

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
TUESDAY 8 NOVEMBER, 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.	Todd, Mrs. D.M.
Fisher, P.A.	Williams, Mrs. P.
Grice, Mrs. D.	

1. Apologies

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

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

No declarations of interests were made.

3. Minutes

RESOLVED:

That the Minutes of the Licensing and Public Protection Committee held on 11 October 2011 be approved as a correct record.

4. 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

5. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.7 of the Official Minutes of the Council).

The Licence Holder along with his legal representative 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. The Committee was 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 appropriate in respect of the Licence Holder's history of speeding.

The Licence Holder's legal representative and Members of the Committee were offered the opportunity to ask questions of the Officer.

The Licence Holder's legal representative then 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 and his legal representative.

The Officer of the Licensing Authority and the Licence Holder's legal 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 Licence Holder be issued with a strong warning regarding his future conduct and the application for a Hackney Carriage/Private Hire Driver's Licence be approved for 12 months as the Committee was satisfied that the Licence Holder was a fit and proper person to hold a licence.

Reasons for the Decision

The Committee carefully considered all relevant factors, issues and the representations made on behalf of the Licence Holder. Due regard was also given to the Council's Licensing Policy.

Under Section 59 of the Local Government (Miscellaneous Provisions) Act 1976, a Licensing Authority shall not grant a licence to drive a Hackney Carriage/Private Hire vehicle unless satisfied that the applicant is a fit and proper person to hold such a licence. In this particular case the Committee was satisfied that the Licence Holder remained a fit and proper person, although the Committee did express concern about the Licence Holder's history of speeding and that he currently has 12 penalty points recorded on his DVLA licence. This shows his level of driving has fallen below the standard expected of him.

Whilst a decision has been made to grant a Hackney Carriage/Private Hire Drivers' Licence for a further 12 months, the Committee considered it appropriate that the Licence Holder should receive a formal warning about his future standard of driving in light of the issues raised.

CHAIRMAN

The meeting closed at 11.00 a.m.