

South Cambridgeshire District Council

Minutes of a meeting of the Licensing Appeals Sub-Committee held on
Monday, 14 September 2020 at 10.30 a.m.

PRESENT: Councillor Anna Bradnam – Chair

Councillors: Bill Handley Heather Williams

Officers: Paul Weller Legal Adviser
John Goodwin Regulatory Support Officer
Victoria Wallace Democratic Services

1. Introductions / Procedure

The Chair introduced officers and panel members and welcomed the licensee to the hearing.

2. Declarations of Interest

There were no declarations of interest.

3. Referral to the Licensing Appeals Sub-Committee to consider the fit and proper status to continue as a Private Hire Driver licence

The Sub-Committee heard representations from the licensee and licensing officer, based on the written report. The Sub-Committee also considered written representations from the licensee's legal representative.

The Sub-Committee revoked the Private Hire Driver Licence.

Reasons:

In making its decision the sub-committee considered the following:

- Statutory provisions: S51,61 & 77 Local Government (Miscellaneous Provisions Act) 1976
- Statutory taxi and private hire vehicle standards issued by the Department of Transport in July 2020.
- South Cambridgeshire District Council Private Hire and Taxi Policy
- Report of the Licensing Officer
- Advice from the Council's legal adviser
- Representations from the Licensing Officer
- Written representations submitted by the licensee's legal representative
- Evidence as referred to above.

The sub-committee made its decision for the following reasons:

- The sub-committee determined that the licensee's actions breached the conditions of his licence at 2b Conduct of Driver. The licensee admitted he

had not behaved in an orderly manner.

- In accordance with the licensing authority's policy in place at the time of the incident, at 12.8 the policy stated an application would normally be refused where the applicant has a conviction for an offence of obstruction.
- Statutory guidance issued in July 2020 from the Department of Transport states that decisions need to be made on the balance of probability and emphasises that if the sub-committee is only '50:50' as to whether the licensee is fit and proper the driver should not hold a licence.
- The sub-committee was concerned by the licensee's actions which obstructed a normal police activity and demonstrated a disregard for the rule of law.
- The sub-committee was concerned by the licensee's attitude towards a police enforcement activity.