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17 April 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 and NJ Scarr

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of the **LICENSING COMMITTEE**, which will be held in **JEAVONS ROOM, FIRST FLOOR** at South Cambridgeshire Hall on **FRIDAY, 25 APRIL 2008 at 10.00 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

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

AGENDA		PAGES
1.	APOLOGIES FOR ABSENCE Apologies have been received from Councillors Mrs PM Bear, R Hall, RM Matthews, and DC McCraith.	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF PREVIOUS MEETING That the Vice-Chairman be authorised to sign the Minutes of the meeting held on 26 March 2008.	1 - 2
4.	PROCEDURE	3 - 4
5.	APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE 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.	5 - 12

Appendices, A, B and C are not available electronically.

Please note that the appendices from the meeting held on 26 March 2008 will be used to create these agenda papers

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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.

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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:
- 20.7 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.
- 20.8 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.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL LICENSING COMMITTEE***Hackney Carriage and Private Hire Drivers / Vehicles / Operators*****Procedure to be followed when dealing with application hearings**

NB: At any point in this procedure the 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 Chairman of the Committee will welcome those present and introduce himself and the members of the Committee, 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.
3. The Chairman will then give the applicant the opportunity to make representations to the Committee and where relevant, explain the circumstances surrounding any previous convictions. The applicant may make his/her representations personally or through a representative.
4. The Chairman and other members of the Committee may ask the applicant questions and points of clarification. The Chairman will then ask the applicant if there is anything else he/she wishes to add.
5. The Chairman will then ask the applicant, his/her representative (if any) and any officer present to withdraw from the room. The Committee will remain in the room to make its decision. The Legal Officer will also remain in the room to advise the Committee on any legal issues but will not take part in the decision or any other discussion. The Democratic Services Officer will also remain in the room to take notes of the discussion and decision.
6. The members of the Committee will consider their decision. If any further clarification or information is required from the applicant or any officer, all parties will be recalled.
7. All parties will be recalled for the announcement of the Committee's decision.
8. The Licensing Officer will confirm the Committee's decision in writing.

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