

Borough Council of
**King's Lynn &
West Norfolk**



LICENSING & APPEALS BOARD

Agenda

Tuesday 21st May 2013

*Immediately following the meeting of the Licensing
Committee*

Committee Suite
King's Court
Chapel Street
King's Lynn
PE30 1EX



If you require parts of this document in another language, large print, audio, Braille or any alternative format please contact the Council Information Centre on 01553 616200 and we will do our best to help.

LATVIAN

Ja Jums nepieciešamas daļas no šī dokumenta citā valodā, lielā drukā, audio, Braila rakstā vai alternatīvā formātā, lūdzu, sazinieties ar Padomes informācijas centru (Council Information Centre) pa 01553 616200 un mēs centīsimies Jums palīdzēt.

RUSSIAN

Если вам нужны части этого документа на другом языке, крупным шрифтом, шрифтом Брайля, в аудио- или ином формате, обращайтесь в Информационный Центр Совета по тел.: 01553 616200, и мы постараемся вам помочь.

LITHUANIAN

Jei pageidaujate tam tikros šio dokumento dalies kita kalba, dideliu šriftu, Brailio raštu, kitu formatu ar norite užsisakyti garso įrašą, susisiekiite su Savivaldybės informacijos centru (Council Information Centre) telefonu 01553 616200 ir mes pasistengsime jums kiek įmanoma padėti.

POLISH

Jeśli pragną Państwo otrzymać fragmenty niniejszego dokumentu w innym języku, w dużym druku, w formie nagrania audio, alfabetem Braille'a lub w jakimkolwiek innym alternatywnym formacie, prosimy o kontakt z Centrum Informacji Rady pod numerem 01553 616200, zaś my zrobimy, co możemy, by Państwu pomóc.

PORTUGUESE

Se necessitar de partes deste documento em outro idioma, impressão grande, áudio, Braille ou qualquer outro formato alternativo, por favor contacte o Centro de Informações do Município pelo 01553 616200, e faremos o nosso melhor para ajudar.

LICENSING & APPEALS BOARD

Democratic Services Section, Second Floor, King's Court,
Chapel Street, King's Lynn, Norfolk, PE30 1EX.

My Ref: RAE/I&a
Your Ref:
Please ask for: Rachael Edwards
Direct Dial: (01553) 616275
Email: rachael.edwards@west-norfolk.gov.uk

13th May 2013

Dear Member

Licensing & Appeals Board

You are invited to attend a meeting of the full Licensing & Appeals Board on **Tuesday 21st May 2013** immediately following the meeting of the Licensing Committee in the **Committee Suite, King's Court, Chapel Street, King's Lynn** to consider the business shown below.

Yours sincerely,
Chief Executive

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

To consider any business which, by reason of special circumstances, the Chairman proposes to accept as urgent under Section 100(b)(4)(b) of the Local Government Act, 1972.

3. DECLARATIONS OF INTEREST

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

4. **MEMBERS PERSUANT TO STANDING ORDER 34**

5. **TO APPROVE THE MINUTES OF THE PREVIOUS BOARD/PANEL HEARINGS** (copies available on request)

(i) To approve the Minutes of the full Licensing & Appeals Board

7th August 2012

(ii) To approve the Minutes of the Licensing & Appeals Panel Hearing

18th September 2012 – 2 hearings

Panel Members – Councillors G Sandell, C Crofts and C Sampson

17th October 2012 – 3 hearings

Panel Members – Councillors R Groom, A Lovett and J Loveless

30th October 2012

Panel Members – Councillors G Sandell, C Manning and D Tyler

6th November 2012

Panel Members – Councillors R Groom, J Loveless and C Manning

28th November 2012

Panel Members – Councillors G Sandell, R Bird and A Wright

9th January 2013

Panel Members – Councillors G Sandell, M Langwade and L Scott

6th February 2013

Panel Members – Councillors R Groom, R Bird and Mrs S Smeaton

12th February 2013

Panel Members – Councillors G Sandell, R Bird and Mrs S Smeaton

6. **DELEGATION OF POWERS UNDER SECTION 52, ROAD SAFETY ACT 2006 – REVOCATION AND SUSPENSION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVING LICENCES**

Powers exist under Section 52, Road Safety Act 2006 to suspend or revoke a driver's licence with immediate effect where the Licensing Authority are of the opinion that the interests of the public require such a course of action.

The purpose of the attached report (pages 1-5) is for Members of the Board to give consideration to the proposal that this power is delegated to the Executive Director, Environment and Planning and the Chief Executive

7. **DATE AND TIME OF NEXT MEETING**

To: Councillors D Tyler (Chairman), C Crofts (Vice-Chairman) M Back, R Groom, G Howman, M Langwade, J Loveless, A Lovett, C Manning, C Sampson, G Sandell, L Scott, Mrs S Smeaton, M Tilbury, and T Wright

Appropriate Officers – Rachael Edwards, John Gilbraith and Vicki Hopps

By Invitation: Councillor M Hopkins
Councillor M Pitcher
Councillor A Lawrence – Portfolio Holder for Community

LICENSING & APPEALS BOARD REPORT

Type of Report:	Portfolio(s): Community – Councillor Lawrence
Author Name: Vicki Hopps	Consultations:
Tel: 01553 616307	
Email: Vicki.hopps@west-norfolk.gov.uk	
OPEN	

DATE: 21st MAY 2013

SUBJECT: DELEGATION OF POWERS UNDER SECTION 52, ROAD SAFETY ACT 2006 – REVOCATION AND SUSPENSION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVING LICENCES

Summary

Powers exist under Section 52, Road Safety Act 2006 to suspend or revoke a driver's licence with immediate effect where the Licensing Authority are of the opinion that the interests of the public require such a course of action.

It is proposed that this power is delegated to the Executive Director- Environment and Planning and the Chief Executive.

Recommendations

The Licensing Appeals Board is asked to consider and approve the following with immediate effect:

- 1) That approval for the powers under Section 52 of the Road Safety Act 2006 to "suspend or revoke a Hackney Carriage or Private Hire driver's licence with immediate effect where the Licensing Authority are of the opinion that the interests of public safety require such course of action" to be delegated to the Executive Director- Environment and Planning and the Chief Executive in consultation with either the Chairman or Vice-Chairman of the Licensing and Appeals Board.
- 2) That any delegated decisions made by the Director – Environment and Planning and the Chief Executive, in consultation with either the Chairman or Vice-Chairman of the Licensing and Appeals Board be reported to all Members of the Licensing and Appeals Board.
- 3) That the new procedure for dealing with matters Under Section 52 of the Road Safety Act 2006, as outlined in Appendix One of the report, be adopted.

Reason for Decision

To provide a quick response to matters where there is an immediate risk to public safety and a consistent approach when dealing with such matters under Section 52 of the Road Safety Act 2006.

Background

On 16th March 2007 Section 52 Road Safety Act 2006 came into force and repealed the previous power as regards Hackney Carriage and Private Hire Drivers Licences outlined above. (The relevant extract of Section 52 of the new Act is attached at Appendix 2)

In essence Section 52 “gives Licensing Authorities the power to suspend or revoke a Taxi or Private Hire drivers Licence with immediate effect where they are of the opinion that the interests of public safety require such a course of action”.

The immediate effect means that once the licence holder has received official notice that their drivers licence is suspended or revoked, fully justifying the reasons why this action has been taken, then this action takes immediate effect. In other words there is no 21 day appeal period before the suspension or revocation takes effect.

Once official notice of the suspension or revocation has been served on the licence holder, he/she may appeal against the decision directly to the Magistrates Court, but the licence will remain suspended or revoked until the matter is determined by the Courts.

It is requested that this power be delegated to the Executive Director- Environment and Planning and the Chief Executive to enable immediate action to be taken in the interests of public safety for serious matters.

Although each case would be dealt with on its own merits, the types of offences that would require such action would be those of:

- serious road traffic offences,
- drink driving related offences,
- serious drug related offences,
- offences involving indecency, sexual assault or violence and
- serious offences involving theft, burglary and robbery.

This is not an exhaustive list but highlights the type of matters to be considered.

The protection, wellbeing and safety of the public is of paramount importance regarding Licensing matters and the request for this power to be delegated to the Executive Director- Environment and Planning and Chief Executive is made to

ensure that the Council is in a position to immediately address any serious issues if and when they occur.

In addition to the above it is proposed that any cases which require immediate action be carried out in consultation with either the Chair or Vice-Chair of the Licensing and Appeals Board.

The new procedure for dealing with such incidents has been produced and is attached at Appendix 1

Policy Implications

None

Financial Implications

None

Statutory Consideration

The Council must show that statutory powers are delegated and authorised appropriately and correctly to ensure that they are acting within the law. Failure to demonstrate this could leave the Council open to legal challenge where enforcement action is taken against a defendant.

Risk Assessment

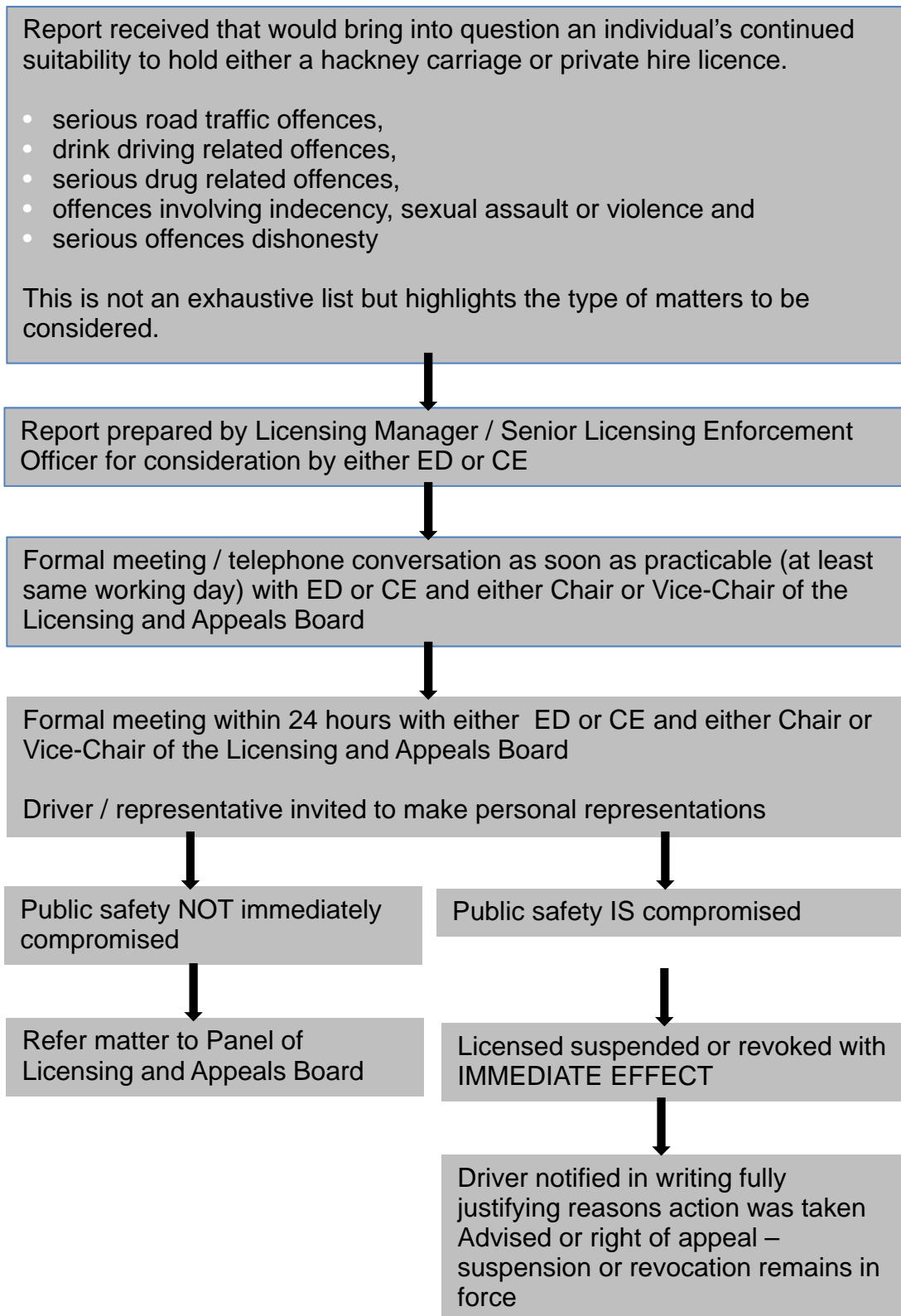
None

Background Information

Local Government (Miscellaneous Provisions) Act 1976
Road Safety Act 2006

APPENDIX ONE

Delegation to Executive Director; Environment and Planning (ED) and Chief Executive (CE) in relation to S52 of the Road Safety Act 2006



Road Safety Act 2006

Section 52 Immediate suspension and revocation of drivers' licences. (1) Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (hackney carriages and private hire vehicles in England and Wales outside London) is amended as follows.

(2) In section 61 (suspension and revocation of drivers' licences), after subsection (2) insert—

“(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.”

(3) In subsection (3) of that section, after “under” insert “ subsection (1) of ”.

(4) In section 77 (appeals), after subsection (2) insert—

“(3) Subsection (2) of this section does not apply in relation to a decision under subsection (1) of section 61 of this Act which has immediate effect in accordance with subsection (2B) of that section.”