



Wednesday 03 July 2024

To: Chair – Councillor Mark Howell
Councillors Dr. Shrobona Bhattacharya and Corinne Garvie

Dear Councillor

You are invited to attend the next meeting of **Licensing Appeals Sub-Committee**, which will be held in **Council Chamber - South Cambs Hall** at South Cambridgeshire Hall on **Thursday, 11 July 2024 at 12.30 p.m.** **The papers are confidential and not for publication.**

Yours faithfully
Liz Watts
Chief Executive

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**

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.

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

4. **Appeal against the refusal to grant a Private Hire Driver licence**

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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]

The Council is committed to improving access to its agendas and minutes for all members of the community. We try to take all circumstances into account, but if you have any specific needs we will do what we can to help you. Please contact Democratic Services on 01954 713 000 or email democratic.services@scambsgov.uk.

Further information for members of the public can be found at the below link.

[Link to further information for members of the public attending South Cambridgeshire District Council meetings.](#)

If you wish to ask a question or make a statement at a meeting, please refer to the Public Speaking Scheme at the below link.

[Link to the Public Speaking Scheme](#)

Further information for Councillors

[Declarations of Interest – Link to Declarations of Interest - Information for Councillors](#)

Councillors are reminded that Democratic Services must be advised of substitutions in advance of meetings. It is not possible to accept a substitute once the meeting has started.

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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