

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL LICENSING REVIEW PANEL

Hackney Carriage and Private Hire Drivers / Vehicles / Operators

Procedure to be followed when dealing with appeals

NB: At any point in this procedure the Panel 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 Chairman of the Panel will welcome those present and introduce himself and the members of the Panel, the Council's Legal Officer, Democratic Services Officer and any other officer present. The 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 applicant being considered a "fit and proper person", the Chairman should ask the applicant 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 applicant 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 Panel may ask the officer for clarification of any points.
4. The Chairman will then give the applicant the opportunity to make representations to the Panel and where relevant explain the circumstances surrounding any previous convictions. The applicant or licence holder may make his/her representations personally or through a representative.
5. The Chairman and other members of the Panel may ask the applicant or licence holder questions and points of clarification. The Chairman will then ask the applicant if there is anything else he/she wishes to add.
6. The Chairman will then ask the applicant or licence holder, his/her representative (if any) and any officer present to remain in the room and the Panel will withdraw from the room to make its decision. The Legal Officer will accompany the Panel to advise them on any legal issues but will not take part in the decision or any other discussion and the Democratic Services Officer will take notes of the discussion and decision.
7. The members of the Panel consider their decision. If any further clarification or information is required from the applicant or licence holder or any officer, all parties will be recalled.
8. All parties will be recalled for the announcement by the Chairman of the Panel's decision.
9. The Panel's decision will be confirmed in writing by the Licensing Officer. The time frame for appealing to the Magistrates Court will be suspended pending the outcome of the review.