

CANNOCK CHASE COUNCIL  
MINUTES OF THE MEETING OF THE  
LICENSING/PUBLIC PROTECTION COMMITTEE  
TUESDAY, 30 JANUARY, 2006  
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK  
PART 1

PRESENT: Councillors

Easton, R. (Chairman)  
Butler, R.D. (Vice-Chairman)

Allen, F.W.C.	Davies, D.N.
Bullock L WAnsell, Mrs.	Grice, Mrs. D.
P.A.	Hodges, E.J.
Ball, G.D.	Williams, B.illiams, B.
Burnett, J.	
Daly, K.Daly, K.	

(Apologies for absence were received from Councillors L.W. Bullock and Mrs. G.M. Whitehouse)

**18. Minutes**

RESOLVED:

That the Minutes of the meeting held on 21 November, 2005 be approved as a correct record.

**19. Exclusion of 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 7, Part I, Schedule 12A, Local Government Act 1972.

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**PART 2**

**20. Hackney Carriage Driver's LicenceShop Licence**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 4.1-4.195.1 – 5.9 of the Official Minutes of the Council).

The representative of the Head of Environmental Health presented the report. The application for a Hackney Carriage Driver's Licence had been made by the Applicant on 4 January, 2006. The Committee noted that the Applicant's date of birth was 27 May, 1966. The application had not been granted by Officers as there was concern that the Applicant may not be able to undertake the full duties of the job due to his physical disability. The Applicant had previous convictions, however, due to the age of these convictions they were to be considered spent and Members were informed that they should not have regard to them when considering whether the Applicant was a fit and proper person. The Applicant had been passed medically fit on 19 December, 2005. However, the Medical Advisor had commented that the Applicant was not fit for heavy lifting/suitcases. Members were asked to determine whether the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence in view of the Medical Advisor's comments.

Members of the Committee were afforded the opportunity to ask questions of the Council's representative. Members sought clarification as to the Applicant's suitability to hold a Hackney Carriage Driver's Licence in view of his disability. The Council's Legal Advisor advised the Committee that under the Disability Discrimination Act 1995 it would be unlawful to discriminate against a disabled person by refusing to grant a licence on the grounds of disability unless it could be shown to be justified. The Local Authority is under a duty to make reasonable adjustments to any practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of the service. (Under section 21, the Local Authority is a provider of services in its capacity as the licensing authority).

The Council's Legal Advisor further advised that the role of a taxi driver included the assisting of persons and the carrying of suitcases was given as an example of how a

passenger could be assisted. It was a matter for the Committee to consider whether it was possible to make reasonable adjustments to the role of a taxi driver so as to accommodate the Applicant's difficulties.

There being no questions from the Applicant, he was afforded the opportunity to put forward his case.

The Applicant submitted that he had previously undertaken voluntary work as a driver for the Staffordshire Ambulance Service for 7 years. The duties of the role required him to deal with people in wheelchairs. He explained that his prospective employer had indicated that he would not request him to undertake bookings where lifting was required.

Following this, Members of the Committee were afforded the opportunity to ask questions of the applicant. Members questioned the applicant about how he would carry out the duties of the job in view of his disability.

There being no questions from the representative of the Head of Environmental Health, she was offered the opportunity to sum up the Council's case. She reminded the Committee that consideration should be given to whether the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence in view of his disability.

The Applicant was then offered the opportunity to sum up his case and explained that he considered that he was capable of carrying out the duties of the post.

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

RESOLVED:

- (A) That, having regard to all the circumstances, the application for a Hackney Carriage Driver's Licence under Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 be granted as the Committee was satisfied that the applicant was a fit and proper person to hold a Driver's Licence.
- (B) That the Hackney Carriage Driver's Licence commence from the date the Hackney Carriage Proprietor's Licence was granted.

(Whilst there is no power for the Local Authority to impose conditions on Hackney Carriage Licences, the Applicant's voluntary agreement was sought, to inform any passengers, in particular disabled passengers, of his limitations to help prevent any misunderstandings arising from his own disability conflicting with the needs of a passenger. The Applicant agreed to the Committee's request).

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CHAIRMAN