

Appeals Committee – 23 September 2010

Minutes of the meeting of the **Appeals Committee** held on **23 September 2010** when there were present:-

Chairman: Cllr J E Grey
Vice-Chairman: Cllr Mrs L M Cox

Cllr K H Hudson
Cllr T Livings

Cllr R A Oatham
Cllr Mrs B J Wilkins

OFFICERS PRESENT

K Khan - Principal Solicitor
J Crawford - Transportation Manager
M Keogh - Enforcement Officer, Transportation Services
C Stone - Hackney Carriage Officer, Transportation Services (for items 4 and 5 only)
S Worthington - Committee Administrator

237 MINUTES

The Minutes of the meeting held on 17 June 2010 were approved as a correct record and signed by the Chairman.

238 PROCEDURAL NOTE

The Committee noted the procedure to be followed in hearing the review.

EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That the press and public be excluded from the meeting for the remaining item of business on the grounds that exempt information as disclosed in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

239 HACKNEY CARRIAGE VEHICLE AND DRIVER'S LICENCE

The Committee considered the exempt report of the Head of Planning and Transportation relating to a driver falling outside the Council's hackney carriage vehicle and driver licensing conditions after receiving a Police caution for battery.

The Committee, having considered all the evidence and taking into account representations made on behalf of the driver, accepted that the Police caution related to an isolated incident that was very much out of character. The Committee took into consideration the fact that the driver notified the Hackney Carriage Office immediately of the Police caution and the genuine remorse displayed by the driver and the driver's assurance that such an incident will not happen again.

It accordingly did not deem it appropriate to suspend or revoke the hackney carriage vehicle or hackney carriage driver's licences. It did, however, consider it appropriate to issue the driver with a formal, written warning that any future breach in the Council's hackney carriage licensing conditions could result in revocation of her hackney carriage vehicle and driver's licences.

Resolved

That the driver be issued with a formal, written warning that any future breach in the Council's hackney carriage licensing conditions could result in revocation of her hackney carriage vehicle and driver's licences. (HPT)

At this point the Committee adjourned the hearing in order to allow the Chamber to be cleared for the second hearing.

The Committee re-convened.

240 PROCEDURAL NOTE

The Committee noted the procedure to be followed in hearing the review.

241 HACKNEY CARRIAGE VEHICLE AND DRIVER'S LICENCE

The Committee considered the exempt report of the Head of Planning and Transportation relating to a driver falling outside the Council's hackney carriage vehicle and driver licensing conditions following a revocation of his DVLA licence for failing to supply driver's details.

The Committee, having considered all the evidence and representations made, determined that a number of the Council's hackney carriage licensing conditions had been breached, including the failure to notify the Hackney Carriage office on numerous occasions of convictions and offences and changes of address, failure to hold a valid driving licence and for having 3 endorsements on the driver's DVLA driving licence. It considered that the nature of the breaches applied to the driver's fitness to drive and to own a licensed vehicle.

Members felt that the driver managed his affairs in a casual manner and had recklessly disregarded the Council's hackney carriage licensing conditions. It considered that, having been a taxi driver for over 5 years, the driver had full knowledge of his responsibility to comply with these conditions. Despite this and many reminders from the Hackney Carriage Office, the driver had repeatedly failed to comply with these conditions.

The Committee therefore deemed it appropriate to revoke the driver's hackney carriage vehicle licence, commencing 21 days from receipt of formal, written notification, and to suspend the driver's hackney carriage driver's licence for a period of 3 months, commencing 21 days from receipt of formal, written notification.

The Committee, in imposing these sanctions, took into consideration the potential effect of any sanctions on the driver's ability to earn a living and had shown some leniency by suspending the hackney carriage driver's licence, rather than revoking it. The Committee advised the driver to make full use of the suspension period to put his affairs in order, as further breaches of conditions could result in full revocation of his hackney carriage driver's licence. In addition, the Committee emphasised the importance of notifying changes of address to the Hackney Carriage Office within 7 days of moving.

Resolved

- (1) That the driver's hackney carriage vehicle licence be revoked, commencing 21 days from receipt of written notification.
- (2) That the driver's hackney carriage driver's licence be suspended for a period of 3 months, commencing 21 days from receipt of written notification. (HPT)

The meeting commenced at 10.00 am and closed at 1.30 pm.

Chairman

Date

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