

**REPORT FROM:** Central Services  
**Democratic and Legal Manager**  
**TO:** Taxi Licensing Committee  
**DATE:** 9<sup>th</sup> July 2012

**Report Author:** Richard Townson  
**Tel. No:** 01282 661650  
**E-mail:** richard.townson@pendle.gov.uk

## HEARINGS PROCEDURE

### PURPOSE OF REPORT

To ask Councillors to adopt a procedure for dealing with hearings

### RECOMMENDATION

That the hearings procedure set out in the Schedule to this Report be used for all hearings both in respect of the hearings to be held at this meeting and for all subsequent hearings.

### REASON

To make sure that all parties to a hearing are aware of the procedure which the Committee will use.

### ISSUE

1. The procedure used by this Committee in respect of the grant, suspension or revocation of private hire or hackney carriage drivers' or operators' licences has been the same for many years. That procedure is as follows. There is a written report to the Committee, summarizing the facts, and all parties are given the opportunity to ask questions. The decision has then been given to the applicant in writing following the Committee meeting.
2. My view is that it would be good practice for the Committee to agree a written procedure for dealing with appeals, so that all the parties involved are clear about the procedure which will be used. The Schedule to this Report contains a suggested procedure, which is the same as the current procedure used by this Committee, but with the following difference regarding notification of the decision. At present, this Council, in common with other Councils, notifies the applicant of the decision later in writing. I am suggesting that we now invite the applicant back into the room on the night to notify them of the decision and then confirm the decision in writing as soon as possible after the meeting, with the detailed reasons for the decision.



## **SCHEDULE**

### **Proposed Hearings Procedure**

- a) The Chairman will introduce the parties.
- b) The Taxi Licensing Manager will make representations.
- c) The Applicant and/or his representative will be able to ask any questions of the Taxi Licensing Manager.
- d) Members will be able to ask any questions of the Taxi Licensing Manager.
- e) The Applicant and/or his representative will make representations.
- f) The Taxi Licensing Manager will be able to ask questions of the Applicant and/or his representative.
- g) Members will be able to ask any questions of the Applicant and/or his representative.
- h) The Taxi Licensing Manager will summarise.
- i) The Applicant and/or his representative will summarise.
- j) Everyone other than the Committee will leave the room whilst the Committee considers its decision (NB the legal advisor may be asked to remain behind if legal advice is necessary or may be called in from outside the room if that advice becomes necessary whilst the Committee is considering its decision).
- k) The Applicant and his representative, and the Council Officers, will then be invited back into the room and the decision will be announced. The decision will be confirmed in writing to the Applicant and his Representative as soon as possible after the meeting.

## **IMPLICATIONS**

**Policy:** None arising directly from the Report

**Financial:** None arising directly from the Report

**Legal:** None arising directly from the Report

**Risk Management:** None arising directly from the Report

**Health and Safety:** None arising directly from the Report

**Sustainability:** None arising directly from the Report

**Community Safety:** None arising directly from the Report

**Equality and Diversity:** None arising directly from the Report

## **APPENDICES**

**None**

## **LIST OF BACKGROUND PAPERS**

**None**