

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., MONDAY 1 JUNE 2009
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Bennett, K. L. (Chairman)
Williams, Mrs. P. (Vice-Chairman)

Burnett, J. Holder, M. J.
Green, M. R. Todd, Mrs. D. M.
Grice, Mrs. D.

(An apology for absence was received from Councillor F.W.C. Allen).

1 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 I, Schedule 12A, Local Government Act 1972.

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PART 2

2. Referral by Head of Environmental Health of Hackney Carriage Driver

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 4.1 – 4.13 of the Official Minutes of the Council).

The driver attended the meeting to present his case, together with 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 advised that the driver had been convicted of an indecent exposure offence at Wolverhampton Crown Court on 25 February 2009 and his Hackney Carriage/Private Hire Drivers' Licence had subsequently been suspended and remained so. The Court on 6 April 2009 had sentenced the driver to undertake 150 hours of Community Service and pay £1,000 in court costs.

Members were asked to determine whether the driver remained a fit and proper person to hold a Hackney Carriage/Private Hire Drivers' Licence.

When afforded the opportunity to ask questions of the Officer, the driver and his representative indicated that they had no questions.

Members of the Committee were then afforded the opportunity of asking questions of the Officer who indicated that they had no questions.

The driver was then asked to present his case. Members were informed that the driver had a number of references from passengers to support his case which had been circulated with the agenda which stated that they felt safe in his presence and found him to be polite and helpful. The representative reported that the incident was an isolated matter which the driver regretted and he was serving his community service. The offence had occurred approximately 20 yards away from the witness who had reported the matter. The driver had been punished by the Court for the offence and by revoking or suspending his licence he would be further punished.

The driver was a married man and had not been convicted of any other criminal offence. If his licence was revoked he would be unable to pay his mortgage.

Members were then afforded the opportunity to ask questions of the driver and his representative. Members were informed by the driver's representative that the people who had supplied the references had been aware that he had been found guilty of indecent

exposure. Members were concerned that the driver had written to the Licensing Authority in April 2009 strongly denying the allegation and were informed that he had asked for it to be heard by the Crown Court and had pleaded not guilty. However, the driver accepted that he had been found guilty of the offence and respected the Court's decision. He had asked his representative if he could appeal against the decision, but had been informed that there were no grounds on which this could be based.

The Officer of the Licensing Authority indicated that she had no questions to ask the driver or his representative as the Committee had asked the questions she had in mind to ask.

The Officer then summed up the Council's case.

The driver and his representative were then afforded the opportunity to sum up their case.

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

RESOLVED

That, having regard to the evidence and explanations of the driver relating to the circumstances of his conviction for indecent exposure together with the details placed before it by the Licensing Officer, the driver's license be revoked for a period of 3 years from the date of this decision as it is considered that he is not a fit and proper person under S59(1) of the Local Government (Miscellaneous Provisions) Act 1976 to hold a Hackney Carriage/Private Hire Drivers licence.

Reasons for the Decision

The Committee considered that this was a difficult case to decide. It had listened to the driver's representations, and considered the circumstances behind his conviction on 6 April 2009, and his referees' willingness to confirm their testimonies in writing. The Committee had also equally weighed up all details and facts placed before it by the Licensing Officer and the driver.

The Committee stated that in coming to a decision it had carefully considered the wider issues of public safety and confidence as well as the Council's policy statement relating to the relevancy of convictions. They had come to a unanimous decision to revoke the driver's Hackney Carriage/Private Hire Vehicle license with immediate effect, because it did not consider him to be a fit and proper person as provided for under Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976.

CHAIRMAN