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**BRECKLAND COUNCIL**

**At a Meeting of the**

**LICENSING HEARING PANEL**

**Held on Friday, 6 September 2019 at 10.00 am in  
Anglia Room, Elizabeth House, Dereham, NR19 1EE**

**PRESENT**

Councillor M. Chapman-Allen  
(Chairman)  
Mrs S. Dowling

Mrs T. Kiddell  
Mr R.W. Duffield

**In Attendance**

Tiffany Bentley  
Teresa Smith  
Lisa Turner  
Sarah Wolstenholme-Smy

- Licensing Officer
- Democratic Services Team Leader
- Assistant Licensing Officer
- Legal Services Manager (Deputy Monitoring Officer BDC)

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**16/19 APOLOGIES**

None.

**17/19 DECLARATION OF INTEREST**

None.

**18/19 PROCEDURES**

Following introductions, the meeting commenced. The procedures were explained to the Licence Holder. The substitute member, Councillor Duffield, remained in the room to observe and did not take part in the hearing.

**19/19 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 items of business on the grounds that they involve the disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act.

**20/19 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE /  
PRIVATE HIRE DRIVERS LICENCE**

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

The hearing took place in the presence of the Applicant, Licensing Officers and Legal Services Manager.

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The Licensing Officer presented the report which was to determine the application for the grant of a Hackney Carriage / Private Hire Drivers Licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

Members were asked to consider the information in the report to determine if the Applicant was a fit and proper person to hold a Breckland Council Hackney Carriage / Private Hire Drivers Licence in line with the legislation and policy, and was a safe and suitable person for the role. The Applicant had previously held a Breckland Council Hackney Carriage / Private Hire Drivers Licence that had expired.

The Applicant was given the opportunity to speak and explain the incidents listed within the report. Following a number of questions to clarify circumstances, the Applicant together with the Licensing Officers withdrew from the meeting to allow Members to consider their options.

Whilst the Panel made its determination, the substitute Member remained in the room but did not take part in the discussion. The Applicant and Licensing Officers were invited back to hear the outcome.

The Legal Services Manager advised the Applicant that in considering its decision the Panel took into account the fact that safety of the public was paramount, and that as a taxi driver the Applicant must be a person of trust. The Panel's principle consideration was whether property or wellbeing of the public were at risk.

The Panel considered Breckland Council's Licensing Procedures and Policy; the Institute of Licensing Guidance, issued April 2018, and whilst the Committee had not yet incorporated this into their policy, it was appropriate to take into account; the Local Government (Miscellaneous Provisions) Act 1976; the Town & Police Clauses Act 1847, together with the verbal statement made by the Applicant to the Panel.

The Panel concluded that any motoring conviction demonstrated a lack of professionalism and would be considered seriously. It was accepted that offences could be committed unintentionally but the four offences had been committed over a relatively short period of time including an attendance at a speed awareness course. The Panel would have expected the Applicant to have learnt from the speed awareness course, and from the fact the Applicant had appeared in front of the Panel when the previous licence had been granted.

The Applicant had said they were a steady driver, and had not been caught over 38mph and problems occurred when driving in an urban area and with a passenger on board that was a distraction. The Panel felt, the fact the Applicant had 9-points, did

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not substantiate the fact that the applicant was a steady and careful driver. The Panel also took into account the fact that the Applicant did not inform the Breckland Council Licensing Team of a change of address and of the recent speeding conviction, both of which should be notified within seven days, which was a breach of Breckland Council's conditions of granting a licence.

The Panel considered the Applicant was not a fit and proper or safe and suitable person to hold a taxi licence, and therefore did not grant the licence.

**RESOLVED** that the application for a Hackney Carriage / Private Hire Drivers Licence be refused.

The Legal Services Manager went on to explain the right of appeal within 21 Days.

The meeting closed at 11.00 am

CHAIRMAN