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BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

Held on Wednesday, 18 May 2016 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Mrs L.H. Monument (Chairman) Mr R.W. Duffield
Mr W. R. J. Richmond (Vice- Mrs J Hollis
Chairman) Mr A.C. Stasiak
Mr R F W Brame

Also Present

Mrs E J Bishop

In Attendance

Julie Britton - Senior Democratic Services Officer
Josie Hoven - Licensing Officer
Sarah Wolstenholme-Smy - Interim Legal Services Manager

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20/16 MINUTES (AGENDA ITEM 1)

- a. Consideration of Suspension or Revocation of a Hackney Carriage/Private Hire Drivers Licence (Minute No. 18/16 – paragraph 15)

The Licensing Officer circulated crib sheets in relation to information on the Speed Awareness Courses that Members had requested at the last meeting. It was noted that such a course would not be offered if one had already been taken in the last three years.

It was suggested that this information could be added to the Council's Taxi Policy.

It was further noted that the Licence Holder who had had his licence revoked at this meeting had lodged an appeal to the Magistrates Court.

- b. Minutes

The Minutes of the meeting held on 20 April 2016 were confirmed as a correct record and signed by the Chairman.

21/16 APOLOGIES (AGENDA ITEM 2)

None.

22/16 URGENT BUSINESS (AGENDA ITEM 3)

None.

23/16 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

24/16 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillor Bishop in attendance as an observer.

25/16 HEARING PROCEDURES (AGENDA ITEM 6)

Noted.

26/16 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 is likely to involve the disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

27/16 RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 8)

The Applicant was invited into the room. The Chairman introduced the Committee Members and Officers and explained the procedure. The Applicant, when asked, did not object to Councillor Bishop being present to observe the meeting.

Attention was drawn to the options at section 2.1 of the report; the Licensing Officer informed the Committee that as this was a grant for a renewal of a licence only 2 options should be available – to grant or refuse to grant. The Solicitor (who was also the interim Legal Services Manager) asked the Applicant if they were happy to continue now that this information had come to light. The Applicant was happy to continue.

The Licensing Officer presented the report which concerned the renewal of a Hackney Carriage/Private Hire Drivers Licence. An error at paragraph 1.4 of the report was highlighted - the date should have read 28th October 2015 not 28th October 2016.

Councillor Duffield asked if there was any further evidence to back up the testimonial made by another driver that had been included in the telephone call report appended at Appendix A. He also asked if there was any CCTV footage of the incident in question. The Committee was informed that the Licensing Team had not taken a statement from that particular driver and as far as the latter was concerned it had been found that the camera had unfortunately been

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pointing in the other direction at the time of the incident.

Following advice from the Solicitor, the Applicant was allowed to circulate a letter as evidence from the owner of the taxi firm. The Committee was given time to read the contents. The Applicant drew Members' attention to the last paragraph of the letter and explained the meaning of this.

The Applicant had brought along a log of the taxi work undertaken since licence inception which included entries of the problems incurred. The Applicant read aloud their statement. Copies of this statement were circulated as the Chairman thought they would be helpful. The Applicant then informed the Committee of the advice that they had received from the Council; some of which had been misunderstood.

The Committee was made aware of changes to the Applicant's work pattern following the incident and was also made aware of the lessons learnt.

The Chairman asked the Applicant if they had any regrets in not pursuing the harassment order. In response, Members were informed by the Applicant that the advice received from the Council had been misconstrued hence why this form of action had not been taken forward.

The Chairman also asked how the calls on the private mobile phone had been received. Members were informed that the calls to pick up the person in question had been made by text; this had happened on two occasions and both were reported to the owner of the taxi firm forthwith. Altogether approximately 8 or 9 trips had been carried out over a period of 2 years. The fares for these trips were not always paid in full.

Councillor Duffield asked the Applicant why they had not worked from their town of residence. He also asked what the rules were if the Applicant had pursued the harassment order. In response to the first question, it was noted that the work was limited - the Licensing Officer confirmed this observation. In response to the latter, the Licensing Officer explained the licence would not have been revoked as first thought by the Applicant. If the circumstances had been reversed; in all likelihood, the Police would have informed the Licensing Team and the matter would have been brought to the Committee and if the allegation was found to be false the Applicant would have had the opportunity to re-apply for the Hackney Carriage/Private Hire Drivers Licence.

The date of when the first incident happened and the date of when the Applicant first notified the Council were clarified. A further explanation of the Applicant's drawing (as attached to the agenda as evidence) was also clarified.

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The Applicant advised that in hindsight they would have handled the matter very differently.

The Chairman asked if there were any further questions.

The Applicant, Officers and the observer were asked to leave the room whilst the Committee made their deliberations. They were later invited back to hear the decision.

RESOLVED to grant the renewal of the Licence.

The Chairman explained that after considerable thought and discussion the Committee had concluded that the Applicant was a fit and proper person and lessons had been learnt.

28/16 NEXT MEETING (AGENDA ITEM 9)

The arrangements for the next meeting on Wednesday, 13 July 2016 at 10.00am in the Norfolk Room were noted.

The meeting closed at 11.45 am

CHAIRMAN