

## **LICENSING PROCEDURE RULES (Taxi Licensing Sub-Committee)**

1. This procedure note sets out how the Licensing Committee will manage its business in an efficient, fair, and transparent way. Reference to Committee is to be taken as the full Licensing Committee of ten members, a Taxi Licensing Sub-Committee of six members.
2. These procedure rules shall be adopted in relation to the conduct of hearings of Taxi Licensing Sub-Committees which are held to consider applications submitted under the Local Government (Miscellaneous Provisions) Act 1976 and associated regulations. A separate procedure note shall be adopted in relation to the conduct of hearings of the Licensing Sub-Committee to consider application submitted under the Licensing Act 2003.
3. This procedure note is issued as a guide only-the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice
4. The only people normally at the hearing are the Sub-Committee members, the council solicitor, the Licensing Officer presenting their cases, the Police (if relevant) the Applicant/Licence Holder and their representative. Members of the public are not admitted.
5. The press and public are not normally permitted to attend Committee hearings for private hire or hackney carriage drivers' application. However, in determining whether to grant a Licence the Licensing Sub-Committee or Licensing Officers will take into account the human rights of the wider public and balance these against the human rights of the Applicant/Licence Holder.
6. **The Sub-Committee Meeting Agenda**
  - 6.1 The agenda pack containing the officer report on the applications to be considered at the meeting will be circulated to Members of the Sub-Committee eight days ahead of the meeting. A redacted electronic copy is posted on the Council's website.
  - 6.2 The parties to the hearing will be notified in writing prior to the meeting, advising them that the application is to be considered by the Sub-Committee and of the arrangements made for the determination of the application. The Applicant/Licence Holder receives copies of representations and any additional information sent to other parties.
6. **Notices to be served**
  - 6.1 A minimum of one working day before the hearing or first day of the hearing, written notice (including email) must be given if a party: intends to attend and/or be represented at the hearing.
7. **Time limits**
  - 7.1 The Licensing Officer, Applicant/Licence Holder, and Police (if applicable) are each allowed a maximum of 15 minutes to present their case (unless the Chair agrees a different period in the circumstances of a particular case)
8. **Minutes of the meeting**
  - 8.1 In line with usual Council procedure, the minutes of a meeting would be approved at the next meeting of the same Committee or Sub-Committee.

## 9. Hearing Procedure

### 9.1 Chairmans's announcements

9.1.1 Mobile phones should be switched off.

9.1.2 Speakers to use the microphones in front of them (for meetings held in the Council Chamber)

### 9.2 Apologies for absence and declarations of interest

9.2.1 The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party's absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest if that is possible. If the Sub-Committee decides to hold the hearing in a party's absence, they will still consider any written information received.

9.2.2 If a party has informed the Council that they do not intend to attend or be represented at the hearing, the hearing can proceed in their absence.

9.2.3 The Sub-Committee will give notice that the public and press are excluded from the hearing. If there any observers in the council chamber the chair will ask them to leave.

### 9.3 Introductions

9.3.1 The chairman will introduce the sub-committee members and officers.

9.3.2 The chairman will ask the Applicant/Licence Holder to introduce him/herself.

9.3.3 The chairman will ask the Police (if any) to introduce him/herself.

9.3.4 The chairman will ask the Licensing Officer to introduce him/herself.

### 9.4 Hearing overview

9.4.1 The chairman will outline the hearing procedure, which is a discussion led by the chairman. Members of the sub-committee may ask questions or clarification at any time.

### 9.5 The Procedure

9.5.1 The chairman will ask the Licensing Officer to present their report, including background information, and will outline the reasons why the Sub-Committee is considering the application.

9.5.2 The Applicant/Licence Holder may question the Licensing Officer.

9.5.3 Sub-Committee Members may question the Licensing Officer.

9.5.4 The Applicant/Licence Holder will present their case.

9.5.6 The Licensing Officer may question the Applicant/Licence Holder

9.5.7 Sub-Committee Members may question the Applicant/Licence Holder

9.6 Closing statements

9.6.1 Each of the parties will be asked to summarise their case. No new information, evidence or documents are to be introduced at this time.

9.6.2 The chairman will ask the licensing officer to summarise its report.

9.6.3 The chairman will ask the Applicant/Licence Holder to sum up their case.

9.7 Decision notification

9.7.1 The sub-committee members will retire to consider the decision in private. In doing so the solicitor to the Sub-Committee will retire with them but will take no part in the discussion of the merits of the case or what the decision should be.

9.7.2 Should the solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

9.7.3 The sub-committee members will return, and the Chair will give the decision and the reasons for it. The Licensing Officer will confirm this decision in writing to the parties and advise of any right of appeal.

9.7.4 If the reasons for the decision have not been finalised due to time constraints, the Chairman will confirm that these will be delivered in writing within five working days beginning with the day of the hearing or the last day of the hearing.