

BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 16 March 2011 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
Mrs L.H. Monument
Mr S.G. Bambridge (Substitute)

In Attendance

Stephanie Butcher
Mr Philip Mason
Julie Britton

- Principal Licensing Officer
- Solicitor
- Senior Committee Officer

Action By

1/11 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 20 October 2010 were confirmed as a correct record and signed by the Chairman.

2/11 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Mr I Sherwood.

3/11 HEARING PROCEDURES (AGENDA ITEM 6)

Noted.

4/11 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 7)

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

**5/11 DETERMINATION OF A REVOCATION OF A HACKNEY CARRIAGE /
PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 8)**

The Hearing took place in the presence of the appellant and his employer. Mr P Mason was also in attendance as the Council's Solicitor.

Members were reminded that this matter had been before the Appeals Committee on two previous occasions in September and October 2010.

The Principal Licensing Officer outlined the background and details of the case and drew Members' attention to the legal implications applicable to this Hearing under the Human Rights Act 1998, which were Article 1, Article 6 and Article 8. She also drew attention to the fact that the procedures for medical conditions had changed.

Action By

The Chairman pointed out to the appellant that the Members in attendance had been present at the two previous meetings and therefore knew the history of the case.

The Principal Licensing Officer was asked to read the letter received from the hospital consultant.

The appellant was asked if he had anything to add to which he responded by informing the Committee that was in receipt of his C1 and C1E licence.

The Chairman explained that the Committee was dealing with this Hearing as an exceptional case; therefore, it was important that the Hearing was dealt with in a fair and appropriate manner.

The appellant or his employer did not have any questions that they wished to put forward.

The appellant, his employer and the Licensing Officer were asked to leave the room whilst the Committee considered the case. They were then invited to return to hear the decision.

RESOLVED that the appellant's Hackney Carriage/Private Hire drivers licence be re-instated; subject to the following conditions:

- 1) the appellant must be required to seek an examination by a hospital consultant, who specialises in diabetes, before the renewal date of his licence in September 2011 and every 12 months thereafter;
- 2) the appellant's Hackney Carriage/Private Hire drivers licence must include all the following six qualifying conditions that must be met:
 - i) They must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months;
 - ii) They will not be able to apply for category C1 or C1E entitlement until their condition has been stable for a period of at least one month;
 - iii) They must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. We advise the use of a memory chip meter for such monitoring;
 - iv) They must arrange to be examined every 12 months by a hospital consultant who specialises in diabetes. At the examination the consultant will require sight of their blood glucose records for the last 3 months;
 - v) They must have no other condition, which would render them a danger when driving C1 vehicles;
 - vi) They will be required to sign an undertaking to comply with the directions of doctor(s) treating the diabetes and to report immediately to DVLA any significant change in their condition.
- 3) the Principal Licensing Officer to write to the appellant's doctor stating that an examination would be required every 12 months.

Action By

The Solicitor drew attention to the fact that this Hearing had arisen from an administrative 'blip' by the ambiguous reports received from the appellant's doctor. He made it clear that in order for the appellant to continue to drive the aforementioned conditions would be added to the licence and that an appointment to see a consultant must be made before the expiry of the licence in September 2011.

It had been a necessary step of the Hearing procedure for the appellant to see a consultant in February 2011, meaning two appointments would have been made in one year; however, by September 2012 only one visit per annum would be necessary.

6/11 CLOSING REMARKS (ADDITIONAL ITEM)

The Chairman announced that he would not be seeking re-election and thanked everyone, particularly the Principal Licensing Officer, for all their help and assistance throughout the years.

He felt that the Appeals Committee had dealt with some diverse matters over the years and had been a tricky meeting to Chair, even though, in the eyes of Breckland Council, it was considered to be a minor committee.

Members, the Solicitor and the Principal Licensing Officer all said that it had been a pleasure and a privilege to work with someone who had always Chaired the Appeals meetings very well.

The Principal Licensing Officer reported that further training had been arranged for new and existing Members as many of the rules had changed.

The meeting closed at 10.30 am

CHAIRMAN