

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING/PUBLIC PROTECTION COMMITTEE**

**FRIDAY, 2 MARCH, 2007**

**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

PRESENT: Councillors

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

Ball, G.D.	Grice, Mrs. D.
Carr, I.R.	Holder, M.J.
Davies, D.N.	
Freeman, M.P.	

(Apologies for absence were received from Councillors F.W.C. Allen, Mrs. P.A. Ansell, J. Burnett, R.C. Turville and B Williams).

**29. Minutes**

RESOLVED:

That the Minutes of the meeting held on 21 December 2006 be approved as a correct record.

**30. 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.

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**LICENSING/PUBLIC PROTECTION COMMITTEE**  
**FRIDAY, 2 MARCH, 2007**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 2**

**31. Hackney Carriage Driver's Licence**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.15 of the Official Minutes of the Council).

The Applicant and his Representative attended the meeting to present the Applicant's case.

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. She examined the applicant's DVLA Driving Licence and confirmed that it was identical to that produced at Annex 2.

The Applicant, along with Members of the Committee, were afforded the opportunity to ask questions of the Officer. In response to a question from a Member, the Officer outlined the requirements of the knowledge test which new applicants now had to undertake. A Member asked for clarification as to the Council's policy relating to the relevance of convictions with regard to an applicant remaining free of conviction for 3 to 5 years. The Officer explained that Members should have regard to the policy but each case should be judged on its merits. The Committee had discretion regarding an applicant being free of conviction for 3 to 5 years having regard to the seriousness of the conviction.

The Council's Solicitor sought clarification as to why the Applicant's DVLA Driving Licence expired in 2014 bearing in mind he was only 22 years old. At this stage in the proceedings this issue could not be explained.

The Applicant and his representative were then afforded the opportunity of presenting the Applicant's case. His representative advised that with regard to the Applicant's conviction on 18 December 2003, the Applicant was only 19 years old. Having regard to the Council's policy relating to the relevance of convictions and an applicant remaining free of conviction for 3 to 5 years, the Committee would have discretion as the conviction was over 3 years ago. The Applicant was given a nominal sentence of a £60 fine.

He then read out a statement on behalf of the Applicant outlining the circumstances surrounding the conviction. The statement outlined the circumstances that led up to the Applicant witnessing an incident involving a member of the public and a Police Officer. The Applicant had spoken to the Police Officer whilst he was trying to restrain the individual concerned and this technically meant that he was obstructing the Police Officer. The Applicant's Representative stated that, should the Committee be minded to grant a licence to the applicant it would be for a period of 8 months (until October 2007) and further consideration would then have to be given to his application for renewal. The Applicant was unemployed at present and granting him a licence would give him the opportunity of steady employment. He asked that Members considered the application favourably.

Following this, Members of the Committee were given the opportunity of asking questions of the Applicant and his Representative.

A Member asked the Applicant to explain the circumstances surrounding the caution on 20 August 2005. The Applicant explained that he and a group of friends were walking from Weston Park along the A5. They were stopped by a Police Officer and he was found with a pair of pliers in his pocket. He was then cautioned for going equipped for burglary.

A Member then asked the Applicant to explain to the Committee why he considered he should be granted a licence in view of his past convictions/cautions and his apparent disregard for authority. The Applicant's Representative stated that the Applicant's current conviction was over 3 years ago when he was 19 years old. In those 3 years he had matured. The Applicant stated he realised he had made mistakes and he had learned not to get involved in any incidents.

A Member sought clarification regarding the caution on 20 August 2005 and asked whether the Applicant had been advised to admit guilt in order to receive the caution as opposed to going to court and being prosecuted. The Applicant stated that he explained to the Police Officer the reason he was carrying the pliers and was advised by the duty Solicitor to accept the caution.

In response to a question, the Applicant's Representative explained that he had known the Applicant's family for 10 years and the applicant for 2 years and had worked with his father as a taxi driver. The company willing to offer the Applicant a job were responsible and would ensure he had support as they worked with a two-way radio system.

The Chairman asked the Applicant to confirm that he was aware that taxi driving was a responsible job. The Applicant stated that he was now more mature and was aware that should he be involved in any trouble he risked having a jail sentence.

The Chairman sought clarification regarding the reason the Applicant's DVLA driving licence expired in 2014 and asked that the Committee be provided with further information regarding this issue.

The Officer was then offered the opportunity to ask questions of the Applicant and his Representative. In response to a question the Applicant's Representative confirmed that the Applicant was not employed at the time he completed the application form and that he intended to work full time should he be successful in obtaining his licence.

The Officer asked how the Applicant would deal with difficult situations that may arise whilst undertaking his duties as a taxi driver.

The Applicant's Representative explained that the taxi company who would be employing the Applicant used a two-way radio system. Young drivers were offered assistance with difficult customers and were told not to pick up drunken passengers but to advise customers that a taxi would be sent to collect them.

Following this the Officer was offered the opportunity of summing up the Council's case. She stated that the Committee had heard the submissions of the Applicant's Representative on behalf of the Applicant. She asked the Committee to consider that, should a licence be granted to the Applicant, he would be able to drive a taxi for any company or for himself without the support being offered by company prepared to offer the Applicant a job. The protection of the public was considered important to the Licensing Authority.

The Applicant and his Representative were then afforded the opportunity to sum up the Applicant's case. He stated that the Committee were aware of the Applicant's conviction for which he had been fined. Should the Committee be minded to grant a licence the Applicant would be willing to have his renewal application referred back to the Committee in October 2007 for consideration. He asked that the Committee grant a licence to the Applicant and this would assist him in becoming more mature and provide him with employment.

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

During the deliberations it was necessary for the Committee to recall all parties to clarify a point of uncertainty. The Committee sought clarification that should the licence be granted to the Applicant, he would formally agree that he had no objection to the renewal application being submitted to the Committee for determination at the appropriate time. The Applicant confirmed that he would have no objection. At this point in the proceedings the Officer confirmed that the reason the Applicant's DVLA Driving Licence expired in 2014 was because it was a photocard and these were updated every 10 years.

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

RESOLVED:

- (A) That the application for a Hackney Carriage Driver's Licence be granted as the Committee was satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence.
- (B) That the Hackney Carriage Driver's Licence expire on 31 October 2007.

(The Applicant formally agreed that his renewal application would be submitted to the

Licensing and Public Protection Committee for consideration at the appropriate time (subject to any suspension, revocation or surrender of the licence)).

### 32. Hackney Carriage Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.16 of the Official Minutes of the Council).

The Applicant attended the meeting to present his case supported by his Representative.

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. She examined the Applicant's DVLA Driving Licence and confirmed that it was identical to that produced at Annex 3.

The Applicant, along with Members of the Committee, were offered the opportunity to ask questions of the Officer. In response to a question from a Member, the Officer confirmed that the Applicant had been granted a licence between 24 April 2001 and 31 August 2001 and although the Applicant had been invited to renew, no renewal application was submitted.

The Applicant was then afforded the opportunity of presenting his case. He outlined the circumstances surrounding his conviction on 24 November 2003 explaining that he had worked four shifts for a security company over the Christmas period whilst claiming benefit. The money he had been paid had been refunded to Social Services.

He had 3 children to support and needed to obtain employment. He explained that the reason he did not attend the Licensing and Public Protection Committee on 7 May 2004 was because he had been offered alternative employment. He had telephoned the Council to advise that he would not be attending the meeting. However, the Council's Licensing Department do not recall receiving the call.

He stated that he was usually a law-abiding person who had no major convictions. The Applicant's Representative confirmed that he had known the Applicant for 10 years and he was applying for a licence as his marriage had broke up and he shared the children with his ex wife. He needed the flexibility of hours that the taxi company could offer him in order to be able to look after his children.

The Council's Solicitor sought clarification regarding the motoring conviction on 15 June 2004 as she considered the £100 fine to be excessive. The Applicant confirmed that he had been caught on camera driving 35 in a 30 zone and had been issued with a Fixed Penalty.

Following this, Members of the Committee were given the opportunity of asking questions of the Applicant. In response to questions from Members, the Applicant confirmed that he was employed as a lorry driver but was now unemployed. He further confirmed that he had not applied for the renewal of his licence after August 2001 due to gaining better paid employment.

The Officer was then offered the opportunity to ask questions of the Applicant. The Officer stated that the motoring offence was committed on 20 October 2003 but the Applicant had been convicted on 15 June 2004. She sought clarification regarding the fine of £100 which she suggested may not have been a Fixed Penalty. In response, the Applicant stated that he could not think of a reason why he was fined £100.

The Officer then sought clarification regarding the Applicant's previous employment as a lorry driver. The Applicant explained that he worked as a lorry driver full time for 3 months driving 180 miles per day. His contract was terminated as the company were aware he had applied to work as a taxi driver. The Officer stated that the Applicant had undertaken a significant amount of driving during this period and had not been caught for any motoring offences.

The Officer was then offered the opportunity to sum up the Council's case. She advised that the Committee would have to decide if the Applicant was a fit and proper person to hold a licence taking into account his convictions. Consideration should be given to the protection of the public.

The Applicant then summed up his case by stating that he needed to gain employment in order to support his family and home. He had been offered a job should he be successful in gaining his licence. He understood that he would have to follow the guidelines and respect the public and law of the roads.

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

RESOLVED.

- (A) That the application for a Hackney Carriage Driver's Licence be granted as the Committee was satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence.
- (B) That the Hackney Carriage Driver's Licence expire on 31 August 2007.

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CHAIRMAN