

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

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)

1. The Chair 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 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 Chair 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 Chair 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 Chair and other members of the Sub-Committee may ask the licence holder or licence holder questions and points of clarification. The Chair will then ask the licence holder if there is anything else he/she wishes to add.
6. The Sub-Committee will remain in the room to consider its decision in private. The legal officer will remain with the Panel to advise them on any legal issues but will not take part in the decision The Democratic Services Officer will also remain with the Panel to minute the decision. All other persons will be asked to leave the room. If any further clarification or information is required from the licence holder or any officer, all parties will be recalled.
7. All parties will be recalled for the announcement by the Chair of the Sub-Committee's decision or they can request that they are notified of the decision by telephone or e-mail as soon as practicable if they do not wish to stay.
8. The Sub-Committee's decision will be formally confirmed in writing by the Licensing Officer. The time frame for appealing to the Magistrates Court will be suspended pending the outcome of the appeal to the Sub-Committee.