

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
10.00 A.M., TUESDAY 20 MAY, 2008
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Bennett, K.L. (Chairman)

Allen, F.W.C. Grice, Mrs. D.
Ansell, Mrs. P.A. Todd, Mrs. D.M.
Burnett, J.

(Apologies for absence were received from Councillors I.R. Carr, D.N. Davies, M.J. Holder and N.K. Stanley).

38. Declaration 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 knows applicant's solicitor	Personal

39. Minutes

RESOLVED:

That the Minutes of the meeting held on 30 April, 2008 be approved as a correct record.

40. 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

41. Hackney Carriage Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.15 of the Official Minutes of the Council).

The Applicant and his representatives attended the meeting to present his 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 Officer advised that the application for a Hackney Carriage Driver's Licence had been made by the applicant on 29 April, 2008. The Licensing Authority were unable to agree to issuing the licence as the Authority were notified on 25 April, 2008 in writing by the applicant that on 22 April, 2008 he was convicted at Court of an offence under Section 4 of the Public Order Act 1986 which involved using abusive and threatening words or behaviour which might cause people to fear unlawful violence. The Officer stated that the applicant had been licensed by the Authority as a Hackney Carriage driver since 19 April, 2006 with no current convictions other than a motoring offence but were asked to bear in mind the conviction of 25 April, 2008. The Officer then circulated to Members an accompanying letter which was received by the Council in respect of the incident on 25 April, 2008.

The Applicant and his representatives were then afforded the opportunity to ask questions of the Officer. The Applicant's representative asked if the Officer or Members had an opinion as to whether or not the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence. The Officer stated that the report provided the facts for the hearing and ultimately it was a decision to be made by Members.

Members of the Committee were then afforded the opportunity of asking questions of the Officer. A Member referred to the incident which took place on 25 April, 2008 and asked if the threats were of a physical or threatening nature. The Officer referred Members to enclosure 5.3 of the report and stated that the threats were by use of words. A Member referred to the matter which was still ongoing in relation to threatening behaviour being used, and asked if the Authority had any idea on what the outcome may be. The Applicant's representative stated that there would be a trial later this year and as yet no

decision had been made as to whether or not the Applicant would be charged.

The Applicant was then afforded the opportunity to put his case. The Applicant's representative referred to the incident on 9 February, 2008 of disorder following a football match. He stated that the Applicant had identified himself from a photograph in the local press and therefore contacted the Police. The Applicant was then arrested on suspicion of a serious public order offence after identifying himself on CCTV footage which was taken during a covert Police operation. The representative claimed that the footage showed the Applicant on the edge of the picture waving his arms and clapping his hands; however he was later charged and pleaded guilty to a minor public order offence. The Applicant then appeared in Court on 22 April, 2008 and the Magistrates had commented that this had been out of character for the Applicant. The representative stated that the Applicant had had gone to great lengths and notified the Licensing Authority of the circumstances and asked that the Committee take the Applicant's conduct into account having made one mistake and was keen to put things right. The Applicant's representative then circulated a folder which contained testimonials and asked for the Committee to consider the contents.

Members of the Committee were then afforded the opportunity to ask questions of the Applicant. A Member asked the Applicant if he was on duty when the offence took place and also if he thought it needed to be reported to the Licensing Authority. The Applicant stated that the offence was committed during his own time and he was aware that it should be reported to the Licensing Authority. A Member asked the Applicant to confirm that the only offence was that of waving and clapping. The Applicant stated that he was shown waving and clapping on the CCTV footage shown by the Police and only a small number of people were arrested. A Member asked the Applicant why he was waving and clapping. The Applicant claimed that he was singing football songs and chanting.

The Officer was then afforded the opportunity to ask questions of the Applicant. The Officer asked the Applicant where the incident had taken place. The Applicant stated that the incident had occurred outside the football stadium.

The Officer then summed up the Council's case.

The Applicant was then afforded the opportunity to sum his case.

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

RESOLVED:

- (A) That the application for a Hackney Carriage Driver's Licence be granted as the Committee was satisfied that the Applicant was a fit and proper person to hold a licence.

CHAIRMAN