Licensing Hearings Sub-Committee Procedure

Hackney Carriage/Private Hire Licensing

Introduction

The hearing of matters will be less formal than hearings before, for instance, a Magistrates’ Court. In particular, strict rules of evidence are not adhered to and information is not provided under oath. Nevertheless, proceedings before the Appeals Committee will observe basic rules of natural justice, which are:

- All parties should have an adequate opportunity to make representations and an equal opportunity to respond to those against them;
- Decision makers should be free from bias; and
- Any decisions must be based on evidence and not on speculation.

Procedure

1. The first item of business will be to appoint a Chairman for the duration of the meeting. Nominations will be sought from the Committee.

2. At the beginning of the hearing the Chairman shall explain the procedure to be followed, introduce the Sub-Committee to those present and explain the role of any Officers of the Council who are present.

3. The Chairman will confirm that the Sub Committee’s decision will be made on the merits of the case and that the Members of the Sub-Committee will not be subject to political party whips.

4. The Committee will consider whether the public should be excluded from all or any part of the meeting when considering matters classified as exempt (Part I of Schedule 12A of the Local Government Act 1972 refers);

5. The Committee will consider requests for permission for other persons to appear at the meeting (such as legal representatives/Ward Members/witnesses). Such permission will not be unreasonably withheld.

6. The Chairman will ask the Licensing Officer to outline the background to the case. The Licensing Officer’s role will be to provide factual information to the Sub-Committee.
7. The hearing shall take the form of a discussion led by the Sub-Committee (through the Chairman) and cross-examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the matter.

8. The Chairman is likely to ask for the views of the parties in the following order:-

   (a) the applicant/licence holder (including any other persons who have been given permission to participate);

   (b) any party making representations (including any other persons who have been given permission to participate).

   (c) The applicant/licence holder will be given the final opportunity to address the Sub-Committee.

9. The Sub-Committee may exclude disruptive persons.

10. The Sub-Committee may adjourn the hearing if necessary.

11. The Sub-Committee may ask the parties to withdraw so that it can consider its determination. In considering its determination, the Sub-Committee may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties. The Sub-Committee may also ask the Democratic Services Officer to be present during their deliberations in order to record the Sub-Committee deliberations.

12. The Sub-Committee will make its determination at the end of the hearing and this will be confirmed in writing within 5 working days.

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