilst the Committee

considered this issue.

All parties returned to the meeting and the Legal Adviser explained that Members wished to be made aware of all the Licence holder's spent convictions. The Officer therefore outlined the summary of spent convictions for the benefit of the Committee. Members asked for further information in relation to the caution the Licence Holder had received in 2005. Further information was distributed to the Committee regarding the offence in 2005 and the Licence holder was asked to explain the circumstances surrounding the caution. Following this, the Licence holder and the Officer representing the Licensing Authority left the room whilst the Committee considered whether this caution was relevant and should be taken into account.

All parties returned to the meeting and the Chairman explained that the Committee had decided that the caution in 2005 was to be disregarded and would not be taken into account when considering whether the Licence Holder was a fit and proper person.

The Licence holder together with Members of the Committee were offered the opportunity to ask questions of the Officer. The Licence holder and his representative were then invited to present the Licence holder's case.

The Applicant was then afforded the opportunity to present his case. The Officer from the Licensing Authority and Members of the Committee were then given the opportunity to ask questions of the Applicant.

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.

RESOLVED:

That, having regard to all the circumstances, whilst the Licence holder was considered to be a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, his Licence be suspended for a period of one day.

Reasons for the Decision

- 1 The Committee carefully considered all relevant factors, issues and the responses given by the licence holder. Due regard was also given to the Council's licence conditions which are issued to its taxi drivers who operate within the district and to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2 In reaching its decision the Committee disregarded the licence holder's spent convictions after having considered them in accordance with the test set down in the case of *Adamson v. Waveney District Council* (1997).

- 3 The one day suspension has been imposed due to the fact the licence holder failed to notify the Licensing Unit of his change of address and that he had received a police caution, as is required under his licence conditions.

CHAIRMAN

The meeting closed at 12.20 p.m.