

### Special Procedure- Complaints against holders of Hackney Carriage, Private Hire Vehicle, Driver's or Operator's licences

One of the Council's Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Committee Members may seek clarification on points of procedure at any time. Please note that the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting. Members should request a comfort break if required and not leave any meeting in progress.

#### 1. *INTRODUCTION*

- + Everyone to introduce themselves
- + The Licensing Officer will introduce the report, including background information
- + Members' Questions to the Licensing Enforcement Officer

#### 2. *COMPLAINANT*

The complainant will outline their case and call any witnesses in support. Questions may be asked of the complainant or witnesses by:

- + Members of the Sub-Committee
- + Licensing Enforcement Officer
- + Licensee (and/or representative)

#### 3. *LICENSEE*

The licensee or their representative will outline their case and call any witnesses in support.

Questions may be asked of the licensee or any witnesses by:

- + Members of the Sub-Committee
- + Licensing Officer
- + Complainant

#### 4. *SUMMING UP*

The licensee or their representative will be asked to sum up.

#### 5. *CONSIDERATION OF DECISION - CONFIDENTIAL SESSION*

Members of the Committee will retire to consider the decision in two stages. In doing so the Solicitor to the Sub-Committee and the Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be. Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

*Stage 1* The Sub-Committee will decide whether or not the licensee did something warranting action under section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

*Stage 2* If the Sub-Committee finds the complaint proved, it will decide what action to take in accordance and whether that action should be implemented with immediate effect, in accordance with the Act.



### 6. *ANNOUNCEMENT OF DECISION*

Sub-Committee Members etc. will return and the Chair will give the decision and the reasons for it. The Licensing Officer will confirm this decision in writing to the licensee and the complainant and advise of any right of appeal.

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*Note:* This procedure note is issued as a guide only- the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice .

