



DEMOCRATIC SERVICES

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Date:	2 October 2009	Direct Line:	01895 837224

Dear Councillor

LICENSING SUB-COMMITTEE

The next meeting of the Licensing Sub-Committee will be held as follows:

DATE: MONDAY, 12TH OCTOBER, 2009
TIME: 10.00 AM TBC AS MAY ALTER AS FIRST APPLICATION WITHDREW
VENUE: ROOM 6, CAPSWOOD, OXFORD ROAD, DENHAM

Yours faithfully

J.A. BURNES

DIRECTOR OF RESOURCES

To: Members of the Licensing Sub-Committee (from Rota)

Mr Wilson	Till 3.00 p.m.		
Mrs Simmonds	All Day	Reserve Member:	Mrs Khan Morning Only
Ms Vigor-Hedderly	All Day	Additional Reserve Member:	Mr Adams From 3.00 p.m.

It is critical that the Members listed attend - Thank you

I would be grateful if you could confirm your attendance, as soon as possible.

Copy to: All other Members of Licensing Committee for information

Please bring with you the following documents:

- SBDC Hackney Carriage & Private Hire Licensing Policy & Associated Documentation



Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

1. Procedure (Pages 1 - 4)

2. Apologies for Absence

3. Urgent Business

To consider any matters which the Chairman agrees is urgent in accordance with Section 100B of the Local Government Act 1972

A note dealing with the Procedures to be followed are enclosed following the Agenda

4. Exclusion of Public

The Chairman to move the following resolution:-

“That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act.”

5. FROM 1.30 p.m.

- (a) **APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE DRIVERS LICENCE - (Pages 5 - 30)**

**Mr Francisco Mujico Riveiro, 7 Tilsworth Road,
Beaconsfield, Buckinghamshire, HP9 1TR**

(Paragraph 1 - information relating to an individual)

To consider the report of the Director of Services

6. FROM 3.00 p.m.

- (b) **APPLICATION FOR THE REVOCATION OF A DUAL (PRIVATE HIRE / HACKNEY CARRIAGE) DRIVER'S LICENCE (Pages 31 - 70)**

**Mr Mark Roberts, 97 Devonshire Green, Farnham Royal, SL2
3DX**

(Paragraph 1 - information relating to an individual)

To consider the report of the Director of Services

The next meeting of the Committee is due to be held on Monday, 26 October 2009

LICENSING SUB-COMMITTEE

HEARINGS PROCEDURE as at 14.11.07

PROCEDURE FOR HEARINGS FOR THE RENEWAL, GRANTING, REFUSING, SUSPENSION OR REVOCATION OF PRIVATE HIRE LICENCES AND HACKNEY CARRIAGE LICENCES (AS AT NOVEMBER 2007) WHICH WILL BE REVIEWED FROM TIME TO TIME ON THE BASIS OF CHANGES TO LAW AND PRACTICE. FOR THE CURRENT HEARINGS PROCEDURE PLEASE REFER TO THE COUNCIL'S LICENSING TEAM.

This procedure shall apply to any Hearings conducted by the Council's Licensing Sub-Committee in relation to the determination of applications for the granting or renewal of Private Hire and Hackney Carriage Licences, which are referred to it or referrals by Council Officers recommending the refusal, revocation or suspension thereof.

Administration in relation to a Hearing

PART A

- A) The Hearing will be before the Licensing Sub-Committee, which will be made up of three Members of the South Bucks District Council's Licensing Committee who will at the beginning of the session elect one of their number as the Chairman for the Hearing.
- B) Members who have a Prejudicial interest should not attend or be present at the Hearing - Members should also consider beforehand if they have or would be considered to have predetermined the matter in which case they should also distance themselves from the determination of the matter and not attend. A Member with a Personal Interest can still participate but must declare their interest at the start of the Hearing. Each matter/application will be dealt with individually and three Members **must** be able to participate in relation to each matter/application for the hearing to proceed - who must remain until the matter/application has been determined.
- C) Written notice of the Hearing will be given to the Applicant/Licence Holder who will be invited to submit a written statement of his/her case to the Licensing Sub-Committee prior to the Hearing. The Licensing Sub-Committee and the Applicant/Licence Holder will receive a written report from the Licensing Officer in advance of the Licensing Sub-Committee Hearing with a recommendation. All Reports and submissions must be available to the Licensing Sub-Committee **5** clear working days before the date of the Licensing Sub-Committee meeting in order to comply with the Local Government Act 1972, as amended.
- D) The Applicant/Licence Holder will be invited to attend the Hearing with/without a Representative at their own cost. An interpreter will be provided on request.
- E) Where the Applicant/Licence Holder has informed the Council that he/she does not intend to attend or be represented, the Hearing may proceed in their absence. Where an Applicant/Licence Holder has not so indicated and does not attend and is not represented then the Sub-Committee may adjourn the Hearing if it is considered necessary in the public interest or proceed to hold the Hearing in the Applicant/Licence Holder's absence. If the Hearing is held in the Applicant/Licence Holder's absence, the Sub-Committee shall still consider the application and/or any representations made by the Applicant/Licence Holder.

- F) At the Hearing the Democratic Service's Officer (acting as Committee Clerk) will hand out to Members of the Licensing Sub-Committee, the Council's Licensing Officer and the Applicant/Licence Holder any additional written representations received but not appended to the Agenda or will ensure all parties have received copies of the same.
- G) Verbal presentations to the Licensing Sub-Committee will be brief and limited to the elucidation of the written statement submitted by the Applicant/Licence Holder and the written report submitted by the Licensing Officer. Only in exceptional circumstances will the Licensing Sub-Committee agree to hear a full verbal presentation of an application or referral.
- H) No person shall speak other than the Licensing Officer, the Applicant/Licence Holder (or a Representative on their behalf who can be but does not have to be legally qualified) and the Members of the Licensing Sub-Committee unless invited to do so by the Chairman.
- I) Hearings shall take place in public except where the Council considers that the public interest in excluding the public from all or part of the Hearing outweighs the public interest in it remaining public.
- J) The Chairman of the Licensing Sub-Committee can require any person who in his/her opinion is behaving in a disruptive manner to leave the Hearing.
- K) The Licensing Sub-Committee may depart from this procedure if it considers it necessary and/or equitable to do so.

At the Hearing:

PART B

1. The Chairman will welcome the Applicant/Licence Holder and any representative to the Hearing and explain that their application has been referred to the Licensing Committee for formal determination or that the Licensing Officer has referred their case to the Sub-Committee for formal determination.
2. The Chairman will introduce the Licensing Sub-Committee Members; the Legal Adviser to the Licensing Sub-Committee; the Democratic Service's Officer (acting as Committee Clerk) and the Licensing Officer and will ask the Applicant/Licence Holder and any representative to confirm their names.
3. The Chairman will also confirm that if the Applicant/Licence Holder is not in attendance their representations/application will still have been read and will still be considered in reaching the decision.
4. The Chairman will ask the Applicant/Licence Holder and any representative to confirm that they have seen and understand the procedure to be followed at the Hearing and that they are ready to now proceed.
5. The Chairman will ask the Licensing Officer to present his/her report together with an outline of the facts appertaining to the application/referral and reasons for the Recommendation.

6. The Applicant/Licence Holder (or representative speaking on his/her behalf) and then the Members can ask questions of the Licensing Officer.
7. The Chairman will invite the Applicant//Licence Holder (or representative speaking on his/her behalf) to address the Hearing making any verbal representations in addition to any already submitted to the Council in writing. The Licensing Sub-Committee may refuse to hear repetitious statements. See point G above.
8. The Licensing Officer and then the Members can ask questions of the Applicant/Licence Holder (or representative speaking on his/her behalf).
9. Before moving onto the next party the Chairman will check there are no further points the current party wishes to make or any further questions that need to be put to that party.
10. The Chairman will then invite the Licensing Officer and then the Applicant/Licence Holder (or representative speaking on his/her behalf) to make any closing submissions.
11. The Sub-Committee will then retire to the Members Room together with the Sub-Committee's Legal Adviser and the Democratic Service's Officer in order for either a decision to be made or the matter/application to be adjourned to a subsequent Sub-Committee date if the Sub-Committee requires further information.
12. The Sub-Committee will return to the Council Chamber and the Chairman will announce the Sub-Committee's decision.
13. On returning the Legal Advisor will detail any legal advice given to the Members in private session.
14. A written statement of the Sub-Committee's Decision will be provided to the Applicant/Licence Holder within 5 working days of the Hearing together with reasons for the decision and details of the Applicant/Licence Holder's right of appeal.

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