

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON WEDNESDAY 4 DECEMBER 2019 AT 2:00 PM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Todd, Mrs. D.M. (Chairman)

Pearson, A.

Smith, C.D.

Sutton, Mrs. H.M. (Substitute)

1. Apologies

Apologies for absence were received from Councillors A.S. Boucker, P.A. Fisher and B. Jones.

Notification had been received that Councillor Mrs. H.M. Sutton would be substituting for Councillor B. Jones.

2. 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.

3. Minutes

RESOLVED:

That the Minutes of the meeting held on 17 May, 2019 be approved as a correct record and signed.

4. Licensing Sub-Committee Minutes

RESOLVED:

That the Minutes of the Licensing Sub-Committee held on 11 July, 2019 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. Review of a Hackney Carriage / Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Economic Prosperity (Enclosure 6.1 – 6.36 of the Official Minutes of the Council).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 Taxi Driver and his legal representative through the report outlining the relevant issues for consideration.

At this point the Officer representing the Council called his witness. The Taxi Driver and his legal representative were afforded the opportunity of asking questions of the Officer representing the Council and his witness. The Taxi Driver'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).

The Taxi Driver and his legal representative then presented the Taxi Driver's case to the Committee.

The Officer representing the Council, the Council's Legal Advisor and Members of the Committee were given the opportunity to ask questions of the Taxi Driver 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 Taxi Driver 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. All parties were recalled in order that a number of points of uncertainty could be clarified. Following this the parties left the room and the Committee continued to deliberate.

At the conclusion of the deliberations the Taxi Driver, his legal representative and Officer representing the Council returned to the meeting and the Chairman announced the decision of the Committee:-

RESOLVED:

- (A) That, having regard to all the circumstances, relevant factors and representations made, it was the decision of the Committee that the Driver's Hackney Carriage/Private Hire Driver's Licence be suspended from 9.00am on 24 December, 2019 until 9.00am on 2 January, 2020. The Driver must surrender his Driver's badge to the Licensing Unit by 9am on 24 December, 2019.
- (B) The Committee also considered that the Driver would be required to contact the Licensing Unit to arrange, pay for, attend and pass an appropriate licensing course (to include licensing conditions).

Reasons for Decisions

1. The matter before the Committee related to the Driver's failure to serve a 3 day suspension from 29 November 2018-1 December 2018.
2. The Committee heard representations from the Driver's Solicitor and also heard evidence from the Driver in relation to his failure to serve his suspension and the breach of his licensing conditions. The Committee further heard representation from the Licensing Officer in relation to the Committee report and the circumstances of the Driver's case.
3. The Committee further took into account the provisions of the 1976 Act and the Council's Licensing Policy and the responses given by the Driver to questions tendered.
4. The Committee heard the Driver's version of events in relation to the mobile phone incident and he further confirmed that he had lied to the Licensing Department on 8 January 2019 about serving his suspension on 29 November 2018 – 1 December 2018. The Driver confirmed that mistakenly he had held a grievance in relation to the mobile phone incident as he did not feel that he had been sufficiently 'heard' regarding this. The Driver confirmed that he found it difficult to communicate and was unhappy with the Licensing Officer dealing with his case however had failed to make any formal complaint in this regard. The Driver confirmed that he had lodged an appeal 'out of time' against the suspension decision on 30 November 2018 and that this appeal was formally withdrawn on 27 December 2018. The Committee did not feel that the mitigation given warranted the Driver's conduct or his lying to the Licensing Officer about serving his suspension. The suspension notice was clear in that his right of appeal was to the Magistrates Court and not to the Licensing Officer.
5. The Driver further made representations that he were scared of the insurance consequences of not serving the suspension in that he would be given 6 points on his licence for working during the suspension period. This was

given as his reasons for lying to the Licensing Officer on 8 January 2019 when he became aware that he would have been driving an uninsured vehicle at the time of the suspension period. It was noted by the Committee that the Driver made no mention and there was no acknowledgement of him putting passengers at risk, by undertaking bookings, during the suspension period. The Committee did not feel that the mitigation given warranted the Driver lying about serving his suspension or putting passengers at risk during this period.

6. The Driver further confirmed that despite the withdrawal of his appeal and his interviews on 1 February 2019 with Walsall MBC and 6 August 2019 with Cannock Chase DC, when it was apparent that he had not served his suspension; he had made no attempts to seek alternative dates to try to serve the suspension.
7. The Driver confirmed in representations that to lose his Licence would have an impact on him personally, that he was willing to undertake the 3 day suspension and accepted that a suspension could be granted by the Committee for a longer period and he further indicated that he was willing to undertake a relevant course. It was established that he had not undertaken any refresher course since 2013.
8. The Committee was of the view that a greater suspension period was required and that the Driver would benefit from undertaking a relevant course including licence conditions given the passage of time. The Committee further came to the view that there was no immediate public safety risk requiring an immediate suspension.
9. In view of this, the Committee determined pursuant to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 that the Driver's current Hackney Carriage and Private Hire Vehicle Driver's Licence be suspended as detailed above.
10. The Driver was, in addition, required to pay for and pass an appropriate Licensing Local Knowledge Test, which included licensing conditions and he would need to contact the Licensing Department to arrange this. Any further issues would result in an immediate referral to the Committee.

The meeting closed at 4.35pm.

CHAIRMAN