

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**WEDNESDAY, 6 SEPTEMBER, 2006**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Easton, R. (Chairman)  
Butler, R.D. (Vice-Chairman)

Allen, F.W.C.	Freeman, M.P.
Ansell, Mrs. P.A.	Holder, M.J.
Burnett, J.	Williams, B.

(Apologies for absence were received from Councillors G.D. Ball, I.R. Carr and Mrs. D. Grice).

**12. Minutes**

RESOLVED:

That the Minutes of the meeting held on 22 August, 2006 be approved as a correct record.

**13. Exclusion of 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 I, Schedule 12A, Local Government Act 1972 (as amended).

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**PART 2**

**14. Hackney Carriage Proprietors Licence – Exceptional Vehicle**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.13 of the Official Minutes of the Council).

Members agreed that it was not necessary for the procedure to be followed for consideration of this matter.

The representative of the Head of Environmental Health explained that the matter was deferred by the Licensing and Public Protection Committee on 22 August 2006 pending proof of the last 12 months maintenance and servicing for the vehicle.

The applicant had provided invoices for work carried out to the vehicle over the last 12 months and these were circulated for Members consideration.

The applicant stated that he considered the vehicle to be exceptional for its age. He had provided evidence of the work carried out to the vehicle and Members could see how much money had been spent on the vehicle to maintain it in its current condition.

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 application for a Hackney Carriage Proprietor's Licence be approved 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.
- (B) That the Hackney Carriage Proprietor's Licence be granted for 12 months from 7 September 2006.

**15. Private Hire Vehicle Licence – Exceptional Vehicle**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.5 of the Official Minutes of the Council).

The representative of the Head of Environmental Health presented the report. She advised that the application was considered at the Licensing and Public Protection Committee on 9 June 2006. At that meeting Members had resolved that the licence be granted subject to any future policy on testing and inspection and that the applicant be requested to produce the service history of the vehicle for inspection by officers and Members of the Committee.

She stated that the information had been provided by the applicant and was produced at Annex 2 of the report.

The applicant, along with Members of the Committee were afforded the opportunity to ask questions of the Council's representative. There being no questions the applicant was given the opportunity of presenting his case and he thanked Members for granting the licence for the vehicle.

Members of the Committee were given the opportunity of asking questions of the applicant. There being none the representative of the Head of Environmental Health was then offered the opportunity of asking questions of the applicant. She asked the applicant whether the information he had provided was the full service history of the vehicle. He advised that the information provided was a receipt for the work undertaken on the vehicle since he had purchased it in September 2005. The vehicle had undertaken 4,000 miles since purchasing it and was shortly due for another service.

The representative of the Head of Environmental Health and the applicant were offered the opportunity of summing up their cases.

Prior to deliberating in private all parties were present to clarify a number of issues. A member asked whether the officer was happy with the service history that the applicant had provided. The officer stated that when the application was considered by the Committee on 9 June 2006 the applicant had advised that his accountant had died and legal difficulties were being experienced in obtaining the service history. The Committee had resolved to grant the licence and asked that the service history be produced for inspection by Officers and Members of the Committee.

The Officer confirmed that with effect from 1 October 2006 there would be a 6,000 mile service interval for stretch limousines as a condition of licence.

The Committee then deliberated in private accompanied by the Council's Legal Advisor and Secretary to the Committee.

RESOLVED:

- (A) That the service history provided by the applicant be noted and the Private Hire Vehicle Licence continue until its expiration.
- (B) That the Applicant provide a copy of the first 6,000 mile service to the Council's Licensing Department

(Councillor M P Freeman requested that his name be recorded as having voted against this decision).

## 16. Hackney Carriage Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.40 of the Official Minutes of the Council)

The representative of the Head of Environmental Health presented the report. The application for Hackney Carriage Driver's Licence had been made by the applicant but had not been granted as there was reason to suspect the applicant had been unlawfully operating for hire and reward since his last Licence had expired. In addition there was concern regarding inaccurate and misleading information supplied on his most recent application.

The applicant had paid the licence fee of £62.00, his DVLA Driving Licence was valid until 17 February 2015 and he had a satisfactory medical assessment on 8 May 2006 with a 3 year review. The applicant had no criminal convictions and his current driving convictions were outlined on Enclosure 7.2 of the report.

She stated that the application was made on 7 April 2006 and the applicant had failed to provide two proofs of address that were required to process his criminal record check. The applicant had also failed to answer the question on his application which asked whether within the past 12 months there had been any medical reasons why he could not undertake the full range of hackney carriage duties. He was therefore asked to attend the offices to discuss these matters. He advised that he did not have any proofs of address as he was lodging with a friend. He further advised that he had suffered a pulmonary embolism and admitted into hospital in January 2006. He also supplied two documents giving his current address as that of his friends address and his criminal record check was processed. Enquiries with the Council Tax Department showed that the applicant had never been registered as residing at the address given.

On 19 April 2006 a complaint was received from a licensed Hackney Carriage Driver alleging that the applicant was operating in the area for hire and reward in an unlicensed vehicle. It was also alleged that the applicant was doing a regular pick up and drop off from an address in Heath Hayes. The friend who the applicant had been lodging with advised officers that the applicant had not lived at his property since January 2006 and informed the officers of his new address in Heath Hayes.

A further complaint was received on 24 April 2006 alleging that the applicant was still unlawfully conveying persons for hire and reward.

On 28 April, 2006 an officer observed the applicant at an address in Heath Hayes, he sounded the vehicle's horn, picked up a female and dropped her off at an address in Cannock.

On 24 and 25 May 2006 an officer noted the applicant with two female passengers in the

rear of the vehicle in Rugeley.

Furthermore, on 28 May 2006 a licensed Hackney Carriage driver advised that he had seen the applicant dropping off customers outside a pub in Cannock Town Centre earlier that evening.

The officer's statement is given at Annex 6.

The applicant attended a P.A.C.E. interview on 5 June 2006. He advised officers that he was currently unemployed and that he had been conveying people in his vehicle as a favour or an act of friendship. A copy of the transcript is given at Annex 7.

On 4 July 2006 a further complaint was received from another licensed Hackney Carriage Driver alleging that the applicant was operating an unlicensed vehicle for hire and reward. The statement of the complainant is attached at Annex 8. An anonymous complaint was also received on the same day in respect of the same matter.

She further advised that the applicant had previously been referred to the Licensing and Public Protection Committee on 1 March 2005 and 12 July 2005 and the details of those meetings were attached at Annex 9 and 10.

On 25 August 2006 a letter was received from the applicant's Solicitor denying the allegations of driving without a valid Hackney Carriage Driver's licence and making comments as to the conduct of the Council in respect of the matter. A copy was attached at Annex 11.

She explained that Members were being asked to determine whether the applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence.

The applicant was then afforded the opportunity of asking questions of the Council's representative. There being none, Members were afforded the opportunity of asking questions of the officer.

In response to a question from a Member, the Council's representative advised that the applicant was sent a letter on 9 November 2005 advising that his licence would expire on 31 December 2005. As no response was received a further letter was sent to the applicant on 3 January 2006 advising that his licence had expired and requesting the return of the badge.

It was confirmed that the address on his application form submitted on 7 April 2006 was the address where he had been lodging with a friend and this was the address where the above letters had been sent.

The applicant was then given the opportunity to put his case. He stated that he had not applied for his Hackney Carriage Driver's Licence in November 2005 as he had planned a visit abroad for 6 weeks on 11 January 2006. However on 1 January 2006 he had been taken ill and had spent 10 days in hospital. He had convalesced at his girlfriend's house. However, on the date he submitted his licence application he had returned for 2 weeks to his friend's house where he had been lodging because of an argument with his girlfriend.

He denied all allegations of illegally plying for hire. He had taken his daughters to a friend's house in Rugeley and had been dropping friends off at various locations but had

received no money for this.

He commented that, on occasions, he had been rewarded with flights and holidays for giving his friends a lift. However, he had not been rewarded since his Hackney Carriage Driver's Licence had expired on 31 December 2005.

He informed Members that he was not out of work as he had been undertaking building work since May 2006 and therefore it had not been necessary to convey passengers for hire or reward.

Members of the Committee were then given the opportunity of asking questions of the applicant. A Member questioned why the applicant had not brought along any witnesses to the meeting to support his case. The applicant stated that it was due to the short notice of the meeting. The Council's representative informed the Committee that she had telephoned and left a message on the applicant's mobile phone on 25 August 2006 advising him of the date of the Committee.

A Member questioned the applicant's previous offence of driving without insurance in April 2005. The applicant advised that he was travelling to get a loan in order to pay for the insurance on the vehicle when he was stopped by the Police. He confirmed that his Hackney Carriage Driver's Licence had been suspended at the time of the offence. He stated that he could not remember the date that the insurance expired on the vehicle. The representative of the Head of Environmental Health advised Members that confirmation of the expiry of the insurance would be provided during the meeting.

The representative of the Head of Environmental Health was then afforded the opportunity of asking questions of the applicant. She asked the applicant to explain why he had not answered the question on the application form which asked whether there was any medical reason why he could not undertake the duties of a Hackney Carriage Driver. The applicant stated that it had slipped his mind.

She asked the applicant to advise the Members of his current insurance use and he stated that he had insurance for social, domestic and pleasure purposes only.

She asked the applicant to state whether his friends rang him to request a lift and he advised that he was normally with his friends when providing them with a lift.

The Council's Solicitor asked the applicant to confirm which of the addresses he considered to be his main and principle home now and at the time of the application. The applicant stated that his address at the present time was the one he notified officers of on 7 August 2006 (as outlined on Enclosure 7.1 of the report). In April, at the time the application was made, he confirmed that he considered that his main home to be the address where he had been lodging with a friend.

The representative of the Head of Environmental Health then confirmed that the Insurance cover note on file was valid from 6 November 2004 to 6 February 2005. There was another cover note valid from 15 July 2005 to 15 October 2005. She also confirmed that the insurance broker had stated that the Insurance documents would not be released to the applicant until sight of his DVLA licence had been seen.

The representative of the Head of Environmental Health was offered the opportunity of summing up the Council's case. She stated that the matter was a fairly complicated one

and the applicant had now been before the Licensing and Public Protection Committee on three occasions.

There had been 4 complaints regarding the applicant unlawfully operating as a taxi. The applicant had stated in the P.A.C.E. interview that he had accepted favours for giving his friends lifts. However, the applicant claimed that he had received no favours since being unlicensed. She stated that under legislation accepting a favour, for example, a holiday, could be seen as a reward.

The applicant's insurance was for social, domestic and pleasure purposes only and if he was operating as a taxi he should be insured for hire and reward purposes as well. There was conflicting information regarding the application and Members should consider whether he was a fit and proper person to hold a Hackney Carriage Driver's Licence.

The applicant was then offered the opportunity of summing up his case. He stated that he denied all the allegations made against him. He may have given friends a lift as a favour and the friends may occasionally return the favour. However, he did not class this as a reward.

Prior to deliberating in private all parties were present to clarify a number of issues. A member asked the applicant to clarify whether he had operated his vehicle as a taxi during the period he was not insured. The applicant stated that he had not been working as a taxi during that period.

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 Driver's Licence be refused as the Committee was not satisfied that the applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence.

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CHAIRMAN