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BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

Held on Wednesday, 15 January 2014 at 10.00 am in
Norfolk Rooms, The Conference Suite, Elizabeth House, Dereham

PRESENT

Mrs L.H. Monument (Chairman)	Mr S. Askew
Mr W. R. J. Richmond (Vice-Chairman)	Mrs J A North
Mrs S Armes	Councillor C Bowes (Substitute Member)

In Attendance

Tiffany Bentley	- Licensing Officer
Julie Britton	- Senior Committee Officer
Yvonne Blake	- Solicitor

1/14 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 11 September 2013 were confirmed as a correct record and signed by the Chairman.

2/14 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from R Duffield.

3/14 HEARING PROCEDURES (AGENDA ITEM 6)

The Hearing procedures were noted.

4/14 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, 2 and 7 of Part 1 of Schedule 12A to the Act.

5/14 CONSIDERATION OF SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 8)

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, a Licensing Officer and Mrs Y Blake, the Council's Solicitor.

The Chairman made introductions and explained the procedures to the licence holder.

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

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Provisions) Act 1976 which included the following condition in relation to cautions:

“All other crimes – in relation to existing licence holders if any person receives a conviction or caution for any criminal offence within the category of ‘all other crime offences’ then the revocation or suspension of their licence will be imposed or considered giving due thought to their ‘fit and proper’ status in the light of the offence, sentence and circumstances presented”.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states a District Council may suspend or revoke, (on application under Section 46 of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act, 1976, as the case may be), the licence of a driver of a Hackney Carriage or Private Hire vehicle on any of the following grounds:

A. That he has since the grant of the licence:

1. been convicted of an offence involving dishonesty
2. been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or the Act of 1976; or

B. Any other reasonable cause.

The commencement date of the licence holder’s Hackney Carriage/Private Hire drivers licence was highlighted and was accordingly corrected to 1st September 2011.

The licence holder had been issued with a Simple Caution for Fraud by False Representation for an offence that he had admitted to.

The Chairman said it was the Committee’s duty to consider this offence and invited the licence holder to explain the circumstances.

The licence holder explained to the Committee the circumstances which resulted in this offence being committed - altering a website belonging to a taxi firm of which he had been previously employed. He said that he took full responsibility for his actions and in hindsight should not have reacted to the personal situation and instead should have considered the possible consequences; however, he did not consider this offence to affect his ability to carry out his job and he regretted his actions.

The Solicitor advised the licence holder about the law in relation to accepting the caution and therefore admitting to the crime of fraud.

Following a number of questions and having heard all the evidence the licence holder and the Licensing Officer withdrew from the meeting to allow the Committee to consider their options.

The Committee re-convened and after considering the matter, the Solicitor advised on behalf of the Committee that:

- the caution appeared to reflect on the licence holder’s integrity and honesty; however, the Committee felt that given a period of contemplation, the licence holder should be able to consider how his

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actions had jeopardised his continuation to hold a licence for the Council.

- the Committee felt that following the period of suspension, the licence holder could still be a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.

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 four weeks.

The Chairman felt that during the four weeks suspension the licence holder would have had sufficient time to reflect on his behaviour as honesty and integrity was a necessary part of the licence.

6/14 NEXT MEETING (AGENDA ITEM 9)

The arrangements for the next meeting on 26 February 2014 at 10.00am in the Norfolk Room were noted.

The meeting closed at 11.30 am

CHAIRMAN