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**BRECKLAND COUNCIL**

**At a Meeting of the**

**APPEALS COMMITTEE**

**Held on Friday, 27 June 2014 at 10.00 am in  
Dereham Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr W. R. J. Richmond (Vice- Chairman)      Mrs J A North  
Mrs S Armes

**Also Present**

Ms Y. Blake      - Solicitor (NPLAW)

**In Attendance**

Tiffany Bentley      - Licensing Officer  
Teresa Smith      - Committee Officer (Scrutiny & Projects)  
Josie Hoven      - Assistant Licensing Officer  
Fiona Inston      - Licensing & Business Support Manager

**7/14 APOLOGIES**

Apologies were received from Councillors Monument, Askew, Duffield and Canham.

**8/14 URGENT BUSINESS**

None.

**9/14 DECLARATION OF INTERESTS**

None.

**10/14 NON-MEMBERS WISHING TO ADDRESS THE MEETING**

None.

**11/14 HEARING PROCEDURES**

Noted.

**12/14 NEXT MEETING**

The arrangements for the next meeting on 16 July 2014 at 10:00am in the Norfolk Room were noted.

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**13/14 EXCLUSION OF PRESS AND PUBLIC**

**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.

**14/14 CONSIDERATION OF SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE**

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 Drivers Licence in accordance with Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 which states that 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:

b) any other reasonable cause.

(2B) If it appears that the interests of Public Safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

The Chairman invited the licence holder to explain the circumstances.

The Licence holder's representative explained to the Committee that the Licence holders' driving licence was up for renewal with the DVLA. Medical forms had been returned however there had been a section which was incomplete and returned to the licence holder. This was dealt with immediately and returned.

Meanwhile the Licence Holder had contacted Breckland Council to

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inform the Licensing team that a medical issue had been highlighted and this should be dealt with.

The Licensing team contacted the Licence Holder's GP to ask for a letter of confirmation to inform that the Licence Holder was able to drive. However the letter received did not cover driving to Group 2 standards, as required by the Breckland Licensing Policy. The GP was absent, and unable to provide this clarification until week commencing 30 June 2014.

Following a number of questions and having heard all the evidence the Licence Holder, the Representative 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:

- on the grounds of public safety the licence be suspended with immediate effect for a period of 28 days with the proviso that upon receipt of a satisfactory worded letter from the GP to the Licensing Officer the suspension can be lifted.
- the committee felt that this matter would be resolved within this time frame.

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

**Resolved** that the licence holders Hackney Carriage/Private Hire Driver's licence be suspended for a period of 28 days with the proviso that upon receipt of a satisfactory worded letter from the GP to the Licensing Officer the suspension can be lifted.

The Chairman felt that during this time the matter could be resolved.

The meeting closed at 10.55 am

CHAIRMAN