

65/13 HOUSE TO HOUSE COLLECTIONS POLICY (AGENDA ITEM 7)

The Chairman said that she was hesitant to deal with the House to House Collection's Policy as she was unsure whether policies were part of the Appeals Committee's remit. She felt that the

The Licensing Officer explained that he had spoken with the solicitor and following advice it was suggested that the policy document be withdrawn for further clarification.

It was agreed that the report be withdrawn

66/13 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 8)

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 paragraphs 1, 2 and 7 of Part 1 of Schedule 12A to the Act.

67/13 CONSIDERATION OF SUSPENSION/REVOCAION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 9)

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

The Hearing took place in the presence of the holder of the hackney carriage/private hire drivers licence, his representative, a Licensing Officer, Mr D Lowens, the Council's Solicitor together with a trainee solicitor as an observer.

The Chairman made introductions and explained the procedures to the applicant.

The Licensing Officer presented the report which was to consider the suspension/revocation of a Hackney Carriage/Private Hire driver's licence in accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 which included Condition 10 under the Drivers' Conditions in relation to convictions.

It was alleged that the licence holder had failed to comply with the conditions of his licence in that he failed to notify the Licensing Team of the speeding offences within the required time period. A detailed overview of the report was provided by the Licensing Officer and it was highlighted that a further speeding offence had been committed in 2012.

The Chairman said it was the Committee's duty to consider these offences and invited the licence holder to explain the circumstances.

The licence holder put his case forward and he circulated a copy of the letter that he had sent to his insurance company – he said the same would have been sent to Breckland Council which proved, in his opinion, that he had notified the Licensing Team of the offence committed in August 2013. He then explained the reason why he had failed to produce his driving licence to the Licensing Team on two occasions.

Action By

The details and reasons for the three speeding offences were highlighted and the licence holder stated that he had been carrying passengers on one of the three occasions.

The solicitor asked for clarification of the Offence Codes as there seemed to be an inconsistency in relation to the dual carriageway speeding offence.

In response to a question, the licence holder explained that he worked full-time most of which was day work; this included a daily school run. The school run formed part of a contract carrying two passengers, a child with special needs and his/her escort. He had been involved in this particular contract for just over 9 months.

In response to a further question about whether he had read the Council's Licensing Conditions and Byelaws booklet, the licence holder advised that he had read most of it but could not remember everything just the important parts. The Member highlighted the fact that if he had remembered the important parts he would not be in front of this Committee.

The Vice-Chairman asked if the appellant had been a taxi driver prior to 2005. The appellant explained that he had only been a taxi driver since 2005 but had had a driver's licence for over 30 years. He had a mortgage and had dependents that relied on his income.

The licence holder's representative informed Members that one of the conditions attached to the contract was that the same driver must be used to transport the child with special needs. It was explained that autistic children had to have stability and routine and did not like change. The school run would finish for the summer holidays at the end of July and would start again in September when the schools re-opened.

The licence holder said that he took full responsibility for his actions and felt that he had let himself down and had put his representative's business at risk.

Having heard all the evidence the licence holder and his representative and the Licensing Officer withdrew from the meeting to allow the Committee to consider their options.

After considering the matter the Committee returned.

The solicitor advised on behalf of the Committee that:

- the Committee had tried to avoid damage to the special needs passengers;
- the Committee had taken into account the number of instances of speeding and the level of the speed in excess of the relevant speed limits together with the fact that on one occasion the licence holder had been carrying passengers who were therefore put at risk.

The right to appeal against the decision under S61 of the Local Government (Miscellaneous Provisions) Act 1976 was explained.

RESOLVED that the licence holder's Hackney Carriage/Private Hire driver's licence be suspended for a period of two weeks.

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The Chairman then advised the licence holder that he needed to be careful everywhere, not just where there might be speed cameras, whether working or travelling alone. The Committee needed to be sure that passengers would be safe.

68/13 NEXT MEETING (AGENDA ITEM 10)

The arrangements for the next meeting on Wednesday, 11 September 2013 at 10.00am in the Norfolk Room were noted.

The meeting closed at 11.00 am

CHAIRMAN