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13 March 2008

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

Members of the Licensing Committee – Councillors Mrs PM Bear, EW Bullman,  
Mrs JM Guest, R Hall, RB Martlew, RM Matthews, DC McCraith, A Riley,  
NJ Scarr

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **LICENSING COMMITTEE**, which will be held in **JEAVONS ROOM, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 26 MARCH 2008 at 2.00 p.m.**

Yours faithfully  
**GJ HARLOCK**  
Chief Executive

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

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<b>AGENDA</b>		<b>PAGES</b>
<b>1. APOLOGIES FOR ABSENCE</b> Apologies for absence have been received from Councillors RE Barrett, Mrs PM Bear, R Hall, DC McCraith and A Riley.		
<b>2. DECLARATIONS OF INTEREST</b>		
<b>3. MINUTES OF PREVIOUS MEETING</b>		<b>1 - 4</b>
<b>4. APPEAL HEARING PROCESS</b>		<b>5 - 6</b>
<b>5. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVERS LICENCE</b>		<b>7 - 10</b>

Councillors RE Barrett and A Riley are precluded from attending this meeting as they formed part of the appeal panel on 6 September 2005 to determine an appeal by the same applicant before the Committee today. The remaining members of that appeal panel are no longer district councillors.

Appendices A, B and C are not available electronically.

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

Whilst the District Council endeavours to ensure that you come to no harm when visiting South Cambridgeshire Hall you also have a responsibility to ensure that you do not risk your own or others' safety.

### **Security**

Visitors should report to the main reception desk where they will be asked to sign a register. Visitors will be given a visitor's pass that must be worn at all times whilst in the building. Please remember to sign out and return your pass before you leave. The visitors' book is used as a register in cases of emergency and building evacuation.

### **Emergency and Evacuation**

In the event of a fire you will hear a continuous alarm. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

Do not use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.

**Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

### **First Aid**

If someone feels unwell or needs first aid, please alert a member of staff.

### **Access for People with Disabilities**

All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Hearing loops and earphones are available from reception and can be used in all meeting rooms.

### **Toilets**

Public toilets are available on each floor of the building next to the lift.

### **Recording of Business**

Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee or sub-committee of the Council or the executive.

### **Banners / Placards / Etc.**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

### **Disturbance by Public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman 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 Chairman may call for that part to be cleared.

### **Smoking**

The Council operates a NO SMOKING policy.

### **Food and Drink**

Vending machines and a water dispenser are available on the ground floor near the lifts. There shall be no food and drink in the Council Chamber.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Licensing Committee held on  
Thursday, 15 November 2007

PRESENT: Councillor RE Barrett – Chairman  
Councillor Mrs CAED Murfitt – Vice-Chairman

Councillors:	R Hall	Mrs PM Bear
	EW Bullman	Mrs JM Guest
	RB Martlew	RM Matthews
	DC McCraith	A Riley
Officers:	Myles Bebbington	Licensing Officer
	Maggie Jennings	Democratic Services Officer
	Fiona McMillan	Senior Lawyer
	Dale Robinson	Corporate Manager, Health & Environmental Services

An apology for absence was received from Councillor Mrs A Elsby.

**12. DECLARATIONS OF INTEREST**

None received.

**13. ELECTION OF VICE-CHAIRMAN**

Councillors DC McCraith and Mrs CAED Murfitt were nominated and seconded and, following a ballot of those Committee Members present, it was

**RESOLVED** that, by three votes to two, Councillor Mrs CAED Murfitt be elected Vice-Chairman of the Licensing Committee for the remainder of the municipal year.

**14. MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 20 June 2007 were agreed as a correct record.

**15. REVIEW OF LICENSING POLICY**

The Corporate Manager explained to the Committee that the Licensing Policy, due for a 3-yearly review, had initially been presented to the Housing and Environmental Services Portfolio Holder meeting on 23 July. Changes to the Licensing Policy were in accordance with government guidance given to Local Authorities and the Portfolio Holder had approved the draft Licensing Policy statement for consultation purposes.

The consultation process was subsequently undertaken and the deadline for responses was 17 October; three responses were received and were attached in the agenda papers.

Reference was made to why the sentence in paragraph 7 relating to Children and Cinemas had been deleted. In response, the Committee were informed that updated guidance had indicated that as it was now part of the legislation it was therefore no longer required within the policy document.

As there was no further discussion on the contents of the revised policy, the Licensing

Committee

**RECOMMENDED** to the Housing and Environmental Services Portfolio Holder that the revised Licensing Policy document, attached as Appendix B to the report be adopted.

The Housing and Environmental Services Portfolio Holder,

**RECOMMENDS** that Cabinet recommends to Council, the above recommendation of the Licensing Committee.

*It was noted that a typographical error had appeared in para 2 of the covering report; this was due to the inadvertent deletion of some of the wording in the corporate template. Officers apologised for the error and that care would be taken in future when preparing reports.*

## 16. PRIVATE HIRE AND VEHICLE TESTING: CERTIFICATE OF COMPLIANCE

The Corporate Manager explained to the Committee that, due to a significant increase in the number of licensed vehicles and the ensuing difficulty in carrying out visual inspection prior to licensing within a reasonable time at the Council's Depot, Members were requested to consider the Certificate of Compliance system specifically designed for the testing of Private Hire and Hackney Carriage vehicles. Details of the system were included in the papers within the agenda, together with the names of garages that had expressed an interest in the scheme. Members noted that the scheme was in operation in other nearby local authorities.

Points raised as a result of discussion included:

- Approximately 1 in 7 vehicles failed the emissions test
- Although some of the garages had indicated charging a fee over and above £30 for the test, they would be limited to a charge of £30
- All garages wishing to join the scheme, would be subject to Vehicle & Operator Services Agency (VOSA) approval and would be entering into a Service Level Agreement with the Council. 'Mystery Shopper' tests would also be considered as a means of measuring the quality of the service provided by the garages
- Noting the contents of a letter from a proprietor of a garage in Braintree, Essex who had close links with this district and that he had been informed that this Council could accept his garage in Braintree, provided it was approved by VOSA.

As there was no further discussion, the Licensing Committee

**RECOMMENDED** to the Housing and Environmental Services Portfolio Holder that Cabinet:

- (a) Adopts the Government's Vehicle Inspectorate Certificate of Compliance testing regime for all Private Hire and Hackney Carriage vehicles,
- (b) Delegates authority to the Corporate Manager, Health and Environmental Services to approve the appointment of garages as required,
- (c) Agrees to the fee setting policy that allows sufficient garages to come forward to take part in the scheme whilst ensuring that it is not an undue burden on the trade,

- (d) That as a result of the fee policy above, the fee for the first year for the Certificate of Compliance element of the test be set at the maximum of £30.00 (Thirty pounds),
- (e) To adopt an implementation date for the scheme of no later than 1 April 2008 provided sufficient garages were approved, and
- (f) To amend the South Cambridgeshire District Council Vehicle Licence Conditions as detailed in paragraph 17 of the report

The Housing and Environmental Services Portfolio Holder,

**RECOMMENDS** to Cabinet the above recommendations of the Licensing Committee.

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**The Meeting ended at 10.40 a.m.**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL LICENSING REVIEW PANEL*****Hackney Carriage and Private Hire Drivers / Vehicles / Operators*****Procedure to be followed when dealing with appeals**

***NB: At any point in this procedure the Panel 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 Chairman of the Panel will welcome those present and introduce himself and the members of the Panel, the Council's Legal Officer, Democratic Services Officer and any other officer present. The applicant 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 applicant being considered a "fit and proper person", the Chairman should ask the applicant 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 applicant 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 Panel may ask the officer for clarification of any points.
4. The Chairman will then give the applicant the opportunity to make representations to the Panel and where relevant explain the circumstances surrounding any previous convictions. The applicant or licence holder may make his/her representations personally or through a representative.
5. The Chairman and other members of the Panel may ask the applicant or licence holder questions and points of clarification. The Chairman will then ask the applicant if there is anything else he/she wishes to add.
6. The Chairman will then ask the applicant or licence holder, his/her representative (if any) and any officer present to remain in the room and the Panel will withdraw from the room to make its decision. The Legal Officer will accompany the Panel to advise them on any legal issues but will not take part in the decision or any other discussion and the Democratic Services Officer will take notes of the discussion and decision.
7. The members of the Panel consider their decision. If any further clarification or information is required from the applicant or licence holder or any officer, all parties will be recalled.
8. All parties will be recalled for the announcement by the Chairman of the Panel's decision.
9. The Panel's decision will be confirmed in writing by the Licensing Officer. The time frame for appealing to the Magistrates Court will be suspended pending the outcome of the review.

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