

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., THURSDAY 27 JANUARY, 2011
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors

Allen, F.W.C. (Chairman)

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

32. Apologies

Apologies for absence were received from Councillors R. Easton, J. Burnett and Mrs. P. Williams.

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

No Interests were declared.

34. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committee held on 15 December, 2010 be approved as a correct record.

35. Licensing of Sexual Entertainment Venues

Consideration was given to the Report of the Director of Service Improvement (Enclosure 4.1 – 4.9 of the Official Minutes of the Council).

RESOLVED:

That Council be recommended to:

- (A) Adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) in relation to the licensing of sexual entertainment venues.
- (B) Delegate the determination of sexual entertainment venues to the Licensing and Public Protection Committee where there are relevant objections or otherwise to the Director of Service Improvement or nominees including all related enforcement matters.

- (C) Approve the following fees and charges for sexual entertainment venue licences from 1 April, 2011 and that these to be subject to annual review by the Director of Service Improvement or nominee.

(i)	application for the grant of licence	£2,480
(ii)	fee on grant of licence by Licensing & Public Protection Committee	£ 350
(iii)	renewal of licence	£2,480
(iv)	major variation to licence	£1,240
(v)	minor variation to licence	£ 600
(vi)	transfer of licence	£ 600

- (D) Undertake the statutory advertising of the Resolution to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by Section 27 of the Policing and Crime Act 2009 with a commencement date of TBA.

36. 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

37. Application for a Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.38 of the Official Minutes of the Council).

Prior to commencement of the hearing, an additional letter of support was circulated to all Members of the Committee.

The Applicant and his representatives attended the Hearing to present the Applicant's case.

The Licensing Authorities witness was also present.

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. He advised that concerns had been raised regarding the Applicant's driving history and current driving behaviour, despite the previous intervention by the Licensing Authority. The Officer also referred to current and spent criminal convictions and current and spent motoring convictions.

The Applicant was then afforded the opportunity to ask questions of the Officer of the Licensing Authority. The Applicant's representative advised that he and his colleague were both members of the Taxi Association and both understood the issues facing the Applicant. They asked Members of the Committee to think about imposing some form of suspension or penalty rather than revoking his licence and losing his livelihood. The Chairman then advised the Applicant's representative that he and the Applicant would have the opportunity to state their case further into the proceedings.

The Officer of the Licensing Authority then called his witness and asked him to recall the incident regarding the Applicant driving in the pedestrian area in Cannock Town Centre. The witness advised the Committee that he was now based in Rugeley but at the time of the incident he was stationed in Cannock. He stated that on the evening in question he was liaising with staff at a licensed premise within the Town Centre when he witnessed a vehicle driving through the town centre, upon stopping the vehicle the driver confirmed his details and it was noted that he was also wearing a taxi badge. The witness advised that the driver had stated that he had just dropped off two passengers and one was a disabled passenger. However, the witness stated that he could see no passengers so he therefore contacted the CCTV operator to verify this. The witness stated that he asked the driver if the disabled customer had been a booking and he stated that it was, he was then joined by a Licensing Officer who advised him that a booking would have a name, address and contact number. At this point the driver advised that he was busy and 'to just give him a ticket'. The witness stated that he did not want to give the driver a ticket if he was dropping off a disabled passenger, however CCTV footage had shown that two passengers were dropped off and neither

were disabled passengers. The witness then referred to Annex 7 of the Report and stated that he was aware that the Applicant had been interviewed by the Licensing Authority and the comments made under caution, and advised the Committee that a number of other drivers had also been issued with fixed penalty notices and he was in no way targeting one person.

Members of the Committee were then afforded the opportunity to ask questions of the Applicant and/or his representatives. A Member asked the Officer of the Licensing Authority what additional action could be taken against the Applicant. The Officer of the Licensing Authority advised that the Committee could revoke the licence, suspend the licence or do nothing.

The Officer of the Licensing Authority was then afforded the opportunity to ask questions of the Applicant. There being none the Applicant and/or his representatives were afforded the opportunity to put the Applicant's Case.

The Applicant's representative asked the Committee to consider some form of punishment rather than revoking the Applicant's licence. The Applicant's representative then asked for the Committee's indulgence whilst he provided some background information to the Applicant's current motoring convictions. He advised that the CU80 was received due to the Applicant using his mobile phone on a petrol station forecourt with his engine still running. Although at the time he had received a phone call with regard to his mother being ill. The SP30 was received due to a passenger changing their mind on their destination, which resulted in the passenger arguing about the fare and subsequently, the Applicant went through a speed camera exceeding the speed limit. The CD10 was received due to a cyclist going into the taxi. It was noted that the cyclist had no reflective clothing on. The TS10 was received due to a passenger being under the influence of alcohol and when woken up, she tried to jump out of the taxi at the destination. The Applicant tried to restrain her and consequently, failed to comply with the traffic light signals and went through a red light. The Applicant's representative advised that the Applicant had been through a lot over the past 6 months and was trying to cope with his mother, sister and the breakup of his son's marriage.

Members of the Committee were then afforded the opportunity to ask questions of the Applicant. A Member commented that although the Applicant had personal problems there was still a list of offences that had occurred and also referred to the lies that were told to the Police with regard to driving through a pedestrian area. The Applicant advised that he had told the lie as he did not wish to get any further fines or points. The Member stated that his main concern was for public safety and lying to the Police had just made things worse.

Both the Officer from the Licensing Authority and the Applicant and his representatives were afforded the opportunity to sum up their respective cases.

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

RESOLVED:

That, having regard to all the circumstances, and the offences committed by the Applicant, the Applicant's Hackney Carriage/Private Hire Driver's Licence be suspended for a period of 21 days with immediate effect.

Reasons for the Decision

The Committee carefully considered all the relevant factors, issues and the responses given by the licence holder and his representatives, together with the submissions made by the witness.

The Committee expressed great concern as to the Applicant's past driving history and in particular the incident on 4 April 2010 when he had blatantly lied to the Police. The Committee did not feel that it was appropriate to revoke the Applicant's licence at this stage as Members were impressed by the letters of support which had been submitted on his behalf and to the spokesmen who had attended the meeting with the Applicant. However, the Committee considered that it was both reasonable and proportionate to suspend his licence for a period of 21 days due to his past driving record and his two most recent convictions from 2010.

The Applicant was warned by the Committee as to his future conduct. If he was brought back to the Committee for any transgressions in the future then the Committee would take a more serious view. It was hoped that by serving a suspension the Applicant would realise the importance of ensuring he conducts himself in the right manner in the future, as the protection of the public must always be the number one priority.

CHAIRMAN

(The meeting closed at 11.45 a.m.).