

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON TUESDAY, 6 DECEMBER, 2011 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors

Snape, P.A. (Chairman)

Allen, F.W.C.	Fisher, P.A.
Burnett, J.	Grice, Mrs. D.
Easton, R.	Williams, Mrs. P.

1. Apologies

Apologies for absence were received from Councillors Mrs. S.M. Cartwright (Vice-Chairman), J.D. Bernard and Mrs. D.M. Todd.

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

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
P.A. Fisher	Hackney Carriage Proprietor's Licence – Exceptional Vehicle – Member knows the applicant and her partner personally	Personal and Prejudicial
J. Burnett	Hackney Carriage/Private Hire Driver's Licence – Members knows the Applicant personally	Personal and Prejudicial

3. 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

4. Hackney Carriage Proprietors' Licence

Having declared a personal and prejudicial interest Councillor P.A. Fisher left the meeting during consideration of this application.

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 4.1 – 4.14 of the Official Minutes of the Council).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's representative (who was her partner and business partner) attended the Hearing to present the Applicant's case.

The Chairman then 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 and Members were asked to consider whether the Applicant's vehicle was exceptional. The Committee then viewed the Applicant's vehicle. The Applicant's representative together with Members of the Committee were offered the opportunity to ask questions of the Officer.

The Applicant's representative presented the Applicant's case. He provided Members copies of MOT's and Council test sheets together with a log of the work carried out on the vehicle. Members asked whether any receipts for any work carried out to the vehicle were available. The Applicant's representative explained that all receipts for all 15 vehicles were with the Accountant. Members of the Committee and the Officer of the Licensing Authority were afforded the opportunity to ask questions of the Applicant's representative.

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

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee. The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

RESOLVED:

That, having regard to all the circumstances, the application for a Hackney Carriage Proprietor's Licence be approved for a period of 12 months as the Committee was satisfied that the vehicle was an "exceptional vehicle" as defined by the Council's policy for the age restriction of Hackney Carriage Vehicles.

(The Committee requested that Applicant's be asked to provide more details regarding the service history of their vehicle, including any receipts for parts and works carried out).

REASON FOR THE DECISION:

That, having regard to all the documentation provided and submissions made, and following a physical inspection of the vehicle, the Committee unanimously decided to grant the Applicant a Hackney Carriage Proprietor's Licence to operate her vehicle as a hackney carriage in "exceptional condition" over 6 years of age, for a further period of 12 months.

5. Hackney Carriage/Private Hire Driver

Having declared a personal and prejudicial interest Councillor J. Burnett left the meeting during consideration of this application.

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.24 of the Official Minutes of the Council).

The Licence Holder attended the Hearing to present his case.

The Chairman then 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. Members were asked to determine whether the Licence Holder remained a fit and proper person to hold a Hackney Carriage/Private Hire Driver's licence and if so whether any action was necessary. The Licence Holder together with Members of the Committee were offered the opportunity to ask questions of the Officer.

The Licence Holder presented his case. Members of the Committee and the Officer of the Licensing Authority were afforded the opportunity to ask questions of the Licence Holder.

The Officer of the Licensing Authority and the Licence Holder were then afforded the opportunity to sum up their cases.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee. The parties returned to the meeting and the Chairman outlined the decision of the Committee as follows:-

RESOLVED:

That the Hackney Carriage and Private Hire Driver's Licence be revoked as the Committee did not consider that the Licence Holder was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence.

REASONS FOR THE DECISION:

1. The Committee carefully considered all relevant factors, issues and the responses given by the Licence Holder. Due regard was also given to the Council's licence conditions which are issued to its taxis drivers who operate within the district.
2. The Committee did not that the decision to revoke the licence lightly. However, there had been four separate motoring convictions dating back to 2007 and 2008 that the Licence Holder had failed to notify the Council's Licensing Unit of, and the only reason the Council had been made aware of them was as a result of the Licence Holder's arrest and subsequent imprisonment in August 2011.

3. One of his convictions related to him driving without insurance and another (which was not yet spent) was for driving without due care and attention. In addition, one of the other undeclared convictions related to the failure to wear seatbelts, which the Licence Holder confirmed related to his children who were sitting in the back of his car whilst he was driving. Whilst none of these offences were committed when he was at work and driving a taxi, the Committee was nevertheless of the view that the Licence Holder had total disregard for the Road Traffic Act legislation and as a result his integrity as a licensed taxi driver must be put into question.
4. Due to the nature of the Licence Holder's convictions and the fact that he failed to report them to the Licensing Unit, thereby breaching his licence conditions, it was considered that the Licence Holder was no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The meeting closed at 11.05 a.m.

CHAIRMAN