

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., THURSDAY 19 MAY, 2011
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Allen, F.W.C. (Chairman)
Grice, Mrs. D. (Vice-Chairman)

Adamson, G. Burnett, J.
Bernard, J.D. Williams, Mrs. P.

50. Apologies

An apology for absence was received from Councillor M. Sutherland.

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

There were no declarations.

52. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committee held on 14 April, 2011 be approved as a correct record.

53. 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

54. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.26 of the Official Minutes of the Council).

The Applicant attended the Hearing along with his representatives to present his case.

The Chairman then invited all those present to introduce themselves.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. He advised that the application for a Hackney Carriage Vehicle Licence had been made by the Applicant on 9 January, 2011. Officers were unable to grant a Hackney Carriage/Private Hire Drivers' Licence due to the significant number of spent and unspent convictions which were previously committed.

The Applicant and/or his representatives were afforded the opportunity of asking questions of the Officer from the Licensing Authority. The Applicant's representative referred to the conviction in 2004 and sought clarification of when the offence occurred. The Officer advised on the date and also commented that it was now spent. The Applicant's representative advised the Committee that the Applicant was not aware at the time that he had not finished the order and was then given a custodial sentence.

Members were then afforded the opportunity to ask questions of the Applicant and/or his representatives. A Member referred to the report and the conviction which would never be spent and sought clarification on this. The Officer referred to Annex 1 of the guidance contained within the report which provided information on the disclosure of convictions.

The Applicant and/or his representatives were then afforded the opportunity to present his case. The Applicant's representative referred to the Applicant's past and in his opinion thought the Applicant was learning from his mistakes. The representative had known the Applicant for 11 years and in the past 5 years the Applicant had now reformed, was employed and now had a family of his own. He advised the Committee that the Applicant was now unemployed but previously ran his own business, however after having a number of operations he was no longer able to carry out a manual job. The representative stated that the Applicant did not wish to be on benefits but wanted to support his family and have a chance to get back in employment and work again. At this point another representative advised that his business had a fairly large client base and he was in no doubt that the Applicant could represent his business. He advised that if the Committee were mindful to grant the Applicant a licence, he was able to offer the Applicant full time employment. The Applicant commented that he had made mistakes in the past, needed to change direction with employment and hoped to be able to work.

Members of the Committee were then afforded the opportunity to ask questions of the Applicant

and/or his representatives. A Member was concerned with details of the convictions that the Applicant had sustained, especially with regard to the intent to supply Class A drugs. The Member asked the Applicant if he had ever taken drugs. The Applicant stated that he did previously take drugs, but was not an addict and had not used drugs for approximately 10 years. The Member asked the Applicant if he had ever had any treatment for the use of drugs. The Applicant confirmed he had never had any treatment. The Member commented that he had asked the questions in the interest of public safety. The Member then asked the Applicant when he had to relinquish his business. The Applicant stated that he gave his business up last December following advice received from his consultant. A Member asked how the Applicant now felt about those that supplied drugs. The Applicant stated that he did not agree with it as it could end up ruining families and people's lives.

The Officer was then afforded the opportunity to ask questions of the Applicant and/or his Representatives. The Officer of the Licensing Authority asked the Applicant if he thought he would be able to cope with driving duties especially airport runs, given his current condition. The Applicant stated that he was very confident and he needed to try and continue working. The Officer asked what he thought would make him a good taxi driver and how he would handle people leaving clubs and pubs late at night. The Applicant stated that if he experienced any problems he would not cause a scene but would not let those causing problems in his taxi. At this point the Applicant's representative stated that there was a protocol in place and the Applicant would request backup which was available for every driver. Taxi marshals were now also available to assist drivers within Cannock at certain locations. The Applicant who was not aware of the protocol confirmed that he would call for backup if there were any problems. The Applicant's representative stated that the Applicant had not yet received any training as he was required to have a licence first. At this point another representative stated that the Applicant's temperament was very clam considering his past.

The Officer along with the Applicant and/or his representatives were afforded the opportunity of summing up their respective cases.

RESOLVED:

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

Reasons for the decision

The Committee carefully considered all relevant factors, issues and the responses given by the Applicant. Due regard was also given to the representations and character references made to support the application.

Under Section 59 of the Local Government (Miscellaneous Provisions) Act 1976, a Council shall not grant a licence to drive a hackney carriage/private hire vehicle unless satisfied that the applicant is a fit and proper person to hold a driver's licence. In this particular case the Committee was satisfied that the Applicant was a fit and proper person.

The Committee noted that it had been several years since the Applicant's last conviction and that he had seemingly now turned his life around. The Committee were therefore prepared to put their trust in the Applicant, as the safety of the public is always the number one consideration when granting a taxi driver's licence.

55. Letter to Members of Licensing and Public Protection Committee Dated 6 April, 2011

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.18 of the Official Minutes of the Council).

The Head of Environmental Health presented the report to Members of the Committee.

Members of the Committee considered the letter and made a number of comments in respect of the consultation process for Licence Fees and Charges and where notices were placed.

RESOLVED:

That a response be forwarded by the Head of Environmental Health with the outcome of the discussion.

CHAIRMAN

(The meeting closed at 11.00 a.m.)