

## **Licensing Sub-Committee**

### Taxi Licensing and Non-Licensing Act 2003 Hearings

#### **Purpose of the procedure**

To enable those with a right to appear to put forward their point of view and to test the case of their opponents.

To help the committee to gather evidence and understand the relevant issues.

#### **Guiding principles**

1. We can accept hearsay evidence but may attach less weight to this evidence as we cannot test it.
2. We can accept petitions if the representation is relevant. However, we can only attach limited weight to petitions as we cannot test the individual views.
3. Where a large number of interested parties are involved, we will encourage the appointment of a spokesperson(s) to avoid duplication of evidence.
4. We should not allow objectors to raise wholly new objections at the hearing.
5. We should ensure fair treatment of witnesses and protect them from interruptions and aggressive advocacy. We should discourage leading questions and encourage the witness to answer the actual question to prevent them from straying from the point.
6. If we invite submissions on a point by one party, we must allow all parties to make submissions on that point. If we have questions of our own, we should offer the participants a chance to ask further questions arising from our questions.
7. We may cut through issues by asking if a point is really contested or show that we have heard and understood the point. We may ask a witness if they wish to add to anything an earlier witness has said.
8. We may ask parties to collaborate and produce draft conditions but reassure the parties that this exercise is to save time and not because we have formed a view on the issue.
9. We will not express a view as to the merits of the application or objections before giving a decision. This also applied to any comments to the press or residents in the weeks or days leading up the hearing. We must behave and be seen to be behaving impartially.

10. We will normally provide reasons for our decision.

**In Summary the Council's Licensing Sub-Committee Hearing procedures for Taxi Licensing and non-Licensing Act 2003 is proposed to be laid down as follows:**

1. The Chairperson will open the hearing and will introduce the members of the Sub-Committee and officers present.
2. The Chairperson will then ask the Applicant/Driver/Operator and/or his /her representative to introduce himself/herself/themselves.
3. The Chairperson shall then explain the procedure which will be followed at the hearing.
4. Chairperson to confirm if there are any conflicts of interest.
5. The Licensing Officer will present his/her report to the Sub-Committee and call any witnesses he/she may have. The Chairperson will invite members of the Sub-Committee and Applicant/Driver/Representative to ask questions of the officer and any witnesses.
6. The Chairperson shall invite the Applicant/ Driver/Operator/Representative to present their case and to call any witnesses on behalf of the Applicant/Driver/Operator.
7. The Chairperson will invite members of the Sub-Committee to put questions to the Applicant/ Driver/Operator and/or witnesses.
8. The Chairperson shall invite the parties to respond to any points of clarification they require and give further information.
9. The Chairperson (or a person requested by the Chairperson) will invite the Applicant/Driver/Operator and/or his/her Representative to sum up and confirm they have said all they wish to. This will be the final opportunity for the Applicant/Driver/Operator to provide any information to the Sub-Committee for them to consider.
10. After hearing the representations, the Chairperson will require all persons, except for the Legal Adviser and Committee Clerk(s) to withdraw from the room to make its determination. Trainee Committee Clerks and Trainee Lawyers may also be invited to remain. The Legal Adviser will clarify any points of law arising from the hearing to the Sub-Committee.
11. If necessary, the Sub-Committee may reconvene to ask any party present for further information. The request will be made in open session where all persons are present to hear the request and the answer given.

12. All persons recalled and decision of determination announced.

13. Once the hearing is reconvened the Chairperson shall inform the parties of the Sub-Committee's decision and where possible to give the reasons as to their decision. If reasons are not given on the day, they will follow in writing. The Chairperson will then inform the Applicant that they will receive the decision in writing from the Authority within 10 days and which will include details of the person's right of appeal to the Magistrates Court.

**Close of Licensing Sub-Committee Hearing for Taxi Licensing and non-Licensing Act 2003.**

Version no.	Date	Status	Summary of changes
1	17 March 2017	Adopted by Full Council	Adopted with the 2017 Policy
2	23 June 23	Draft for Adoption by Licensing Committee	Updated to reflect current legislation and best practice.