

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., THURSDAY 14 APRIL, 2011
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

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

Ansell, Mrs. P.A.	Sutherland, M.
Bernard, J.D.	Yates, Ms. W.
Burnett, J.	

43. Apologies

Apologies for absence were received from Councillors G. Adamson, R. Easton and Mrs. P. Williams.

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

There were no declarations.

45. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committee held on 3 March, 2011 be approved as a correct record.

46. Licensing Sub Committee

RESOLVED:

That the minutes of the Licensing Sub Committees from the meetings held on 13 December 2010, 3 February 2011 and 15 February 2011 be noted.

47. 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

48. Application for a Hackney Carriage Proprietor's Licence – Exceptional Vehicle

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.14 of the Official Minutes of the Council).

The Applicant attended the Hearing 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. She advised that the application for a Hackney Carriage Vehicle Licence had been made by the Applicant on 22 March, 2011. The vehicle was first registered in the UK on 11 May 2005 and would become 6 years on 11 May 2011. The Applicant was aware of the Council's age policy and that an exemption applied for "exceptional vehicles". The vehicle was first licensed by the Authority as a Hackney Carriage vehicle on 7 April, 2009 and has continued to be licensed until 6 April, 2011. The Officer then explained that the findings of the Enforcement Officer's inspection of the vehicle were included at Annex 5 of the report. The Applicant had been asked to bring to the meeting the Service History for the vehicle.

Members were asked to determine the application and consider whether the vehicle was an "exceptional vehicle".

Members of the Committee then examined the Applicants' vehicle. The Applicant was then afforded the opportunity to ask questions of the Officer of the Licensing Authority. There being none, Members of the Committee were also afforded the opportunity to ask questions of the Officer of the Licensing Authority. A Member asked for clarification over the term "reasonable" which had been used to describe the seatbelts in the Licensing Officer's inspection. The Senior Licensing Officer confirmed that there were no issues with the seatbelts, the vehicle had passed the inspection and was mechanically sound. The term "reasonable" was a generic term used to indicate that there were no concerns with the seat belts and they were in a good condition.

The Applicant was then given the opportunity to present his case. The Applicant stated that he considered his vehicle to be a perfect example of how a Cannock Chase District Council taxi should look. He had owned the vehicle for two years and had it serviced by Vauxhall.

Members of the Committee were then afforded the opportunity to ask questions of the Applicant. A Member asked for confirmation of the annual mileage of the vehicle. The Applicant explained that the vehicle undertook 21,000 miles per annum and confirmed that he worked Monday to Friday but did not work in the evenings.

The Officer of the Licensing Authority was then afforded the opportunity to ask questions of the
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Applicant. She referred to the minor dents and scratches on the vehicle and asked whether the vehicle had been involved in any accidents since the Applicant had owned it. The Applicant confirmed that all dents and scratches were on the vehicle when he purchased it and it had not been involved in an accident since he had owned it. She then made reference to the stick on advertisements on the bumper and side of the car which were peeling off. The Applicant commented that the stickers advertised his daughter's business and had been applied in October. He intended to have them done properly should the vehicle be granted a licence.

The Service History of the vehicle was then circulated to the Committee.

Both the Officer from the Licensing Authority and the Applicant were afforded the opportunity to sum up their respective 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 Proprietor's Licence be granted for one year from 14 April 2011 as the Committee was satisfied that the vehicle was an "exceptional vehicle" as defined by the Council's policy for the age restriction of 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 Hackney Carriage Vehicles and also to the powers given to licensing authorities under Section 37 of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
2. The Committee were afforded the opportunity of inspecting the vehicle both inside and out and of perusing the service/maintenance records. It was generally considered that the vehicle had continued to be well maintained despite its age. The Committee therefore agreed that the Applicant's vehicle satisfied the criterion as an "exceptional vehicle" and that it should therefore be licensed for a further 12 months.

49. Hackney Carriage/Private Hire Driver

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.27 of the Official Minutes of the Council).

The Applicant attended the Hearing along with his wife and son 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. She advised that the Applicant's Hackney Carriage/Private Hire Driver's Licence had been suspended on 1 October 2010 on the grounds of public safety as a result of him having advised the Council that he had been diagnosed as being an insulin dependant diabetic. He was therefore unable to meet the DVLA Group 2 Medical Standard. The Applicant had now obtained the DVLA C1 classification upon his driving licence and was therefore seeking to have his Licence re-instated. The Council's current policy

on the medical fitness of hackney carriage and private hire drivers requires that they meet the DVLA Group 2 Medical Standard. The Department for Transport considers the DVLA Group 2 requirements to be best practice but recognises that the C1 standard may be applied in some cases. The C1 status allows a person to drive a medium sized vehicle weighing between 3500kg and 7500kg with a trailer up to 750kg. She referred Members to Annex 10 which outlined the Department for Transport Best Practice Guidance for Taxi and Private Hire Vehicle Licensing. Members were asked to consider the Applicant's fitness to drive licensed hackney carriage and private hire vehicles in light of his failing to meet the DVLA Group 2 Medical Standard as a result of his medical condition but recognising that he does meet the DVLA C1 requirement. Additionally, Members were asked to determine whether any conditions were necessary should they be minded to re-instate the Applicant's Licence.

The Applicant was offered the opportunity of asking any questions. There being none, Members were given the opportunity to ask questions. A Member sought clarification regarding the DVLA Group 2 Medical Standard and DVLA C1 classification. The Officer confirmed that insulin dependant diabetics do not meet the Group 2 requirements and the Council's policy states that all Hackney Carriage and Private Hire Driver Applicant's should meet the DVLA Group 2 Medical Standard. The Committee was being asked to decide whether to go against this policy as a result of him now meeting DVLA C1 classification.

The Senior Licensing Officer outlined the difference between the DVLA Group 2 Medical Standard and the DVLA C1 classification. He explained that the Group 2 Medical Standard allowed a person to drive a bus whereas the C1 classification allowed a person to drive a vehicle up to 7500 tonnes in weight.

The Applicant was then afforded the opportunity to present his case. He commented that since he had been diagnosed he had been taking his insulin and his nurse and consultant were happy that his diabetes was under control. He ensured he carried his medication and sandwich, lucozade etc with him. He confirmed that he had passed the NVQ and BTEC certificate in taxi driving and that he had been offered a job with Almar Cars should his Licence be re-instated.

Members were offered the opportunity to ask questions of the Applicant. A Member asked him whether he was comfortable with his condition and medication. The Applicant confirmed that he injected twice a day and checked his blood sugar morning and evening and prior to driving. His eyesight was not affected by his condition and this was outlined in the report.

The Officer was then offered the opportunity to ask questions of the Applicant. She asked the Applicant to confirm that he was aware of the Best Practice Guidance in assessing applicants for a taxi or Private Hire Vehicle driver licence in accordance with the C1 classification and whether he was willing to comply with the criteria as outlined in Annex 10 of the report. The Applicant confirmed he was aware of the guidance and would comply with the criteria.

The Officer along with the Applicant was offered the opportunity of summing up their respective cases. The Officer commented that the Committee had heard how the Applicant had controlled his condition and asked Members to consider whether they were satisfied that he was fit enough to have his Licence re-instated.

RESOLVED:

That the Applicant was considered to be fit to drive a licensed Hackney Carriage and Private Hire Vehicle and his Hackney Carriage/Private Hire Driver's Licence be re-instated for one year subject to the criteria outlined in Annex 10 of the report being attached as conditions to his 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 Council's Policy as to the medical fitness required of hackney carriage and private hire drivers and to the "Best Practice Guide" issued by the Department of Transport in March 2010.

Whilst the Applicant no longer meets the DVLA Group 2 medical standard due to him being an insulin dependant diabetic, the Committee were satisfied that he has so far demonstrated he has his diabetes under control and that he will continue to ensure the condition remains under control in the future. Accordingly, the Committee is satisfied that the Applicant is now fit enough to resume driving, however, it is considered both necessary and proportionate for certain conditions (as set out above) to be attached to his licence to ensure, as far as is practicable, that the safety of the public is maintained.

CHAIRMAN

(The meeting closed at 11.20pm)