

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE  
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,  
HADLEIGH ON MONDAY 20 FEBRUARY 2012

PRESENT: Mr P J Holbrook - Chairman

Mr J R B Cave  
Mr R W Thake

Mr A J Ward  
Mr L H Young

Mr L Carvell (Licensing Officer, Place Directorate) was in attendance at the meeting to present Paper L154.

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 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE (Exempt information by virtue of Paragraphs 1 and 7 of Part 1)

Members had before them [Paper L154](#) together with a copy of the Procedure for a Review Hearing, which had been circulated with the Agenda.

Members noted that the person referred to in the report had indicated that he would be unable to attend the meeting due to his current personal circumstances. In response to a question from the Chairman, Mr Carvell confirmed that the person referred to had been advised that he could be represented at the meeting by a third party and that the hearing could, with the consent of the Committee, proceed without his presence or representation. No response had been received from him and the Committee agreed to proceed with the hearing in his absence, taking into account that the current licence suspension would expire on the day of the meeting.

The Licensing Officer introduced Paper L154, which included a copy of Paper L68 (submitted to an earlier hearing) asking the Committee to determine an application for the review of the Combined Hackney Carriage / Private Hire Driver Licence (suspended by the Committee for a further period of two months from 20 December) for the person referred to in the report. Members were aware of the decision at an earlier hearing to take no action in respect of the Private Hire Operator's Licence held by him. The Licensing Officer also reported updated information received from Suffolk Constabulary on the progress of the investigation.

Members then questioned the Licensing Officer about various matters, and expressed their concern about the length of time which had elapsed since this matter was first brought to the attention of the Licensing Authority. The Legal Advisor clarified the nature of the alleged offence, which was of a lower category than the original, and confirmed the maximum sentence which any conviction would attract. Members were aware that the person concerned has still not been charged, and has been given a date to reappear at the Police Investigation Centre. The Combined Licence is due to expire on 9 May 2012.

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, the seriousness of the allegations, issues of public safety, and the Licence expiry date of 9 May 2012.

**RESOLVED**

- (1) 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 L154 be suspended for the further period up to and including 9 May 2012, being the expiry date of the Combined Licence, 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.**
  
- (2) That the Licensing Officer be asked to write to the Suffolk Constabulary in relation to the process for investigating alleged offences prior to any charges being brought, particularly regarding the timescales for such action.**

The business of the meeting was concluded at 9.45 a.m.

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Chairman