South Cambridgeshire District Council

Minutes of a meeting of the Licensing Appeals Sub-Committee held on Thursday, 24 February 2022 at 11.00 a.m.

PRESENT: Councillor Mark Howell – Chair

Councillors: Jose Hales Geoff Harvey

Officers: Brooke O'Neil Licensing Technical Officer

Paul Weller Legal Adviser

Aaron Clarke Democratic Services Officer

1. Declarations of Interest

There were no declarations of interest.

2. Exclusion of Press and Public

The press and public were excluded from the meeting during consideration of the following item of business 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 (as amended) of the Act).

3. Introductions / Procedure

4. Fit and proper status to hold a Private Hire Driver licence

The sub-committee heard representations from the licence holder and Licensing Officer.

The Sub-Committee decided on the balance of probabilities to **approve** the refusal of the grant of a private hire licence to the appellant.

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
- Evidence as referred to above.

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

- The panel acknowledged the appellant's candid and honest presentation of the circumstances regarding his incident.
- The panel noted the appellant had gone above and beyond the requirements to improve his driving skills.
- The panel noted the discrepancies in the test certificates and reports, provided freely by the appellant, to the panel from DriveTech and others.
 These differed from the oral information supplied by the appellant, but the panel gave more weight to the representation made by the appellant on the day.
- South Cambridgeshire District Council Policy states, 'a licence will not be granted until at least 7 years have elapsed since the completion of the sentence imposed.' The appellant was 16 months into the 7-year period.
- Despite all of the above, these were insufficient reasons for the panel to depart from policy when considering the severity of the sentence imposed by the Magistrates in their decision.