South Cambridgeshire District Council

Minutes of a meeting of the Licensing Appeals Sub-Committee held on Wednesday, 10 August 2022 at 11.00 a.m.

PRESENT: Councillor Peter McDonald – Chair

Councillors: Dr. Shrobona Bhattacharya Stephen Drew

Officers: Paul Weller Legal Adviser

John Goodwin Regulatory Support Officer

1. Declarations of Interest

There were no declarations of interest.

2. Exclusion of Press and Public

The press and public were excluded from the meeting during consideration of the following item of business in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (exempt information as defined in paragraph 1 of Schedule 12A (as amended) of the Act).

3. Introductions / Procedure

4. Referral for the consideration of fit and proper status

The Sub-Committee decided on the balance of probabilities to **Revoke the Licence** to the appellant.

Reasons:

In making its decision the sub-committee considered the following:

- Statutory provisions: S51,61 & 77 Local Government (Miscellaneous Provisions Act) 1976
- Statutory taxi and private hire vehicle standards issued by the Department of Transport in July 2020
- South Cambridgeshire District Council Private Hire and Taxi Policy
- Report of the Licensing Officer
- Advice from the Council's legal adviser
- Evidence as referred to above.

The sub-committee made its decision for the following reasons:

• The imposition of the 9 penalty points and the £630 fine by the court in Edinburgh court was as a result of the appellant not treating seriously, the

initial fixed penalty notice issued for speeding on the 1st August 2019.

- The reasons given for not paying the fixed penalty notice were inconsistent.
- Despite having received a written warning from the licencing authority, there
 was a further incident whereas a professional driver although not a taxi
 driver, the appellant was stopped for speeding by the police in August 2021,
 this represented the second occasion when the appellant was stopped for
 speeding.
- It was not accepted the appellant took responsibility for his actions subsequent to his initial fixed penalty notice.
- It appeared there was a separation in responsibility of when driving alone and when driving members of the public.
- It was recognised there were no complaints from the public but there was a pattern of behaviour resulting in two convictions.
- The sub committee did not apply any weight to the food hygiene conviction save to note that it represented a failure to address legislative requirements.
- In accordance with the guidance, the sub committee could not apply any weight to the personal circumstances of the appellant.

The Meeting ended at 12.30 p.m.