

# Public Document Pack BRECKLAND COUNCIL

## At a Meeting of the

### APPEALS COMMITTEE

Held on Wednesday, 17 June 2009 at 10.00 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

#### PRESENT

Mr P.S. Francis (Chairman)                      Mr R.W. Duffield  
Mrs J. Ball    Mrs L.H. Monument

#### Also Present

Mr P. Mason    Solicitor

#### In Attendance

Stephanie Butcher                                      Licensing Team Leader  
Sheila Cresswell                                      Member Services Officer

#### Action By

#### **21/09 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 6 May 2009 were confirmed as a correct record and signed by the Chairman.

#### **22/09 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr I. Sherwood and Mr M. Fanthorpe.

#### **23/09 EXCLUSION OF THE 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 paragraph 7 of Part 1 of Schedule 12A to the Act.

#### **24/09 APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (AGENDA ITEM 8)**

The report was considered in the presence of the appellant. Mr Phil Mason (Solicitor) was also in attendance.

The Committee heard the appeal in accordance with the Council's agreed procedure.

The Principal Officer Licensing & Business Support (POLBS) presented the report, which was to consider an application for the renewal of a Breckland Council driver's licence following failure to inform the Council of two convictions which occurred in October and November 2006. Both involved speeding offences and failure to give the identity of the driver.

The POLBS highlighted Condition 10 of the conditions attached to a Breckland Council driver's licence, which requires the driver to notify the Council, in writing, of any conviction, caution or driving offence imposed on them during the period of their licence within seven days of that conviction.

**Action By**

The appellant confirmed that he had received a copy of the relevant Byelaws, Regulations and Conditions. He also confirmed that he had no outstanding matters or offences, and that he agreed with the report as presented to the Committee.

As there appeared to be some discrepancy about the dates concerned, he clarified that the first offence was on 5 October 2006 and the second on 30 November 2006.

He then gave details of each offence, explaining that he had been driving in both cases. Whilst he had been requested to give information about the driver on each occasion, the original contact had not been followed-up by DVLA and so, over time, he had simply forgotten about the paperwork.

He was "one hundred per cent certain" that he had sent details of the first offence to the Licensing team (via the Council's Thetford office and the courier system which dealt with internal mail). He said that he had not set out to deliberately deceive anyone at any stage: aside from the fact that he took his livelihood very seriously, details of the offences would automatically appear on the records he would need to submit upon application for renewal, and so there would be no point in him trying to hide information. Instead, this had been a case of forgetfulness, for which he apologised, compounded by a house move which had occurred at that time.

He confirmed his family situation, explaining that he and his wife were currently financially responsible for one school-aged child.

Having heard all the evidence and read the report for this matter, the Committee were concerned that the appellant had failed on two separate occasions to comply with Condition 10 of the Terms & Conditions of Breckland Council's Drivers' Licence Provisions. The protection of the public was of paramount importance to the Council in these matters. It was therefore

**RESOLVED** to suspend the appellant's driving licence for a period of one month.

The Chairman reminded the appellant that he would receive this decision in writing and would have the right to appeal, if he so wished.

The meeting closed at 10.40 am

CHAIRMAN