

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
THURSDAY 1 MAY 2014 AT 2.00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT:
Councillors

Dudson, A. (Vice-Chairman – in the Chair)

Allen, F.W.C. Fisher, P.A.

Anslow, C. Snape, P. (substituting for Sutherland, M.)

Bottomer, B. Todd, Mrs. D.M.

59. Apologies

Apologies for absence were received from Councillors Mrs. P.Z. Stretton (Chairman), J.D. Bernard and M. Sutherland.

Councillor P. Snape was in attendance as Councillor M. Sutherland's nominated substitute.

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

No Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

61. Minutes

RESOLVED:

That the Minutes of the meeting held on 7 April, 2014, be approved as a correct record and signed.

62. Licensing Sub Committee

RESOLVED:

That the Minutes of the Licensing Sub Committees held on 1 and 3 April, 2014 be noted.

63. 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

64. Application for Hackney Carriage/Private Hire Drivers' Licence

Consideration was given to the Not for Publication report of the Head of Environmental Health (Enclosure 6.1 – 6.12 of the Official Minutes of the Council).

The Applicant did not attend the hearing. The Committee decided to hear the application in his absence.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration.

The Members of the Committee were then offered to opportunity to ask questions to the Officer of the Licensing Authority.

The Officer of the Licensing Authority was offered the opportunity to sum up his cases.

The Officer of the Licensing Authority then left the room in order that the Committee could deliberate in private, accompanied by the Council's Legal Adviser and Secretary to the Committee.

Following deliberation, the Officer of the Licensing Authority returned to the meeting, and the Chairman read out the decision of the Committee:

RESOLVED:

That the application for a Hackney Carriage/Private Hire 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/Private Hire Drivers' Licence in view of him being unsuccessful in passing the Knowledge Test on six separate occasions.

Reasons for the Decision

- 1 The Committee has carefully considered all relevant factors, issues and the report presented on behalf of the Head of Environmental Health. Due regard has also given to the provisions of Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 and to the Council's

Taxi Licensing Policy.

- 2 The Committee is of the view that the Applicant's repeated failure to pass the Council's Knowledge Test shows that he has been unable to meet the minimum requirements to justify the granting of a licence. The Applicant was not present at the meeting to make any submissions as to why he ought to be licensed.
- 3 The Committee acknowledges that each case should be considered on its merits and that the Committee is able to exercise its discretion when considering new licence applications. However, there is no good reason in this instance for it to depart from the Council's Taxi Licensing Policy.

65. Application for a Hackney Carriage/Private Hire Drivers' Licence

Consideration was given to the Not for Publication report of the Head of Environmental Health (Enclosure 7.1 – 7.17 of the Official Minutes of the Council).

The Applicant along with his representative attended the hearing. The Chairman invited all those present to introduce themselves and outlined the procedure to be followed at the Hearing. All parties confirmed their understanding of the procedure.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration.

The Council's Legal Adviser explained that, in accordance with the *Admanson v. Waveney District Council* case (1997) whereby Local Authorities can take into account convictions which are strictly relevant to the application being sought, he asked the Committee to consider whether they wished to see details of the Applicant's spent convictions and determine whether they were relevant.

The Committee decided that they wished to be informed of the applicant's spent convictions. Accordingly, the Officer of the Licensing Authority, the Applicant and his representative left the room in order that the Committee could be informed of the spent convictions.

Following deliberation, the Officer of the Licensing Authority, the Applicant and his representative returned to the meeting. The Committee decided that the spent convictions should be admitted as they were relevant to determining the application.

The Applicant and his representative were then offered the opportunity to ask questions of the Officer of the Licensing Authority.

The Members of the Committee were then offered to opportunity to ask questions of the Officer of the Licensing Authority.

The Applicant's representative then presented the Applicant's case to the Committee.

The Officer of the Licensing Authority and Members of the Committee were then offered the opportunity to ask questions to the Applicant and his representative.

The Officer of the Licensing Authority and the Applicant's representative were offered the opportunity to sum up their cases.

The Officer of the Licensing Authority, the Applicant and his representative then left the room in order that the Committee could deliberate in private, accompanied by the Council's Legal Adviser and Secretary to the Committee.

Following deliberation, the Officer of the Licensing Authority, the Applicant and his representative returned to the meeting, and the Chairman read out the decision of the Committee:

RESOLVED:

That the application for a Hackney Carriage/Private Hire Drivers' Licence be refused as the Committee was not satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Drivers' Licence.

Reasons for the Decision

- 1 The Committee has carefully considered all relevant factors, issues and the submissions made by the applicant and his legal representative. Due regard has also been given to the provisions of Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 and to the Council's Taxi Licensing Policy.
- 2 In reaching its decision the Committee decided to admit all of the applicant's spent convictions after having considered them in accordance with the test set down in the case of *Admanson v. Waveney District Council* (1997).
- 3 The Committee is not satisfied that the applicant is a fit and proper person as his honesty and integrity has been put into question due to:-
 - (i) The applicant failing to disclose on his application form that he had previous criminal convictions;
 - (ii) The previous convictions, whilst being spent, are relevant as they are for motoring offences;
 - (iii) The applicant has had his licence suspended in the past for plying for hire which indicates a disregard for public safety;
 - (iv) The applicant was seen to use crib notes whilst sitting one of the Council's Knowledge Tests.

The meeting closed at 4.00 pm.

CHAIRMAN