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BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 2 September 2015 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr R.W. Duffield (Chairman) Mr T J Ashby (Substitute Member)
Mrs J Hollis Councillor C Bowes (Substitute Member)

Also Present

Mr P S Wilkinson

In Attendance

Tamsin Eddison - NP LAW
Josie Hoven - Licensing Officer
Helen McAleer - Senior Democratic Services Officer

**Action
By**

Appointment of Chairman for the Meeting

In the absence of the Chairman and Vice-Chairman, Councillor Duffield was nominated to Chair the meeting.

RESOLVED that Councillor Duffield be appointed Chairman for the meeting.

Councillor Duffield in the Chair.

42/15 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 17 June 2015 were confirmed as a correct record and signed by the Chairman.

43/15 APOLOGIES (AGENDA ITEM 2)

Apologies were received from Councillors Brame, L Monument, W Richmond and Stasiak.

Councillors Ashby and Bowes were present as Substitutes.

44/15 URGENT BUSINESS (AGENDA ITEM 3)

None.

45/15 DECLARATION OF INTERESTS (AGENDA ITEM 4)

No declarations were made.

46/15 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillor Wilkinson was in attendance to observe the meeting. He did not take part in the discussions and left the room whilst the Committee made their deliberations.

47/15 HEARING PROCEDURES (AGENDA ITEM 6)

The Applicant was invited into the room and the Chairman introduced the Committee Members and Officers and explained the procedures.

48/15 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 7)

RESOLVED that under Section 100(A) 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 paragraph 3 of Parts 1, 2 and 7 of Schedule 12A to the Act.

49/15 CONSIDERATION OF SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 8)

The Committee heard the application in accordance with the Council's agreed procedures.

The Hearing took place in the presence of the Licence Holder, the Licensing Officer and Tamsin Eddison, the Committee's Legal Advisor. Councillor Wilkinson was in attendance to observe the proceedings.

The Licensing Officer presented the report and explained the background history.

The Licence Holder then explained the circumstances of his failure to notify the Council of a conviction within the required time. He had been before the Committee before for the same reason and had argued then that a driver was not always aware that they had committed an offence and it was sometimes more than two weeks before they received a ticket in the post and then there was a further period before the fine was paid. He was confused about which date counted as the date of the conviction. He had also questioned the ticket he had received as there were some inaccuracies which he thought might have influenced the decision not to give him the option of a safety awareness course.

The Licence Holder, the Licensing Officer and Councillor Wilkinson left the room whilst the Committee discussed the information.

Councillor Ashby asked to see a copy of the Minutes from the Licence Holder's previous appearance before the Committee. The

Solicitor advised that the Licence Holder should be shown the Minutes and asked if he objected to Members seeing them. He had no objection and copies of an extract from the Minutes of the meeting held on 18 February 2015 were tabled for Members to read.

Councillor Hollis was concerned that the Licence Holder had already been suspended in the current year and was using the same excuse for failing to notify the Council again.

Councillor Bowes questioned his suitability to continue to hold his Licence in view of his history of offences.

Members considered their options. They were aware that revocation would affect the livelihood of the Licence Holder but they had to put public safety first.

RESOLVED to revoke the licence.

Reasons for Decision:

- This was not the first time that the Licence Holder had failed to notify the Council of an offence within a reasonable time;
- Members were concerned at the number of offences;
- Members were mindful that the Licence Holder had been before the Committee already in 2015;
- At the previous Hearing the Licence Holder had been suspended for failing to notify the Council and that suspension had been within the last six months; and
- The over-riding factor was concern for public safety.

The Licence Holder was advised of his right to appeal the decision and notified that his Licence would not be revoked until the 21 day appeal period had lapsed.

50/15 NEXT MEETING (AGENDA ITEM 9)

The arrangements for the next meeting on 28 October 2015 at 10.00am in the Norfolk Room, Conference Suite, Elizabeth House, Dereham were noted.

The meeting closed at 11.03 am

CHAIRMAN