

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**10.00 A.M., TUESDAY 29 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.	Carr, I. R.
Ansell, Mrs. P.A.	Green, M. R.
Burnett, J.	Todd, Mrs. D. M.

**4. Minutes**

RESOLVED:

That the Minutes of the meeting held on 7 July, 2008 be approved as a correct record.

**5. 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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**10.00 A.M., TUESDAY 29 JULY, 2008**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 2**

**6. Hackney Carriage/Private Hire Driver's Licence Application**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.18 of the Official Minutes of the Council).

The Applicant and his Representative 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 Officer advised that the Applicant had two unspent criminal convictions relating to dishonesty and significant doubt had been raised as to the Applicant being a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence. The Applicant had been convicted on 16 January 2004 of dishonestly giving false information under the Social Security Act 1992. He also had thirty six spent convictions including 4 relating to theft, 8 for dishonesty and 22 motoring offences.

It is the Council's policy that where a person had more than one conviction for major traffic offences or dishonesty then a period of at least 3 years should elapse before an applicant is considered for a licence. Therefore the application could not be granted under delegated powers and the matter had been referred to the Committee for determination.

The Applicant had previously applied to be licensed as a Hackney Carriage driver with the Authority on 20 February 1998 and this had been refused by the Licensing & Public Protection Committee at a meeting on 4 March 1998. He had also applied for a licence in January 2008 but had subsequently withdrawn the application. The Applicant had changed his name by Deed Poll on 7 December 2007. The DVLA Licence issued to the Applicant was valid for only two years from 14 December 2007 until 12 December 2009.

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

The Applicant's Representative advised that although it stated in the report that 4

knowledge tests had been taken on 8 July 2008, three of those tests related to the previous application made in January 2008 and only one knowledge test had been taken in respect of the current application. The DVLA licence although only appearing to run for two years was due to the change in name by Deed Poll and actually ran for the normal period of 10 years.

The Applicant had been granted a Hackney Carriage/Private Hire Driver's Licence with North Shropshire Council in 2007, initially for a 6 month probationary period to the end of March 2008. No adverse comments had been received and a full licence had since been granted until September 2008. In June 2008 he had been granted a contract by the Education Department, Special Needs Section of Staffordshire County Council which had ended in July 2008 at close of the school year.

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

A Member enquired why he had withdrawn his application submitted in January 2008 and the Applicant's Representative explained that this was due to the move back into the area being delayed. The Committee were informed that he had been working as a taxi driver in North Shropshire from October 2007, previously having been self employed, as his previous application to this Authority in 1998 had been refused by the Licensing & Public Protection Committee.

The Applicant explained that due to financial constraints his name had not been changed when he was about 10/12 years of age when his parents had changed their surname. He had finally been able to change his name by Deed Poll in December 2007.

A Member enquired whether the Applicant intended to work independently and was informed by his Representative that he and another taxi firm had offered the Applicant work.

The Applicant was asked why he thought he was a good taxi driver, to which he replied that he considered himself to be courteous and helpful, he did not drive dangerously and the comfort of his passengers was important to him. The Applicant enjoyed interacting with the public.

The Officer of the Licensing Authority was then afforded the opportunity to ask questions of the Applicant and his Representative.

The Officer expressed particular concern with respect to the more recent convictions relating to the Applicant continuing to claim Housing and Council Tax benefits although he had signed off from Job Seekers Allowance and him failing to inform the Council and obtaining property by deception.

The Officer also questioned the circumstances surrounding the Applicant's conviction for obtaining property by deception. The Applicant's Representative informed the Committee that the Applicant had obtained tools from a tool hire company on behalf of a friend and that the friend had not returned the tools. The Applicant had consequently been found guilty of obtaining property by deception. With regard to the motoring offence not covered by other codes, the Representative explained that the Applicant considered that this

related to a conviction for failing to respond to a speeding offence notification which, due to a house move, had not reached the correct address until it was too late to pay the fine directly.

The Council's Solicitor asked the Applicant for clarification regarding the dates when he was employed and continued to claim Housing and Council Tax benefits prior to being convicted in January 2008. He considered that it was more likely to be December 2002 rather than 2003 since when he had started running his own business and the overpayment of approximately £5,000 was being paid back.

The Officer then summed up the Council's case. She stated the Licensing & Public Protection Committee at its meeting on 4 March 1998 had refused the application for a hackney carriage driver's licence and since that date there had been other convictions. The protection of the public was of paramount importance and the honesty of the Applicant was a matter of particular concern.

The Officer of the Licensing Authority confirmed that the Applicant's Driving Licence was the same as the copy produced in the report.

The Applicant and his Representative was then afforded the opportunity to sum up the Applicant's case.

The Applicant's Representative commented that the Applicant was currently working as a taxi driver and that he was the sole 'bread winner'. Due to him moving back to this area he should be allowed to carry on his chosen occupation rather than having to reclaim benefits or having to travel back to North Shropshire with related travelling expenses.

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

RESOLVED:

- (A) That having carefully considered the submissions made by the Applicant and his Representative the application for a Hackney Carriage/Private Hire Driver's Licence be granted for a probationary period of six months.
- (B) That should any complaints be received in relation to the Applicant's conduct during the probationary period he be required to appear before the Licensing & Public Protection Committee in order to consider whether his licence should be renewed or sanctions imposed.
- (C) That the Head of Environmental Health be authorised to renew the Applicant's licence for its full term should the probationary period be successfully completed.

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CHAIRMAN