

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held on
Wednesday, 26 March 2008

PRESENT: Councillor Mrs CAED Murfitt – Vice-Chairman in the Chair

Councillors: EW Bullman Mrs JM Guest
RB Martlew RM Matthews
NJ Scarr

Officers: Myles Bebbington Licensing Officer
Catriona Dunnett Principal Solicitor
Maggie Jennings Democratic Services Officer

Apologies for absence were received from Councillors Mrs PM Bear, R Hall and DC McCraith.

17. DECLARATIONS OF INTEREST

17.1 None.

18. MINUTES OF PREVIOUS MEETING

18.1 The minutes of the meeting held on 15 November 2007 were agreed as a correct record. It was noted that the Licensing Policy, (minute 16 refers) had subsequently been agreed by Council on 31 January 2008.

19. APPEAL HEARING PROCESS

19.1 Noted.

20. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVERS LICENCE

20.1 Prior to consideration of this item, the Committee were informed that this had come before them as the Corporate Manager, Health and Environmental Services had declined to exercise his power to determine the application, due to the nature of the contents of the applicant's letter dated 15 February 2008.

20.2 The Licensing Officer informed the Committee that he had received a telephone call on 20 March 2008 from Mr Smith who had requested that the hearing be deferred as he had been summoned to appear in a London court at 1:30 on 26 March. Following a request for further information from the Licensing Officer on the nature of his attendance in court, Mr Smith declined to comment but stated it was related to his licence application.

20.3 The Principal Solicitor advised Members that it was reasonable for an adjournment of the hearing and that any summons to court would take precedence over this particular hearing; she recommended that the application be deferred.

20.4 At 2:10pm the Assistant Licensing Officer entered the room to inform the Committee that she had just received a telephone call from Mr Smith indicating he would have no objection if the hearing took place in his absence.

20.5 The Committee were informed that it would be preferable to learn the outcome of Mr

Smith's appearance in court as it might have a bearing on the application before them. Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 provides for a local authority to request, in writing, the information required and that it was an offence to refuse such a request.

- 20.6 It was proposed, seconded and unanimously agreed that the decision on the application by Mr M Smith for the grant of a private hire driver's licence be **DEFERRED** to enable the Licensing Officer to request the details of the nature of Mr Smith's attendance at the London court on 26 March 2008, and further:

In the event that the court case resulted in a conviction for Mr Smith, or if there was a failure by Mr Smith to provide the requested information, the application for a driver's licence would be referred to the Corporate Manager, Health and Environmental Services for further consideration and decision. In the event of the officer being unable to make a decision, it would be referred to the Licensing Committee.

In the event that Mr Smith provided more information about his non-attendance but that did not reveal any subsequent conviction, the application would come back to the Licensing Committee.

The Meeting ended at 2.25 p.m.
