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BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

Held on Wednesday, 9 March 2016 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Mr W. R. J. Richmond (Vice-Chair, Mr T J Ashby (Substitute Member)
in the Chair)
Mr R.W. Duffield

In Attendance

Tiffany Bentley - Licensing Officer
Helen McAleer - Senior Democratic Services Officer
Luke Parker - Solicitor

Vice Chairman in the Chair

Action By

1/16 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 16 December 2015 were confirmed as a correct record and signed by the Chairman.

2/16 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Brame, Hollis, Monument and Stasiak. Councillor Ashby was present as a Substitute. Apologies were also received from Councillors Bowes and Newton as they were unable to attend as Substitutes.

3/16 URGENT BUSINESS (AGENDA ITEM 3)

None.

4/16 DECLARATION OF INTERESTS (AGENDA ITEM 4)

No declarations were made.

5/16 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

None.

6/16 HEARING PROCEDURES (AGENDA ITEM 6)

Noted.

7/16 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 7)

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 item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A to the Act.

8/16 CONSIDERATION OF SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 8)

The Licence Holder was invited into the room. The Chairman introduced the Committee and Officers and explained the procedures.

The Licensing Officer presented the report. The Licence Holder had failed to notify the Council of a driving offence, contrary to the conditions of the Licence. He had received a verbal warning for a similar offence in 2011.

Members raised concern about the recording of the verbal warning and the lack of evidence to confirm what had been said.

The Licensing Officer explained the procedure and that the Driver would have been advised of the need to comply with the conditions of the Licence and that any further offences would lead to a referral to Committee.

The Licence Holder said that he had been a taxi driver since 1998 and his licence had been clean for many years. He was still in dispute about the matter as he had not received initial notification of the offence within 14 days and then, despite confirming that he would be willing to accept a Speed Awareness Course he had heard nothing more until a bailiff demanded payment of £615.

The Licensing Officer clarified that in order for the offence to proceed the police were required to serve notice within 14 days.

The Licence Holder had brought copies of correspondence he had received on the matter. This was passed to Members to read. It was apparent that there was some confusion about dates but the Licence Holder was adamant that he had not received the initial notification.

The Chairman asked if he had been the owner of the vehicle at the time of the offence and he confirmed that he was a 'one man band' working for himself. He had been on his way to collect a fare from London at the time of the offence. He had not known the road and the speed camera had been located in a tunnel just after a speed sign reducing the limit from 40 to 30mph. He accepted that he had exceeded the speed limit.

The Solicitor referred to a Court document which had been sent to the Licence Holder outlining the options available to him and asked how he had responded to that. The Licence Holder said that he had pleaded guilty by post but was disputing the conviction as he had not received the initial notification of the offence within 14 days and he had not received a response to his request that he be able to attend a Speed Awareness Course closer to his home address.

The Licence Holder concluded by saying that he had not had any problems before and he apologised for not informing the Council. He explained that he relied on his business to make a living and that people relied on him to provide a service which they would not easily be able to get elsewhere. He confirmed that he had read the guidance manual.

The Licence Holder and the Licensing Officer left the room whilst the Committee made their determination. They were then invited back to hear

the decision.

The Chairman advised the Licence Holder that the Committee had considered all the circumstances and:

RESOLVED to take no further action.

He advised the Licence Holder that he would be expected to keep in close contact with the Council in future. He should re-read the guidance notes and he must notify the Council of any further offences. He would be sent a formal letter of warning advising him that any future failures to notify the Council may have serious consequences.

The Licence Holder left the room.

Members asked if a change could be made to procedures to ensure that a verbal warning was followed up by a letter setting out what had been said, to provide evidence to assist the Committee when considering any further offences.

The Licensing Officer confirmed that the procedure could be changed without the matter requiring referral to General Purposes Committee.

Members also requested that the Policy should be changed to require Licence Holders to notify the Council if they undertook a Speed Awareness Course. They were concerned that a driver might have committed a number of offences and been offered such a Course and the Committee would know nothing about it.

The Licensing Officer confirmed that the Policy was due for review but that had not yet started. If Members wished the matter could be referred to General Purposes Committee as a 'single issue' change to Policy as it was about the standard of driving.

The Chairman asked the Licensing Officer to check the details and inform the next meeting of the exact circumstances of when a Speed Awareness Course was offered, how regularly that could happen, and whether it was offered to people who already had points on their licence. Members would then decide if the matter needed referring to General Purposes Committee.

9/16 NEXT MEETING (AGENDA ITEM 9)

The date of the next meeting on 20 April 2016 was noted.

Members were reminded that they had been invited to a training session on Safeguarding that would follow the Licensing Committee meeting on Wednesday, 16 March.

The meeting closed at 11.25 am

CHAIRMAN