



AGENDA

NOTE: In the case of non-members, this agenda is for information only

- Committee** - **APPEALS COMMITTEE**
- Date & Time** - THURSDAY, 9TH SEPTEMBER, 2010 AT 10.00 AM
- Venue** - NORFOLK ROOMS, THE CONFERENCE SUITE, ELIZABETH HOUSE, DEREHAM

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

Persons attending the meeting are requested to turn off mobile phones

Members of the Committee:

Mr P.S. Francis (Chairman)
Mrs J. Ball
Mr R.W. Duffield

Mr M. Fanthorpe
Mrs L.H. Monument
Mr I. Sherwood (Vice-Chairman)

Member Services
Elizabeth House, Walpole Loke,
Dereham Norfolk, NR19 1EE

Date: Thursday, 26 August 2010

PART A - ITEMS OPEN TO THE PUBLIC

1. MINUTES

To confirm the Minutes of the meeting held on 14 July 2010.

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2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

To note whether the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act, 1972.

4. DECLARATION OF INTEREST

Members are asked at this stage to declare any interests that they may have in the following items on the agenda.

The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is personal or prejudicial interest.

5. NON-MEMBERS WISHING TO ADDRESS THE MEETING

To note the names of any non-members who wish to address the meeting.

6. HEARING PROCEDURES

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7. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing the following resolution:

"That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they are likely to involve the disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act."

**PART B –
ITEMS FROM WHICH THE PRESS AND PUBLIC HAVE BEEN EXCLUDED**

**8. DETERMINATION OF A REVOCATION OF A HACKNEY CARRIAGE/
PRIVATE HIRE DRIVERS LICENCE**

5 - 19

Report of the Director – Community Services.

**9. APPLICATION TO SUSPEND/REVOKE A HACKNEY CARRIAGE/PRIVATE
HIRE DRIVERS LICENCE**

20 - 23

Report of the Director – Community Services.

10. NEXT MEETING

To note that the next scheduled meeting on the Appeals Committee will be on Wednesday, 20 October 2010.

BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 14 July 2010 at 10.00 am in
Norfolk Rooms, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman)
Mrs J. Ball
Mr R.W. Duffield

Mr M. Fanthorpe
Mr I. Sherwood (Vice-Chairman)

In Attendance

Stephanie Butcher - Principal Officer Licensing and Business Support
Phil Mason - Solicitor
Helen McAleer - Senior Committee Officer

60/10 MINUTES

It was clarified that Mr Duffield had been advised not to attend the previous meeting as he had a personal and prejudicial interest in the only item on the agenda.

Subject to the above, the minutes of the meeting held on 26 May 2010 were confirmed as a correct record and signed by the Chairman.

61/10 APOLOGIES

Apologies for absence were received from Mrs L Monument.

62/10 DECLARATION OF INTEREST

No declarations were made.

63/10 IMMEDIATE SUSPENSION

The Principal Officer Licensing and Business Support informed the Committee that there had been three cases of immediate suspension. These involved:

- a taxi driver being investigated by the police for sexual assault of a minor in his taxi;
- a taxi driver who had suffered a heart attack; and
- a taxi driver who had been diagnosed with diabetes which made him unfit to drive under driving standards legislation.

The Chairman advised Members that he considered that the right action had been taken in each case and that Immediate Suspension was used where action had to be taken to protect public health and safety, but that the cases would come before the Committee in the usual way, for their consideration.

Action By

Action By

The Vice-Chairman asked if the public would be made aware of the case involving the police and was advised that a press release had been prepared pending the outcome of the court case.

64/10 LICENSING PROJECT UPDATE

The Principal Officer Licensing and Business Support updated Members on the progress of the Project.

All taxis were now on the system and the Contact Centre was handling their enquiries. Members were invited to visit the Contact Centre to see how the system worked.

Preparations were proceeding well and mobile working would be trialled within the next few months.

The system was working really well and the Council would soon be in a position to issue its own plates and badges, in-house.

65/10 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it is likely to involve the disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act.

66/10 APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

The Hearing took place in the presence of the applicant. Mr Phil Mason was also in attendance as the Council's solicitor.

The Committee heard the appeal in accordance with the Council's agreed procedure.

The Principal Officer Licensing and Business Support presented the report, which was to determine an application for the renewal of a Hackney Carriage/Private Hire driver's licence.

The Applicant confirmed that he had no convictions pending.

The Chairman invited the applicant to comment.

He agreed with all that had been said by the Officer and stressed the importance of the licence to him and asked the Committee to grant his application.

The Applicant and Officer were asked to leave the room whilst the Committee considered the application. They were then invited to return to hear the decision.

RESOLVED to grant the application for the renewal of a Hackney Carriage/Private Hire Drivers Licence for a further two years.

The Solicitor confirmed that, having read the report and heard the oral

evidence, the Committee was satisfied that the applicant was a fit and proper person in accordance with Section S1(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Action By

67/10 NEXT MEETING

It was noted that the next meeting of the Appeals Committee would be held on **Thursday** 9 September 2010 in the Norfolk Room, Conference Suite, Elizabeth House, Dereham.

The meeting closed at 10.20 am

CHAIRMAN

**PROCEDURE FOR
APPEALS COMMITTEE HEARINGS**

1. Chairman introduces the Officer(s) and explains procedure to parties present.
2. Presentation by Officer(s).
3. Questions to Officer(s) by Members on Policy etc.
4. Presentation by Applicant (opening, call witnesses and produce documents relevant to application).
5. Questions to Applicant by Members.
6. Summary by Applicant.
7. Advice from Officer(s) on policy and/or Solicitor on law and jurisdiction.
8. Members retire from hearing accompanied by the Committee Officer to consider the matter (They may call in Solicitor to help draft reasons for decision. Any other advice must be repeated in open forum).
9. Members return and the decision, including reasons, is announced.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 8

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 9

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