
BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 16 April 2008 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman)

Mr M. Fanthorpe

Mrs J. Ball

Mrs L.H. Monument

In Attendance

Julie Britton

- Senior Committee Officer

Michael Horn

- Head of Legal Services

Patrick O'Brien

- Technical Officer - Licensing

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5/08 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 23 January 2008 were confirmed as a correct record and signed by the Chairman.

6/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Messrs R Duffield and I Sherwood.

7/08 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 6)

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 items of business on the grounds that they may involve the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part 1 of Schedule 12 A to the Act.

8/08 HEARING PROCEDURES (AGENDA ITEM 7)

This item was noted.

**9/08 APPLICATION TO SUSPEND A HACKNEY CARRIAGE/PRIVATE
HIRE VEHICLE DRIVERS LICENCE (AGENDA ITEM 8)**

The application was considered in the absence of the applicant.

The licensing of hackney carriage/private hire vehicle drivers was regulated by Acts of Parliament. Under these Acts the Council carried out various enquiries to ensure that a driver was a 'fit and proper person'. This included them being medically fit to drive.

The applicant's hackney carriage/private hire vehicle was due to expire

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on 31 August 2008.

The Licensing Officer explained that a medical report, successful or otherwise, had not yet been received from the applicant's practitioner and was not expected until 26 April 2008.

In the interim, Members agreed that the applicant's licence should be suspended until such time that a satisfactory medical certificate was received and that delegated powers be given to officers on renewal.

RESOLVED that

- 1) the hackney carriage/private hire vehicle driver's licence issued to the applicant be suspended for an indefinite period until such time that a satisfactory medical status could be determined; and
- 2) delegated authority be given to Officers on renewal unless further concerns arise.

10/08 APPLICATION TO SUSPEND A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE (AGENDA ITEM 9)

This application was considered in the presence of the appellant.

The Licensing Officer outlined the application as described in the report which sought the Committee's decision on whether a Hackney/Carriage Private Hire Vehicle Driver's Licence should be suspended following several speeding offences.

The Committee should be seen to send out a clear message that driving in this way was unacceptable.

The appellant was given the opportunity to put his case forward in support of his application.

Members noted that the applicant had not been carrying any passengers at the time these speeding offences took place.

The Licensing Officer pointed out that the appellant had kept the Council informed of these matters even though his licence was not due to expire until January 2009.

Members felt that the applicant had learnt his lesson and was aware that one more speeding offence would mean the loss of his driving licence.

It was agreed that the Officer's recommendation be accepted subject to the suspension period being for one week only.

Accordingly, it was

RESOLVED that

- 1) the hackney carriage/private hire vehicle licence issued to the

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appellant be suspended for one week; and

- 2) the suspension commence 21 days from the Hearing date – from midnight on Wednesday, 7th May 2008.

The Chairman explained to the applicant that he had the right to appeal to the magistrates within 21 days of this decision.

The meeting closed at 10.30 am

CHAIRMAN