

## **Part 4.3 Licensing hearing Procedure Guidance**

### **1. Licensing (General Purposes) Sub-Committee**

- 1.1 The Licensing (General Purposes) Sub-Committee normally meets to conduct hearings in relation to Hackney Carriage or Private Hire Vehicle drivers and/or operators.

#### **Meeting procedure**

- 1.2 Prior to the start of the meeting, the sub-committee may meet briefly with officers to ensure that all sub-committee members are aware of the details of the case/application and to identify matters to be explored in the hearing.
- 1.3 The order of business shall be at the discretion of the Sub-Committee but will normally proceed in accordance with the following paragraphs.
- 1.4 After the Chair has opened the meeting, received apologies for absence and any disclosures of interest, the meeting will normally resolve to move into exempt session to hear each case or application due to the likelihood otherwise of disclosure to the public of information relating to an individual (as specified in Paragraph 1 of the revised Part 1 of Schedule 12A to the Local Government Act 1972).
- 1.5 The Chair introduces the Sub-Committee members and officers present.
- 1.6 The Licensing Officer introduces the report and the Licensee/Applicant (and any companion or supporter).
- 1.7 The Chair asks the Licensee/Applicant to confirm they have received a copy of the report and understand the content.
- 1.8 The Chair will advise those present that the hearing will be formal, but as relaxed as possible. The questions put to the Licensee/Applicant by the Sub-Committee must be proportionate and relevant to the matter(s) under consideration and should not be unnecessarily intrusive (Human Right Act 2000 applies). The Council's solicitor may intervene if the questioning exceeds reasonable limits.
- 1.9 The Chair will ask the Licensee/Applicant if they have any questions about the procedure.
- 1.10 The Chair will invite the Licensee/Applicant to make a statement.
- 1.11 The Sub-Committee members may ask the Licensee/Applicant questions about the report. They may also ask questions of officers, if needed. If appropriate, the officers may also ask the Licensee/Applicant questions, and the Licensee/Applicant may ask questions of the Sub-Committee and/or officers.
- 1.12 When questioning is concluding, the Chair will ask the Licensee/Applicant if there are any further comments they wish to make to the Sub-Committee.
- 1.13 The Sub-Committee will withdraw with the Committee Secretary to consider their findings and to come to a decision. They may ask for advice from one of the other officers, usually the Council's solicitor.
- 1.14 When the Sub-Committee has reached a decision, the meeting will resume, and the decision will be read out by the Chair.

- 1.15 Following the meeting the Licensee/Applicant will receive a formal written confirmation of the committee decision within five days, together with information on how to appeal against the decision.

## **2. Licensing Act 2003 Sub-Committees**

- 2.1 The Licensing Act 2003 Sub-Committees meet to conduct hearings in relation to matters under the Licensing Act 2003. The arrangements for hearings are subject to the provisions of the Licensing Act 2003 (Hearings) Regulations 2005 (the Regulations)
- 2.2 The hearing will be undertaken by one of three Licensing Act 2003 Sub-Committees (A, B, or C) each comprising three members of the Licensing and Regulatory Committee. The quorum shall be two, but every effort will be made to ensure three members are present.
- 2.3 Arrangements for giving notice of the hearing and the rights of attendance, assistance and representation will be in accordance with the provisions of the Regulations.
- 2.4 Hearings will take place in public except that the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 2.5 Prior to the hearing a report prepared by the Licensing Manager will be issued to the Sub-Committee. The Democratic Services Officer will send a copy of the report to the relevant parties in advance of the hearing.

### **Meeting procedure**

- 2.6 Prior to the start of the meeting, the sub-committee may meet briefly with officers to ensure that all sub-committee members are aware of the details of the case/application and to identify matters to be explored in the hearing.
- 2.7 The order of business shall be at the discretion of the Sub-Committee but will normally proceed in accordance with the following paragraphs.
- 2.8 The hearing will commence with the election of the Chair of the Sub-Committee. The Chair will then ask for disclosures of any interests.
- 2.9 The Chair introduces the Sub-Committee members and officers present, and also any other councillors attending as observers.
- 2.10 The Chair introduces the title of the application under consideration, and the purpose of the hearing: to enable the Sub-Committee to reach a judgement which, as far as possible, is acceptable to all parties within the rules and guidelines imposed by the Licensing Act 2003 and having regard to the Council's Statement of Licensing Policy.
- 2.11 The Chair asks the Licensee/Applicant to introduce themselves and confirm they have received a copy of the report and understand the content and confirm who will be presenting their case.
- 2.12 The Chair will ask the Licensing Officer if there are any Responsible Authorities present and invite them to introduce themselves.
- 2.13 The Chair will invite the any others making representations to introduce themselves.

- 2.14 The Chair will invite the Licensing Officer to introduce the report and outline the matter that the Sub-Committee is being asked to decide. The Sub-Committee members may ask the Licensing Officer questions about the report.
- 2.15 The Chair will invite the Licensee/Applicant to outline their application. The Sub-Committee may ask questions of the Licensee/Applicant.
- 2.16 The Chair will invite the Responsible Authorities present to make their representations. The Sub-Committee may ask questions of the Responsible Authorities.
- 2.17 The Chair will invite the Licensee/Applicant to respond.
- 2.18 The Chair will invite objectors/supporters to make their representations. The Sub-Committee may ask questions of the objectors/supporters.
- 2.19 The Chair will invite the Licensee/Applicant to respond.
- 2.20 When all parties have been heard, the Chair will invite closing submissions from:
  - The Responsible Authorities
  - Objectors/Supporters
  - The Licensee/Applicant
- 2.21 The Chair to invite any final questions from the Sub-Committee (no new matters to be introduced at this stage).
- 2.22 The Chair will adjourn the meeting to allow the Sub-Committee to withdraw to consider their findings and make a decision. The Sub-Committee may call on officers to provide advice and the parties will be advised of the details of this, if appropriate.
- 2.23 When the Sub-Committee has reached a decision, the meeting will resume, and the decision will be read out by the Chair.
- 2.24 Following the meeting the Licensee/Applicant will receive a formal written confirmation of the committee decision within five days, together with information on how to appeal against the decision.