

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**FRIDAY, 15 JUNE 2007 AT 2.00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Bennett, K. L. (Chairman)  
Butler, R. D. (Vice-Chairman)

Allen, F. W. C.	Grice, Mrs. D.
Davies, D. N.	Todd, Mrs. D. M.
Easton, R.	

(Apologies for absence were received from Councillors Mrs. P. A. Ansell, J. Burnett, I. R. Carr, B. Williams and M. J. Holder).

**1. 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>
Allen, F.W.C.	Member has used the taxi firm	Personal

**2. Minutes**

RESOLVED:

That the Minutes of the meetings held on 16 and 23 April 2007 be approved as a correct record.

**3. 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 2, Part 1, Schedule 12A, Local Government Act 1972.

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**FRIDAY, 15 JUNE 2007 AT 2.00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 2**

**4. Hackney Carriage Proprietors Licence**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1-5.20 of the Official Minutes of the Council).

The Applicant and his Representative (his Solicitor) attended the meeting to present the Applicant's case.

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Committee through the Report outlining the relevant issues for consideration. The Applicant's Hackney Carriage Proprietors' Licences, including the licence for the vehicle contained within the Report, were revoked by the Council on the basis that he had attempted to pervert the course of justice in failing to provide the correct details of the driver of one of his hackney carriages when requested to do so by Staffordshire Police. The vehicle in question had been caught speeding by a fixed camera at 01.40 a.m. on 26 November 2006 on the A34 Stafford Road in Huntington, Cannock. The Applicant had nominated the driver as a person living in Australia who was neither a licenced Hackney Carriage driver, nor resident in the U.K. at the time of the incident.

The Applicant had attended a PACE interview on 21 March 2007. A copy of the transcript was given at Annex 5 to the agenda.

Members were being asked to determine whether the Applicant was a fit and proper person to hold a Hackney Carriage Proprietors' Licence.

The Applicant and his Representative was afforded the opportunity of asking questions on the Report presented by the Officer.

The Applicant's Representative asked the Officer if she was aware that the Applicant had contacted the Police and provided the correct information immediately when he had realised a mistake had been made. Subsequently the Police had taken no action against the Applicant. The Applicant's Representative asked whether the Officer considered that the action taken by revoking the Applicant's licence was the lowest form of action in accordance with the Local Authority's policy. The Officer stated that revocation was the best course of action given the circumstances.

The Applicant's Representative explained that a 'fit and proper person' had a wide definition and explained that the Local Authority were making an assumption that the Applicant was not fit and proper. He then asked if the Officer was aware that the Chief Executive had requested the Applicant to taxi some Civic dignitaries to the Chairman's Ball some months later. A copy of the purchase order was circulated to the Committee.

The Officer referred to the transcript of the PACE interview where the applicant had referred to having given an address in Australia because he didn't think the Police would pursue it as he had 6 or 9 points on his licence and he was worried about it affecting him. Advice had been sought from Heads of Service and the Legal Section and it had been agreed that enforcement action was required and this had been done under officers delegated powers. The Applicant had been given the opportunity to put his case forward at the interview.

Members were then given the opportunity to ask questions of the Officer.

A Member enquired where the phrase 'pervert the cause of justice' had arisen from and whether this had been used by the Police. The Officer explained that she was not aware of what exactly the Police had said when speaking to the Officer who took the telephone call but it had been used at the PACE interview. He asked how the name of a person living in Australia was given to the Police and was informed by the Officer that it was a family member of the Applicant. The Member asked whether the driver who had exceeded the speed limit had convictions on his licence.

It was agreed to adjourn the meeting to enable this information to be provided by the Officer.

(Councillor R. Butler tendered his apologies and left the meeting at 3.05 p.m.)

The meeting reconvened and the Officer informed the Committee that the driver's licence at 1 August 2006 had three SP30s all of which were spent. A Member requested that the meeting be deferred until after the hearing had taken place at the Magistrates Court and that an up to date copy of the driver's licence be made available.

The Council's Solicitor informed the Committee that the matter was required to be considered today and the driver who was named as breaking the speed limit had no bearing on the case before them, nor the outcome of the Magistrates Court hearing.

A Member asked the Officer if by giving the wrong information she considered the Applicant had, in her opinion, been trying to 'pervert the course of justice'. He was informed by the Officer that she did.

It was then Moved and Seconded that the meeting be deferred until the Applicant's appeal to the Magistrates' Court had been heard on Thursday, 21 June 2007.

RESOLVED:

That the meeting of the Licensing and Public Protection Committee continue.

A Member asked the Officer why the matter had taken so long to come before the Committee. The Officer explained that the issue had been ongoing with several letters being sent in the interim period as well as telephone calls, the PACE interview and discussions with the Legal

Section.

The Applicant's Representative was then afforded the opportunity to present his case.

The Applicant's Representative explained that the Committee were required to decide if the Applicant was a 'fit and proper person' to hold a Hackney Carriage Proprietors' Licence. He stated that the Applicant was a gentleman who had worked hard over 15/20 years during which time his vehicles had undertaken in excess of 3 million journeys. The Applicant had appeared before the Licensing Committee on two occasions in that period. Once in 1999 with respect to his medical application and in February 2005 regarding two speeding convictions and no enforcement action had been taken. (Annex 2 and 3 to the agenda). The points on the Applicant's licence were spent with effect from November 2006.

The Applicant's Representative reported that one of the Applicant's drivers was critically ill at the time of the paperwork arriving concerning the speed limit being broken and he had put it to one side. His judgement was affected when he filled in the form inaccurately. When he received the letter from Staffordshire Police he rectified the mistake within days. The term 'pervert the cause of justice' had not come from Staffordshire Police as no criminal offence had been committed, it was more an error of judgement and the matter should have initially been brought before the Committee. The Applicant had 8 vehicles and had invested heavily in his business with the majority being able to carry disabled people. A photograph of a vehicle decorated for a wedding of two disabled people was circulated at the meeting.

The Representative considered that the Local Authority should have taken the minimum course of action rather than the Applicant having his licence revoked.

Members of the Committee were then given the opportunity to ask questions of the Applicant.

A Member asked if the Applicant had interviewed all his drivers if he did not know who was driving when the speed limit was broken. The Applicant stated that he had and that he normally kept his drivers to the same vehicles. He was installing a 'Data' computer system shortly which would log which driver was using which vehicle. He explained that he had 8 of his own vehicles and used 10/11 owner vehicles. The Applicant informed the Committee that he had not deliberately given the wrong name and that he had rectified the error.

The Officer referred to the transcript of the PACE interview where the Applicant had expressed concern regarding the points on his licence and that he had made the decision to protect himself. With the permission of the Committee she read out previous warning letters which had been sent to the Applicant. The Council's Solicitor informed the Committee that the letters should be viewed as informal warnings.

The Officer was then given the opportunity to sum up the Council's case. She asked the Committee to consider whether, by nominating the wrong person for a speeding offence for the purpose of getting the Applicant 'off the hook', he was a fit and proper person to hold a Hackney Carriage Proprietors' Licence.

The Applicant's Representative was then afforded the opportunity to sum up the Applicant's case. He stated that the Applicant had done something wrong and corrected it and that he was a fit and proper person.

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

RESOLVED:

That the application for a Hackney Carriage Proprietors' Licence be granted for a period of six months and that this would then be subject to review by the Committee.

(Councillor D. N. Davies requested that his name be recorded as having voted against the decision).

(The Applicant was informed that the decision and the Committee's full reasons for its decision would be communicated to him in writing).

**5. Hackney Carriage Enforcement Initiative**

RESOLVED:

That the Not for Publication Report of Head of Environmental Health (Enclosure 6.1 – 6.5) be deferred to a future meeting of the Committee.

---

CHAIRMAN