

## **PROCEDURE TO BE FOLLOWED TO DETERMINE AN APPLICATION FOR A NEW PRIVATE HIRE DRIVER'S LICENCE**

1 The Licensing Sub-committee arrive into the room where the meeting is to be held, all other parties will be in the room awaiting the arrival of the Licensing sub-committee. The members of the Licensing Sub –Committee will have received a report about the matter and will have it before them.

### **INTRODUCTION**

2 The Licensing Chairman introduces the members and officers of the Licensing Sub Committee. This will involve the Solicitor, the Member Services Officer, the Licensing Officer and any other officers who may be present. The applicant, other members and officers will state their name and position.

3 The Licensing Chairman confirms with the Applicant/Licence holder that they have received the hearing report.

4 If it should occur that the Applicant/Licence Holder does not accept that they have received the report or that their convictions are as stated in the report, then such matter will be addressed at this stage. Depending on what emerges, the Licensing Sub Committee may resolve to adjourn the matter in order that the query may be addressed. If it involves the report not having been received or read by the applicant the matter may be stood down for a while in order to enable him to read the report. It maybe that if the report is more complex it would be necessary to defer the matter to another day. If the problem relates to a dispute as to the convictions stated in the report it is likely that the matter will be adjourned in order that the Applicant/Licence Holder, and the Licensing Manager as appropriate, may investigate the matter.

5 If the Applicant/ Licence holder is unaccompanied, the Licensing Chairman confirms whether or not they are aware that they could be accompanied by a legal or other representative.

### **BODY**

6 The Licensing Chairman will then invite the Licensing Manager/Officer to present the facts of the case by taking the Licensing Sub- Committee through the report.

7 If relevant, the Licensing Manager will then invite any witnesses including the Licensing Compliance Officer to put forward their evidence/findings.

8 The Licensing Chairman will then invite the Applicant/Licence holder the opportunity to put relevant questions to the Licensing Manager and any third party including the Licensing Compliance Officer who has submitted evidence or made a statement to the Licensing Sub Committee.

9 The Licensing Chairman will then invite Members of the Licensing Sub Committee the opportunity to put relevant questions to the Licensing Manager and, on matters of law and

## APPENDIX A

licensing procedure as appropriate to the Legal Officer. They may also ask questions of any third party including the Licensing Compliance Officer who has submitted evidence or made a statement to the Licensing Sub Committee.

10 The Licensing Chairman will then invite the Applicant/Licence holder to present the matters which they wish to say in support of their case, including an explanation of the matters mentioned in the report. Witnesses may be called at this stage by the Applicant/Licence holder in support of their case.

11 The Licensing Chairman will then invite the Licensing Manager/Officer the opportunity to put questions to the Applicant/Licence holder and to any witnesses that may have submitted evidence.

12 The Licensing Chairman will then invite Members of the Licensing Sub Committee the opportunity to put questions to the Applicant/ Licence holder and their witnesses.

### **CONCLUSION**

13 The Licensing Chairman will then invite the Applicant/Licence Holder to sum up their case.

14 The Licensing Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application.

### **DETERMINATION**

15 The Licensing sub-committee members will then debate the case presented to them at the hearing and seek to reach a determination. All other parties are asked to remain for a short period of time.

16 If the Licensing Sub-committee is unable to reach a determination on the day within what it considers to be a reasonable timeframe at that time, the Licensing Chairman will explain that all interested parties will be notified as soon as possible of their decision in writing (usually within 5 working days) of the determination and the reasons for such. All parties will be dismissed.

17 When the Licensing sub-committee has reached a proposed determination with reasons or has decided to defer a determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.

18 If a determination/decision is reached, the Licensing sub-committee will return to the room and the Legal advisor will announce in public any legal advice that he/she has given in private.

19 The Licensing Chairman will then read out the determination and the reasons for such.

### **OTHER MATTERS**

## APPENDIX A

20 If the application is refused or there is a decision to suspend or revoke, the legal advisor will inform the Applicant/Licence holder of their right of appeal to the Magistrates' Court. (The decision letter will also include these details.)

21 If the decision is to grant a licence and the applicant is unsure of the next steps, they will be told that a member of the Licensing team will discuss the matter with them outside the room.

22 The Licensing Sub-Committee's decision is confirmed in writing by the Licensing Manager, with the reasons, to the Applicant/Licence holder as soon as possible. The letter will include details of the statutory rights of appeal.

23. The Licensing sub-committee will be entitled to seek legal assistance or advice at any time.