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20 January 2023

To: Councillors Dr. Shrobona Bhattacharya, Mark Howell and Corinne Garvie

Dear Councillor

You are invited to attend the next meeting of **Licensing Appeals Sub-Committee**, which will be held in **Jeavons Room, First Floor** at South Cambridgeshire Hall on **Wednesday, 8 February 2023 at 9.30 a.m.** **The papers are confidential and not for publication.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
Liz Watts
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

Agenda

Pages

1. **Declarations of Interest**

As a Councillor, you are reminded of the requirements under the Council's Code of Conduct to register interests and to disclose interests in a meeting. You should refer to the requirements set out in the Code of Conduct which are summarised in the notes at the end of this agenda frontsheet.

2. **Exclusion of Press and Public**

The Chair will read the following statement:

The report contains information which the officer recommends should be exempt from publication and also that the press and public should be excluded from the meeting during consideration of the appeal, 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 of the Act).

The Chair will ask the Sub-Committee the following:

Does the Licensing Appeals Sub-Committee agree that the public interest is outweighed by the recommendation to exclude the press and public for this agenda item?

3. Introductions / Procedure

5 - 6

The Chair of the Sub-Committee will welcome those present and introduce him/herself; the remaining members of the Sub-Committee and the officers will then introduce themselves.

A copy of the Sub-Committee appeals procedure is attached.

4. Fit and proper status to hold a Private Hire Driver licence

7 - 30

Guidance For Visitors to South Cambridgeshire Hall

Disclosable pecuniary interests

A “disclosable pecuniary interest” is an interest of you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) which falls within the categories in [Table 1 of the code of conduct, which is set out in Part 5 of the Constitution](#).

Where a matter arises at a meeting which directly relates to one of your disclosable pecuniary interests you must:

- disclose the interest;
- not participate in any discussion or vote on the matter; and
- must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

It is a criminal offence to:

- fail to notify the monitoring officer of any disclosable pecuniary interest within 28 days of election
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Other registerable interests

These are categories of interest which apply to the Councillor only (not to their partner) and which should be registered. Categories are listed in [Table 2 of the code of conduct, which is set out in Part 5 of the Constitution](#). Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in

any discussion or vote on the matter; and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of non-registerable interests

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects – a. your own financial interest or well-being; b. a financial interest or well-being of a relative or close associate; or c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied. Where a matter (referred to in the paragraph above) affects the financial interest or well-being: a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

[Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Agenda Item 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL LICENSING APPEALS SUB-COMMITTEE

Hackney Carriage and Private Hire Drivers / Vehicles / Operators

Procedure to be followed when dealing with appeals to the Sub-Committee

NB: At any point in this procedure the Sub-Committee may pass a resolution excluding the press and public from the meeting on the basis that, if they were to remain, there may be disclosure of exempt information (information relating to the private or business affairs of a particular person)

1. The Chair of the Sub-Committee will welcome those present and introduce himself/herself and the members of the Sub-Committee, the Council's Legal Officer, Democratic Services Officer and any other officer present. The licence holder should be asked to confirm his/her name and address and if they have a representative, they should also introduce themselves.
2. The Council's Licensing Officer will open proceedings by outlining the nature of the matter which is to be considered and whether the proceedings concern a vehicle, drivers' or operators' licence. If the hearing concerns the granting of a licence to a driver (either hackney carriage or private hire) or a private hire operator, the grounds for objecting to the application should be made clear.
3. If the grounds for objection concern previous convictions which may prevent the licence holder being considered a "fit and proper person", the Chair should ask the licence holder if he/she agrees with the list of previous convictions and if the answer is in the negative, the matter should be adjourned to clarify the position. If the licence holder agrees that the list is accurate the Licensing Officer should explain why these convictions have led to the refusal of the application under delegated powers. The Sub-Committee may ask the officer for clarification of any points.
4. The Chair will then give the licence holder the opportunity to make representations to the Sub-Committee and where relevant explain the circumstances surrounding any previous convictions. The licence holder or licence holder may make his/her representations personally or through a representative. Representations should not generally exceed 10 minutes
5. The Chair and other members of the Sub-Committee may ask the licence holder or licence holder questions and points of clarification. The Chair will then ask the licence holder if there is anything else he/she wishes to add.
6. The Sub-Committee will remain in the room to consider its decision in private. The legal officer will remain with the Panel to advise them on any legal issues but will not take part in the decision The Democratic Services Officer will also remain with the Panel to minute the decision. All other persons will be asked to leave the room. If any further clarification or information is required from the licence holder or any officer, all parties will be recalled.
7. All parties will be recalled for the announcement by the Chair of the Sub-Committee's decision or they can request that they are notified of the decision by telephone or e-mail as soon as practicable if they do not wish to stay.
8. The Sub-Committee's decision will be formally confirmed in writing by the Licensing Officer. The time frame for appealing to the Magistrates Court will be suspended pending the outcome of the appeal to the Sub-Committee.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 4

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Notes to help those attending meetings in person at South Cambridgeshire Hall

Notes to help those people visiting the South Cambridgeshire District Council offices – please also refer to the Covid-security measures relating to meetings in the Council Chamber which are on the website page for each relevant meeting.

Members of the public wishing to view the meeting will be able to watch the livestream via the link which will be publicised before this meeting.

Members of the public wishing to attend the meeting in person, please contact Democratic Services at democratic.services@scambs.gov.uk

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this is via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give

protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the Fire and Rescue Service.

- **Do not** re-enter the building until the officer in charge or the Fire and Rescue Service confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

Access for People with Disabilities

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. The Council Chamber is accessible to wheelchair users. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts. These include facilities for disabled people.

Recording of Business and Use of Mobile Phones

We are open and transparent about how we make decisions. Public meetings are webcast and are also recorded, but we allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. If you do so, the Chair will suspend the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one can smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Until the lifting of Covid restrictions, no vending machines are available. Bottled water is available for attendees at meetings.

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