

# **Procedure for Determining Hackney Carriage/Private Hire/Special Event Licences Applications and Disciplinary Hearings**

## **Introductions**

- 1 The Chair of the Panel should introduce him/herself.
- 2 The Chair should introduce the Members of the Panel.
- 3 The Chair should introduce the Legal Advisor to the Panel and explain his/her impartial role.
- 4 The Chair should introduce the Council's Representative and explain their role.
- 5 The Chair should introduce the Democratic Services Officer and explain her role.
- 6 The Chair should invite the applicant or the person subject of consideration to introduce themselves and any representative they may have.

## **The Procedure**

- 7 Those present to be made aware that all questions and comments should be directed through the Chair.
- 8 The Chair should invite the Legal Advisor to outline the procedure.

## **The Application/Person Subject of Consideration**

- 9 The Chair will invite the Council's Representative to present his/her report, outlining the case and the background, having regard to existing policy and conditions.
- 10 The Council's representatives may call witnesses to support the Council's case.

## **Questions**

- 11 The Chair should only allow questions when he/she is satisfied that the substance of the case has been presented by the Council's Representative.
- 12 First from the applicant/person under consideration, then Members of the Panel.
- 13 Multiple questions should be avoided.
- 14 Questions must be relevant to the matter in hand.

## **The Applicant's Case/Person Subject of Consideration**

- 15 The Chair then invites the Applicant/person under consideration or their representative to present their case. They can make statements and can call witnesses (the applicant/person subject of consideration may be a witness if represented).
- 16 Any witness called must be open to questioning, firstly by the Council's Representative and then Members of the Panel.
- 17 Multiple questions should be avoided.
- 18 Questions must be relevant to the matter in hand.

## **Summing Up**

- 19 The Chair then invites the Council's Representative to sum up his/her case. He/she may comment on what has been said but no new evidence should be introduced.
- 20 The Chair then invites the Applicant/person under consideration or their representative to sum up their case. They may comment on what has been said but no new evidence should be introduced.

## **Reaching a Decision**

- 21 The Chair will invite the Legal Advisor to address the Panel on any outstanding matters.
- 22 The Chair will then thank all those who have spoken and invite the Panel to retire to consider the case, accompanied by the Legal Advisor and Democratic Services Officer. The Chair will explain that the Legal Advisor and Democratic Services Officer will take no part in the decision making.
- 23 The Panel will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
- 24 Once a decision has been made, the Panel (and relevant officer/Legal Advisor) will return back in to the room and the Legal Advisor will announce in public any legal advice he/she has given in private.
- 25 The Chair will read out the decision and the reasons for the decision (unless the Panel is unable to reach a determination at the conclusion of the hearing).
- 26 The Chair will explain that notification of the outcome of the decision and reasons for the decision will be made in writing.
- 27 If the Panel are unable to reach a decision, the Chair will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.