

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,
HADLEIGH ON TUESDAY 20 DECEMBER 2011 (9.30 a.m.)

PRESENT: Mr P J Holbrook - Chairman

Mr J R B Cave
Mr P Jones

Mr R W Thake
Mr L H Young

Also in attendance were:-

Mr L Carvell (Licensing Officer on behalf of the Head of Natural and Built Environment)
The Applicant

1 DECLARATION OF INTERESTS

None declared.

2 QUESTIONS FROM MEMBERS

None received.

3 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

RESOLVED

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public be excluded from the meeting for the business specified below on the grounds that if the public were present during this item it is likely that there would be the disclosure to them of exempt information as indicated against the item.

The Committee was also satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

4 APPLICATION FOR THE REVIEW OF A NEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Exempt information by virtue of Paragraphs 1 and 7 of Part 1)

The Chairman of the Committee referred to the Procedure to be followed at the hearing, a copy of which had been circulated with the Agenda, and introduced those present. The Applicant produced two character references, copies of which (subsequently identified as Appendix B to [Paper L121](#)) were handed out to Members prior to the commencement of the meeting.

The Licensing Officer submitted a report on behalf of the Head of Natural and Built Environment (Paper L121, which included a copy, for information, of [Paper L68](#) which had been submitted to an earlier hearing) asking the Committee to determine an application for the review of the Combined Hackney Carriage/Private Hire Driver Licence (which had been suspended by the Committee for a period of three months from 20 September) for the person referred to in the report. Members were aware of the decision at the earlier hearing to take no action in respect of the Private Hire Operator's Licence held by the Applicant.

Following the presentation, the Applicant made an opening statement and responded to questions from Members.

The parties were given the opportunity to provide closing comments to the meeting following which they withdrew to enable the Committee to deliberate the application.

Members in determining whether there was sufficient reasonable cause to further suspend or revoke the Licence took into account the updated information regarding the on-going investigation by the Suffolk Constabulary and the representations made by the Applicant together with the character references provided by him. They also had regard to the seriousness of the allegations and to public safety issues. The Solicitor to the Council clarified that the Council is not subject to the 'criminal burden of proof' test in determining the application.

RESOLVED

That, in view of the on-going Police investigation and having regard to the seriousness of the allegations and the Council's duty to public safety, the Combined Hackney Carriage/Private Hire Driver's Licence of the person referred to in Paper L121 be suspended for a further period of two months, to take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Further, that the relevant Head of Service be authorised to lift the suspension in the event that the Suffolk Constabulary decides to take no further action in respect of the matter under investigation.

The business of the meeting was concluded at 10.10 a.m.

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Chairman