

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING & APPEALS BOARD**

**Minutes of a Meeting of the Licensing and Appeals Board held on Tuesday 21<sup>st</sup> May at 6.34pm in the Committee Suite, King's Court, Chapel Street, Kings Lynn**

**PRESENT:**

Councillors D Tyler (Chairman)  
C Crofts (Vice-Chairman), R Groom, J Loveless, A Lovett,  
C Manning, G Sandell and T Wright.

**By Invitation:**

Councillor A Lawrence – Portfolio Holder for Community  
Councillor M Pitcher

Apologies for absence were received from Councillors M Back, G Howman, M Langwade, C Sampson, L Scott, Mrs S Smeaton and M Tilbury

**1. URGENT BUSINESS**

There was no urgent business.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members present under Standing Order 34.

**4. MINUTES**

(i) The minutes of the full Licensing & Appeals Board meeting held on 7<sup>th</sup> August 2012 were confirmed as a correct record and signed by the Chairman.

(ii) The minutes of the Licensing & Appeals Board Panel Hearings held on the following dates were confirmed as a correct record and signed by the Chairman:

18<sup>th</sup> September 2012 – 2 hearings

17<sup>th</sup> October 2012 – 3 hearings

30<sup>th</sup> October 2012

6<sup>th</sup> November 2012

28<sup>th</sup> November 2012

9<sup>th</sup> January 2013

6<sup>th</sup> February 2013

12<sup>th</sup> February 2013

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

Vicki Hopps, Environmental Health Manager (Commercial) presented a report that outlined proposals in relation to Section 52 of the Road Safety Act 2006. She explained that the Act gave powers to suspend or revoke a driver's licence with immediate effect where the Licensing Authority were of the opinion that the interests of the public required such a course of action. Members of the Board were requested to give consideration to the proposal that this power was delegated to the Executive Director, Environment and Planning and the Chief Executive to enable a quick response to matters where there was an immediate risk to public safety and a consistent approach when dealing with such matters under Section 52.

In addition it was proposed that any cases which require immediate action be carried out in consultation with either the Chairman or Vice-Chairman of the Licensing and Appeals Board. Vicki Hopps explained that "immediate effect" meant that once the licence holder had received official notice that their driver's licence was suspended or revoked, fully justifying the reasons why the action had been taken, there was no right to a twenty one day appeal period before the suspension or revocation took effect. Although each case would be dealt 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 offences, offences involving indecency, sexual assault or violence and serious offences involving theft, burglary and robbery. The protection, wellbeing and safety of the public was of paramount importance regarding licensing matters and the request for this power to be delegated was proposed to ensure that the Council was in a position to immediately address any serious issues if and when they occur. Vicki Hopps also proposed that any such decisions which were made using powers under Section 52 would be reported to the Licensing and Appeals Board.

In response to a question raised by Councillor Lovett as to the timescale outlined in the procedure (24 hours) that a formal meeting would be held to determine whether it was appropriate to suspend or revoke with immediate effect, Vicki Hopps explained that it was a feasible timescale given the fact that there could be a potential risk to public safety. A report would be prepared and verbally presented to either the Chairman/Vice-Chairman of the Board and either the Executive Director, Environment and Planning or the Chief Executive.

Councillor C J Crofts referred to the fact that in some instances the driver in question may not have been convicted of the offence in a Court of Law, yet the Council may have taken the decision to suspend or revoke their licence. Vicki Hopps explained that as long as the Council could demonstrate that they had acted reasonably and in the interest of public safety, this should not cause any problems. If circumstances required, it would also be possible to fast track lifting any suspension/reinstating a driver's licence should any allegations/offences prove to be false, incorrect or not proven etc.

The Licensing Manager further explained that it was for the Council to determine whether the person was “fit and proper” to hold a licence which was a far reaching test and in some cases even though an offence may not result in a conviction, in the interests of public safety it may still be appropriate to suspend or revoke a driver’s licence. Each case would be considered on its own merits.

In response to a question raised as what was deemed to be a serious road traffic offence, Vicki Hopps explained such offences as hit and run, drink driving would be considered to be in this category. As far as speeding offences were concerned, in the majority of cases these were considered to be minor with fixed penalty points being awarded. If they were of a more serious nature, they would be considered by a Court of Law. Cases involving driving without insurance would be considered via the normal referral procedure to a Panel of the Licensing and Appeals Board. The Licensing Manager advised that there was also the option to suspend the vehicle licence as opposed to the driver. Driving without insurance generally resulted in being awarded fixed penalty points.

The Chairman requested that Members give consideration and approval to the recommendations as outlined in the report. It was therefore:

**AGREED:** 1) That delegated authority be granted to the Executive Director – Environment and Planning and the Chief Executive, in consultation with the Chairman or the Vice-Chairman of the Licensing and Appeals Board 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 were of the opinion that the interests of public safety required such a course of action.

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 under Section 52 of the Road Safety Act 2006 be formally reported to 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.

## **6. DATE AND TIME OF NEXT MEETING**

There being no pending business, no date was set for a further meeting.

**The meeting closed at 6.50pm**