

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**TUESDAY 6 NOVEMBER, 2012 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Stretton, Mrs. P.Z. (Chairman)  
Dudson, A. (Vice-Chairman)

Anslow, C.	Snape, P.A.
Fisher, P.A.	Todd, Mrs. D.M.
Grice, Mrs. D.	

**1. Apologies**

An apology for absence was received from Councillor J.D. Bernard.

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

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

**3. Minutes**

RESOLVED:

That the minutes of the Licensing and Public Protection Committee held on 11 October, 2012 be approved.

**4. Licensing Sub Committee Minutes**

RESOLVED:

That the minutes of the Licensing Sub Committee held on 5 October 2012 be noted.

**5. 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**

(The Chairman agreed to the order of the agenda being changed).

**6. Hackney Carriage/Private Hire Driver's Licence**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.13 of the Official Minutes of the Council).

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 Applicant along with his representative attended the meeting to present his case.

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 explaining that Officers were unable to grant the Licence under delegated authority because the Applicant had a number of spent criminal convictions and he had been disqualified from driving in August 2011 for a period of six months for a totting up offence.

The Legal Adviser explained that Members of the Committee would need to consider the issue of the Applicant's spent convictions and whether they considered them to be relevant by applying the 3 stage test as outlined in the case *Adamson v Waveney District Council* (1997). The Applicant together with his representative and the Officer representing the Licensing Authority then left the room whilst the Committee considered this issue.

All parties returned to the meeting and the Legal Adviser explained that Members wished to be made aware of all the Applicant's spent convictions. The Legal Adviser therefore outlined the summary of spent convictions for the benefit of the Committee.

The Applicant and his representative together with Members of the Committee were offered the opportunity to ask questions of the Officer. There being none, the Applicant and his representative were then invited to present the Applicant's case.

The Applicant's representative then presented the Applicant's case. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant. 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.

RESOLVED:

That, having regard to all the circumstances, 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 Driver's Licence.

REASONS FOR THE DECISION:

1. The Committee carefully considered all relevant factors, issues and the responses given by the Applicant and his legal representative. Due regard was also given to the provisions of Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.
2. The Committee was of the view that the history of previous convictions, whilst they were spent convictions, were serious enough to raise doubts about the Applicant's fitness to drive members of the public around, when it was the protection of the public which was of paramount importance. Therefore, it was considered that the Applicant's previous criminal history was relevant in the circumstances.
3. The Committee was of the opinion that the Applicant had not been entirely honest with the information and answers presented to them.

(At this point in the proceedings Councillors A. Dudson (Vice-Chairman) and Mrs. D.M. Todd left the meeting and took no part in the consideration of the following application).

**7. Hackney Carriage Proprietor's Licence – Exceptional Vehicle**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.17 of the Official Minutes of the Council).

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 Applicant, together with Members of the Committee was offered the opportunity to ask questions of the Officer. There being none, the Committee then viewed the Applicant's vehicle.

The Applicant then presented his case. The service book for the vehicle was presented for Members perusal. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant. 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.

RESOLVED:

That having regard to all the circumstances, the application for a Hackney Carriage Proprietors Licence be refused as the Committee did not consider the vehicle was exceptional in accordance with the Council's policy on age restrictions for hackney carriage vehicles.

REASONS FOR THE DECISION:

1. The Committee carefully considered all relevant factors, issues and the responses given by the Applicant. Due regard was also given to the Council's policy on the age restrictions for the licensing of hackney carriage vehicles and also to the powers given to licensing authorities under Section 37 of the Town Police Clauses Act 1847 and Section 47 of the

Local Government (Miscellaneous Provisions) Act 1976.

2. The Committee was afforded the opportunity of inspecting the vehicle both inside and out and of perusing the service/maintenance records. It was noted that due to the age of the vehicle the seats were well worn, the rear off-side door would not remain open, the engine compartment was not satisfactory, and the general condition of the vehicle overall was not exceptional.
3. Therefore, having regard to all the circumstances the Committee was unable to justify the granting of the application.

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CHAIRMAN

The meeting closed at 12.45 p.m.