

South Cambridgeshire District Council

Minutes of a meeting of the Licensing Appeals Sub-Committee held on
Wednesday, 23 August 2023 at 10.30 a.m.

PRESENT: Councillor Eileen Wilson – Chair

Councillors: Dr Lisa Redrup Peter Sandford

Officers: John Goodwin Regulatory Support Officer
James Langley Licensing & Prosecutions Solicitor

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. Appeal against Penalty Points issued to a Private Hire Driver licence

The Sub-Committee heard representations from the appellant, the witness and the Licensing Officer, based on the written report.

The majority of the Sub-Committee panel decided on the balance of probabilities to **approve** the appeal against the issuing of penalty points against his 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
- Evidence as referred to above.

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

- The witness made an honest assessment in good faith of the speed of the vehicle overtaking him based on his professional judgement and experience.
- The appellant admitted he was speeding to overtake but not to the extent claimed by the witness.
- The appellant had accrued no penalty points on his personal driving licence after more than 18 years of driving.
- There was no corroboration of the speed the vehicle in question was travelling with an electronic device.
- The panel felt that the points assigned to the appellant for the alleged excessive speeding infringement were excessive.