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04 September 2020

To: Chair – Councillor Anna Bradnam  
Councillors Bill Handley and Heather Williams

Dear Councillor

You are invited to attend the next meeting of **Licensing Appeals Sub-Committee**, on **Monday, 14 September 2020 at 10.30 a.m.** This meeting will be conducted remotely using the Microsoft Teams video-conferencing system. There will be no access to the meeting at the Council offices, but a live stream of the meeting will be available. A web-link of this will be published on the relevant page of the Council's website at least 24 hours before the meeting.

**The papers are confidential and not for publication.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully

**Liz Watts**

Chief Executive

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

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## Agenda

### 1. **Introductions / Procedure**

The Chairman 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.

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

### 2. **Declarations of Interest**

**Confidential Item**

**Pages**

**1 - 2**

The Chairman 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 Chairman 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. Referral to the Licensing Appeals Sub-Committee to consider the fit and proper status to continue as a Private Hire Driver licence 3 - 18**

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### **GUIDANCE NOTES FOR MEMBERS OF THE PUBLIC FOR REMOTE MEETINGS**

Members of the public are welcome to view the live stream of this meeting, except during the consideration of exempt or confidential items, by following the link to be published on the Council's website.

Any person who participates in the meeting in accordance with the Council's procedure rules, is deemed to have consented to being recorded and to the use of those images (where participating via video conference) and/or sound recordings for webcast purposes. When speaking, members of the public should not disclose any personal information of any individual as this might infringe on the rights of that individual and breach the Data Protection Act.

For more information about this meeting please contact [democratic.services@scams.gov.uk](mailto:democratic.services@scams.gov.uk)

# Agenda Item 1

## 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 – Virtual Hearings Procedure

***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)***

#### **Before the hearing**

- To assist in the conduct of the remote hearing and in case of technical difficulties during the hearing, the licence holder/applicant should submit by email to [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk) , written submissions no later than 24 hours before the hearing is due to start, summarising the points they wish to make at the hearing. If it is not possible to post or submit written representations electronically by email, please contact the Licensing Officer by telephone to arrange for comments to be transcribed.
- The licence holder/applicant and any representatives will join the hearing by tele-conferencing or video conferencing depending on the IT equipment available to them, using the Microsoft Teams software. If joining by telephone, all parties will be provided with dial-in details to do so.
- The licence holder/applicant and any representatives must provide the Licensing Officer with their email address and telephone number, no later than 48 hours before the hearing. This is to enable arrangements to be made for parties to join the hearing remotely.
- The licence holder/applicant and any representatives should join/dial-in to the remote meeting, 10 minutes before it is due to start in case of technical difficulties.

#### **During the hearing**

Throughout the hearing, all parties must mute their microphones unless invited by the Chairman to speak.

1. The Chairman 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/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 licence holder being considered a "fit and proper person", the Chairman 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 Chairman 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 Chairman and other members of the Sub-Committee may ask the licence holder or licence holder questions and points of clarification. The Chairman will then ask the licence holder if there is anything else he/she wishes to add.
6. The Licensing Officer, the licence holder/applicant and any representees will leave the meeting. The Sub-Committee will remain in the virtual meeting to consider its decision in private. If any further clarification or information is required from the licence holder or any officer, all parties will be recalled.
7. A determination of the case will be made at the conclusion of the hearing and all parties will be notified of the decision in writing.
8. 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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