

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., FRIDAY 16 JULY, 2010
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Allen, F.W.C. (Chairman)
Grice, Mrs. D. (Vice-Chairman)

Ansell, Mrs. P.A.	Williams, Mrs. P.
Burnett, J.	Yates, Ms. W.

9. Apologies

Apologies for absence were received from Councillors G. Adamson, J.D. Bernard, R. Easton and M. Sutherland.

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

No interests were declared.

11. Exclusion of the Public

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).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., FRIDAY 16 JULY, 2010
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 2

12. 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Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 4.1 – 4.14 of the Official Minutes of the Council).

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

The Chairman then invited all those present to introduce themselves.

The Environmental Health Manager presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. She advised that the application for a Hackney Carriage Proprietor's Licence had been made by the Applicant on 6 January, 2010. The application was first referred to the Committee on 29 June, 2010 however it was agreed to defer the matter at the request of the Applicant's Solicitor.

The Applicant and Members of the Committee were then afforded the opportunity to ask questions of the officer from the Licensing Authority. The Applicant's representative and Members of the Committee confirmed they had no questions to ask the Officer. There being none the Applicant was asked to present his case.

The Applicant's representative stated that the Applicant's case had already been submitted by letter. This being the case Members of the Committee were then afforded the opportunity to ask questions of the Applicant. A Member of the Committee asked the Applicant if he understood the rules and regulations in respect of the 'knowledge test' which he had recently passed, and was keen to know why he wished to apply for a licence in the District. The Applicant confirmed he understood both the rules and regulations in respect of the 'knowledge test' and also stated that he had worked in an area of Walsall for many years and wished to now work in the Cannock area. A Member asked the Applicant if all of his children were in full time education. The Applicant stated that they were.

The Officer from the Licensing Authority was then afforded the opportunity to ask questions of the Applicant. The officer referred to the Enhanced Disclosure issued by the Criminal Record Bureau (CRB) and asked the Applicant if he would be taking his concerns further regarding the information supplied by the Chief Officer of the Police. The Applicant's representative advised the Committee that he would be challenging the Chief Officer due to the inaccuracy of the information received. He also advised that due to the private nature of the family proceedings, he could not disclose all information with the Committee without a court order. The Officer then referred to the Applicant's driving history and the number of points that had been accumulated over a period of time and asked if he had received any points when licensed with the neighbouring Authority. The Applicant stated that he had, although some dated back to October 2002 and would now be spent. The Officer asked if there were any passengers on board his vehicle when any of the motoring offences occurred. The Applicant provided the Committee with information. At this point the Applicant's

representative stated that the Applicant was currently licensed with a neighbouring Authority and all of the issues had been addressed. Following agreement from the Chairman the Applicant's representative proceeded to circulate the Minutes from the neighbouring Authorities Licensing Committee held on 6 August, 2006. Members then perused the Minutes and asked if there had been any suspensions. The Applicant's Solicitor advised that there had been a misuse suspension for 2 months and a suspension in June 2007 for 2 months in which a penalty was received from the Licensing Committee.

The Officer from the Licensing Authority was afforded the opportunity to sum up the case. The Officer stated that concern was raised when the Enhanced Disclosure was issued by the Criminal Record Bureau. She stated that it would have been in the interest of the Applicant to have reported the incident involving his daughter to the Police given that taxi drivers would at times be put in situations which must be reported. She referred to the Applicant's driving history and in particular the number of points that had accumulated over less than 8 years which raised concern with how the Applicant would drive in the future if licensed by the Authority.

The Applicant and his representative were afforded the opportunity to sum up the Applicant's case. The Applicant's representative stated that the Applicant was a fit and proper person to hold a licence and currently held one with a neighbouring Authority. He stated that the Applicant did have previous motoring convictions however he had accepted this and received the necessary penalties for them. He advised the Committee that the Applicant had been a taxi driver since 1998, had passed the appropriate tests and had also received 2 character references. He stated that some of the issues arising from the Enhanced Disclosure had been dealt with and the perpetrator of the crime was now in prison, although the family had been suffering from the wider community as a result of supporting their daughter. Furthermore, he stated that the Applicant wished to make a new start with his family.

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

At this point Members of the Committee wished to ask a question of the Applicant, therefore all parties were recalled.

The Council's Legal Advisor asked at what stage the Applicant was at in relation to the appeal regarding the Enhanced Criminal Record Bureau check. The Applicant's representative stated that they were at the initial stage. The Council's Legal Advisor then asked if the neighbouring Authority currently licensing the Applicant was aware of the appeal in respect of the CRB decision. The Applicant's representative was unsure given that a separate department was reviewing information.

The Committee then deliberated in private.

RESOLVED:

That, having regard to all the circumstances, the application for a Hackney Carriage Private Hire Driver's Licence be refused due to the absence of CRB verification and the previous driving record which demonstrated the lack of consideration for passenger safety.

Reasons for the Decision

The Committee considered all the documents presented prior to the hearing and considered the oral representations made by and on behalf of the Applicant, as well as the representations made on behalf of the Licensing Authority. Members gave due regard to the Council's Licensing Policy and the Committee unanimously determined that the Applicant was not a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence, and therefore refused the licence.

CHAIRMAN