

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING/PUBLIC PROTECTION COMMITTEE
MONDAY 5 NOVEMBER 2007 AT 10.00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

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

Allen, F.W.C.	Freeman, M.P.
Ansell, Mrs. P.A.	Todd, Mrs. D.M.
Davies, D.N.	Williams, B.

(Apologies for absence were received from Councillors I.R. Carr, Mrs. D. Grice, M.J. Holder, N.K. Stanley and Mrs. P.Z. Stretton).

20. 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).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
MONDAY 5 NOVEMBER 2007 AT 10.00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 2

21. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 4.1 – 4.13 of the Official Minutes of the Council).

The Applicant and his wife attended the meeting.

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. She advised that the Applicant had current motoring convictions relevant to the determination of whether he was a fit and proper person and that the Council's policy stated that an Applicant should be free of conviction for 3 to 5 years before an application was considered. She explained that the Medical Assessment included within the report was incorrect as a further assessment had been undertaken on 17 September 2007. The Applicant had now met the medical standard following this assessment with a review recommended within one year. Additionally, the motoring convictions outlined within the report all related to convictions in 2005 and not 2007 as detailed on Enclosure 4.2 of the report. She explained that the Applicant also had a spent conviction dated 13 November 1998 and the Committee would need to consider whether this conviction was relevant to the determination of the application. The Officer then examined the Applicant's DVLA Driving Licence and confirmed that it was identical to that produced at Annex 2.

Members were being asked to determine whether the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Applicant, along with Members of the Committee were afforded the opportunity to ask questions of the Officer. The Applicant was afforded the opportunity to present his case.

The Applicant advised that the motoring convictions occurred during an emotional and difficult period in his personal life when his marriage was going through a crisis. He found it difficult to explain the circumstances surrounding the offences but regretted the situation and stated his mind was not on the job at the time of the convictions. He had pleaded guilty to the offences and had been disqualified from driving for 12 months. He considered

that this period had given him the opportunity to resolve his marriage problems. He applied for his DVLA Driving Licence 18 months after his disqualification period and had been driving for the last 6 months on a regular basis with no problems.

He was currently working for A Line Taxis on the radio and also undertaking driving work for his employer's building company. He wished to be employed as a taxi driver as this was the work he enjoyed the most. He stated that the circumstances that led to the convictions were of a personal and emotional nature and he had now put them behind him.

Members were then offered the opportunity to ask questions. A Member asked the Applicant to confirm how long he had worked for the taxi company. The Applicant stated that he had been employed by the company for 4 ½ years. In response to further questions the Applicant stated that he deserved the sentence he received for the convictions and confirmed he had paid all the fines in relation to these offences.

A Member asked the Applicant to explain the circumstances that had led to the spent conviction in 1998. The Applicant stated that at the time he had two vehicles and had accidentally placed the wrong tax disc in the wrong vehicle. As a result this invalidated the insurance.

In response to a further question, the Applicant confirmed that he had failed to stop after the accident as he had panicked. However, he had gone to the Police Station the following day to report the incident.

The Officer was then offered the opportunity to ask questions of the Applicant. She asked the Applicant to confirm why he thought he would make a good taxi driver. The Applicant stated that he was a sociable person who enjoyed driving. He tried to put his passengers at ease, was helpful and made their journey as pleasant and safe as possible. Additionally, he stated that prior to the convictions he had built up a number of regular customers. Should he have an abusive passenger he commented that he would remain calm, ignore the abuse and not become confrontational. He would deal with them in a mature and sensible manner.

The Officer asked the Applicant to outline the circumstances of the conviction when he failed to report an accident. The Applicant explained that he had been driving a taxi and had gone into the rear of another vehicle at a traffic island. The damage to the vehicle was approximately £100.

The Officer was then offered the opportunity to sum up the Council's case. She stated that the Committee had heard the circumstances surrounding the Applicant's current motoring convictions and also discussed the Applicant's conviction in 1998. Members were invited to consider whether the Applicant was a fit and proper person to hold a Licence having regard to his previous convictions and the Council's policy.

The Applicant was then given the opportunity to sum up his case. He stated that he enjoyed taxi work and hoped that the Committee would give him a second chance. The Applicant stated that he was aware that 3 years had not passed since his last conviction but had applied earlier for his Licence as his employer had indicated that was unable to continue to employ him in his current job. He may therefore be out of work if his Licence

was not granted.

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/Private Hire Driver's Licence be granted as the Committee was satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.
- (B) That the Hackney Carriage/Private Hire Driver's Licence expire on 30 December 2008.

CHAIRMAN