

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
TUESDAY 26 MARCH, 2013 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Dudson, A. (Vice-Chairman) (In the Chair)

Allen, F.W.C.
Anslow, C.

Bernard, J.D.
Fisher, P.A.

1. Apologies

Apologies for absence were received from Councillors Mrs. P. Stretton (Chairman), Mrs. D. Grice and P.A. Snape.

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

There were no declarations of Interests made in addition to those already confirmed by Members in the Register of Members' Interests.

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 – Exceptional Vehicle

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 4.1 – 4.14 of the Official Minutes of the Council).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 attended the hearing to present the Applicant's case.

The Chairman 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 considered to be exceptional. The Applicant's representative was then given the opportunity to ask questions of the Officer. The Committee then viewed the Applicant's vehicle. Members of the Committee were offered the opportunity to ask questions of the Officer, there being none, the Applicant's representative then presented the case. Members of the Committee and the Officer from the Licensing Authority were offered the opportunity to ask questions of the Applicant's representative. Members viewed the service history attributed to the vehicle in question.

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 granted as the Committee was satisfied that the vehicle was exceptional in accordance with the Council's policy on age restrictions for Hackney Carriage Vehicles.

Reasons for the Decision

1. Although the mileage was 124,458, so just over the guidance mileage of 120,000 for a diesel vehicle that is six years old, the exterior and the interior of the vehicle was in very good condition,
2. The vehicle appeared to be exceptional.

5. Hackney Carriage/Private Hire Driver

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.34 of the Official Minutes of the Council).

The Licence Holder attended the hearing to present his case.

The Chairman 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 consider the allegations made against the Licence Holder and whether he was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence. The Licence Holder was then given the opportunity to ask questions of the Officer. Members of the Committee were then offered the opportunity to ask questions of the Officer.

The Officer of the Licensing Authority then called his first witness who provided information into the allegations surrounding the circumstances alleged against the Licence Holder. The Applicant and Members were then given the opportunity to ask questions of the first witness.

The Officer of the Licensing Authority then called his second witness who provided information into the allegations against the Licence Holder. The Applicant and Members were then given the opportunity to ask questions of the second witness.

The Officer of the Licensing Authority then called the third witness who provided information surrounding the allegations made against the Licence Holder. The Applicant, Members and Office were then given the opportunity to ask questions of the third witness.

The Licence Holder was then given the opportunity to present his case. The Officer of the Licensing Authority and Members were all given 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.

RESOLVED:

That, having regard to all the circumstances, the Hackney Carriage/ Private Hire Driver's Licence be revoked.

Reasons for the Decision

1. On the balance of probabilities the Committee found that the driver made inappropriate comments of a sexual nature to the female passenger who gave evidence to the Committee. The Committee also found that the two passengers who gave evidence to the Committee felt uneasy, uncomfortable and scared as a result of the driver's comments,
2. The Committee was not satisfied on the current evidence, nor by the driver's attitude, comments and demeanour before the Committee that the driver was a fit and proper person to hold a Hackney Carriage / Private Hire Driver's Licence,
3. The Committee considered that this was a case that related to public safety and that the interests of public safety demanded that the revocation had immediate effect in order to prevent the driver from making further sexually suggestive and threatening remarks to passengers,
4. The Committee considered that the protection of the public should take precedence over the driver's personal circumstances in this case.

CHAIRMAN

The meeting closed at 12.10 p.m.