

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

LICENSING AND APPEALS BOARD – PANEL HEARING

**Minutes of a Meeting of a Panel of the Licensing and Appeals Board
held on Tuesday 10 March 2015 at 10.00 am
in the Committee Suite, King's Court, Chapel Street, King's Lynn**

PRESENT:

Councillor D Tyler (Chairman), Councillor M Hopkins
and Councillor A Lovett.

OFFICERS PRESENT:

Marie Malt - Senior Licensing Enforcement Officer
Wendy Vincent - Democratic Services Officer

LEGAL ADVISOR: - Cara Jordan

OBSERVING: - Vicki Hopps, Environmental Health Manager
Jo Furner, Solicitor

1. Apologies for Absence

There were no apologies for absence.

2. Items of Urgent Business

There were no items of urgent business.

3. Declarations of Interest

There were no declarations of interest.

4. Exclusion of Press and Public

RESOLVED "That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act."

5. Review of Combined Drivers Licence

5.1 Introductions

The Chairman welcomed everyone to the meeting and stated that the purpose of the Hearing was to consider a review of a Combined Drivers Licence. He introduced the Panel Members, Officers and the Legal Advisor. The Licence Holder introduced himself.

The Chairman advised that the Environmental Health Manager and Solicitor were only in attendance to observe the Hearing and would take no part in the proceedings.

5.2 The Procedure

The Legal Advisor outlined the procedure that would be followed at the Hearing.

6. The Senior Licensing Enforcement Officer's Report/Questions

At the invitation of the Chairman, the Senior Licensing Enforcement Officer presented her report.

The report was for Members of the Licensing and Appeals Board to review the Licence Holders continued suitability to hold a combined drivers licence as a result of him having accrued 9 penalty points on his DVLA driving licence.

The Senior Licensing Enforcement Officer provided the Panel with details of the circumstances as to why the Licence Holder had accrued 9 penalty points on his DVLA licence.

The Panel's attention was drawn to the history of the Licence Holder's previous referrals to the Panel and the Senior Licensing Enforcement Officer referred to Appendix 1 which had been included within her report.

The Chairman invited the Licence Holder to ask questions of the Senior Licensing Enforcement Officer.

There were no questions from the Licence Holder to the Senior Licensing Enforcement Officer.

There were no questions from the Panel to the Senior Licensing Enforcement Officer.

7. The Licence Holder's Case/Questions

At the invitation of the Chairman, the Licence Holder presented his case and explained that he had not accrued any penalty points in the last 4.5 years and provided information regarding the latest speeding incident and outlined the reasons why this had not been reported to the Police.

The Licence Holder provided the Panel with information the two speeding incidents which occurred on the A47 on 5 July 2014.

The Licence Holder responded to questions from the Senior Licensing Enforcement Officer.

There were no questions from the Panel to the Licence Holder.

8. Summing Up

8.1 Summing Up – The Senior Licensing Enforcement Officer

The Senior Licensing Enforcement Officer summed up her case.

The Senior Licensing Enforcement Officer requested that the Panel consider her report and the submissions put forward at the Hearing and dispose of the matter by using the following options:

- a) take no action
- b) issue a warning
- c) suspension
- d) revocation
- e) Any other action deemed appropriate, which may include the requirement for the Licence Holder to undertake a Driver Standards Agency (DSA) test and/or the Borough Council's knowledge test.

The Panel was reminded that grounds for their decisions must be given as there was provision for appeal to the Magistrates' Court against those decisions.

8.2 Summing Up - The Licence Holder

The Licence Holder summed up his case and stated that he did not think it was fair to refer to the previous occasions when he had been requested to attend Panel Hearings. He accepted that had not acted in accordance with the Council's procedures.

9 Legal Advice

The Legal Advisor reminded those present that the purpose of the Hearing was to review the Licence Holder's Combined Drivers Licence which was endorsed with 9 penalty points and provided background of the breach of the Borough Council's policy.

The Legal Advisor explained that the Panel was able to take into account the previous occasions when the Licence Holder had appeared before the Panel and that the Panel had to be satisfied that the Licence Holder was a fit and proper person to hold a Combined Drivers Licence.

10. Determination

The Chairman advised that the Panel would retire to consider their decision accompanied by the Legal Advisor and the Democratic Services Officer (for legal and administrative purposes only and neither would take any part in the decision making process).

The Panel retired and considered its decision in private having regard to what it had heard and the requirements of the public interest. On reconvening, the Chairman read out the Panel's decision and reasons for their decision.

DECISION

The decision of the Panel was read out.

REASONS FOR DECISION

The reasons for the decision were read out.

The meeting closed at 11.38 am