

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
3.00 P.M., MONDAY 7 JULY, 2008
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Bennett, K.L. (Chairman)
Williams, Mrs. P. (Vice-Chairman)

Allen, F.W.C. Holder, M.J.
Ansell, Mrs. P.A. Meaden, R.G.
Burnett, J.

(Apologies for absence were received from Councillors I.R. Carr and M.R. Green)

1. Minutes

RESOLVED:

That the Minutes of the meeting held on 20 May, 2008 be approved as a correct record.

2. 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

3. Hackney Carriage Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.16 of the Official Minutes of the Council).

The Applicant 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 two recent complaints had been received from members of the public alleging incidents of dangerous driving by the Applicant whilst operating a licensed hackney carriage vehicle. Officers had requested that the applicant undertake a driving assessment with an advanced driving instructor from Staffordshire County Council in order to satisfy that there were no underlying problems with the standard of the Applicant's driving. The Applicant had refused to undertake the requested driving assessment and therefore the matter had been referred to the Committee for determination.

The Applicant along with Members of the Committee were then afforded the opportunity to ask questions of the Officer. There being none the Applicant was then afforded the opportunity to put his case.

He advised that with regards to the first incident he was travelling along the Cannock Road in Chase Terrace which has traffic calming installed along the length of it. He perceived that the vehicles in front of the traffic calming chicanes were parked vehicles and, as the road ahead was clear, he overtook the vehicles and proceeded along the road. He admitted during an interview with an Officer from the Licensing Authority that he had made a mistake as the vehicles had not been parked and he had therefore offered his apologies to the complainant.

With regards to the second incident the Applicant stated that he was travelling along Sevens Road when a vehicle pulled out of Williamson Avenue. The driver of the vehicle made no attempt to reach road speed and the Applicant, noting the road ahead was clear, made a decision to overtake him. The Applicant stated that the comments made within the witness statement relating to the road being a 30mph limit were incorrect. The road became a 60mph zone and it was at this part of the road that he overtook the vehicle. He

did not overtake on the bend as indicated in the statement as this would be too dangerous a manoeuvre. He stated that he had incorrectly completed his application form and had indicated that he did not intend to follow any occupation in addition to driving a Hackney Carriage or Private Hire vehicle. However, he informed Members that he also worked as a driver for Staffordshire Fire and Rescue which required him to undertake an advanced driving test every two years. In view of this he did not consider it necessary for him to undertake a driving assessment.

Members of the Committee were then afforded the opportunity to ask questions of the Applicant. There being none the Officer was then afforded the opportunity to ask questions of the Applicant.

She asked the Applicant whether he had answered any other question incorrectly on the application form. The Applicant confirmed he had not. She then asked why the Applicant had refused to undertake the driving assessment. The Applicant stated that he did not consider this necessary due to the witness statement being incorrect. It would be impossible to overtake at high speed on the bend referred to. The Officer stated that there had been two complaints regarding the Applicant's driving ability along with a fixed penalty for speeding. The Applicant commented that the speeding ticket was issued before he became a taxi driver. He stated that there may have been two complaints from the public regarding his driving ability but this did not mean that he was automatically guilty of any offence.

The Officer then summed up the Council's case. She stated that Members had heard that there had been two complaints made against the Applicant alleging inappropriate driving and he had declined to undertake a driving assessment. Members would need to determine whether the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and whether it was necessary for the Applicant to undertake a driving assessment.

The Applicant was then afforded the opportunity to sum his case. He commented that he had admitted that he had made a mistake with regards to the first incident and offered his apologies to the complainant. However, he disputed the second incident and had given the reasons why.

The Officer then confirmed that she had viewed the Applicant's Driving Licence and it was the same as the copy produced in the report.

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

RESOLVED:

That, having carefully considered the submissions made by the Applicant and in the interests of ensuring public safety, the Applicant's Hackney Carriage/Private Hire Driver's Licence be suspended pending the Applicant successfully undertaking the required advanced driving assessment.

CHAIRMAN

