

LICENSING COMMITTEE CODE OF PRACTICE

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1. INTRODUCTION

This Code of Practice has been prepared in order to assist Members in understanding and making decisions in relation to the Council's licensing functions conducted by the Licensing Committee. The aim is ensure that in the licensing process there are no grounds for suggesting a decision has been biased or unfair or that there has been any procedural impropriety.

2. THE LICENSING COMMITTEE'S DELEGATED FUNCTIONS AND MEMBERSHIP

- a. The terms of reference for the Licensing Committee is to have delegated powers to exercise the functions of the Council in relation to all licensing functions except insofar as such functions are delegated to an officer.
- b. The Licensing Committee is comprised of between 10 and 15 elected Members.
- c. The Licensing Committee has a dual role. Firstly, it is responsible for general licensing functions delegated to it under the Constitution by virtue of Section 101 of the Local Government Act 1972.
- d. Secondly, it is the Statutory Committee created under Sections 6 and 7 of the Licensing Act 2003 to deal with all licensing functions under that Act and Section 154 of the Gambling Act 2005 to deal with functions relating to premises licences and permits used for gambling.
- e. The licensing functions under the Licensing Act 2003 and Gambling Act 2005 have been delegated to Licensing Sub Committees comprising of three Members of the Licensing Committee. Consideration of Applications for licences and reviews of licences under the Scrap Metal Dealers Act 2013 have also been delegated to Licensing Sub Committees.
- f. There is a separate Code of Practice for the conduct of Licensing Sub Committee Hearings, the decision making process and the rules of probity specifically to Licensing Sub Committee functions which should be referred to when Members attend those hearings.

3. MAIN FUNCTIONS OF THE LICENSING COMMITTEE

- a. The main day to day functions that fall within the remit of the Licensing Committee are the regulation of Taxi (hackney carriage) drivers and vehicles; Private Hire drivers, vehicles and operators which this code of practice will focus on.
- b. Occasionally, the Licensing Committee is also required to consider and / or determine

- Applications for the registration of Village Greens and Common Land under the Commons Act 2006
 - Application for sexual entertainment venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.
 - Street Trading Designations under Schedule 4 the Local Government (Miscellaneous Provisions) Act 1982
 - Safety Certificates for sports grounds, regulated stands at sports grounds and fire certificates (The Safety of Sports Grounds Act 1975, Part III the Fire Safety and Safety of Places of Sport Act 1987 and Fire Precautions Act 1971
 - Charitable Collections
 - Licensing Policy reviews in a consultant capacity
 - Yearly consideration of Applications and Reviews of Licensing by Officers and the Licensing Sub Committees.
- c. There may be other matters that the Licensing Committee must consider or determine not listed in this code of practice but the principals contained in this code of practice may apply to matters considered or determined by the Committee

4. TAXI AND PRIVATE HIRE LICENSING

a. Primary Function

The Council and the Committee's primary function is the safety and protection of the public.

b. Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term 'taxi' is used throughout this Code and refers to all such vehicles.

Private hire vehicles (PHVs) include a range of vehicles such as minicabs, executive cars, limousines and chauffeur services. The term 'PHV' is used throughout this Code to refer to all such vehicles.

Councils are only responsible for the licensing of vehicles which carry up to a maximum of eight passengers. Vehicles with a seating capacity of more than eight passenger seats, which can include some stretch limousines, are licensed by the Traffic Commissioners, who are appointed by the Transport Secretary.

c. Legislation

Taxi and Private Hire Vehicle (PHV) legislation is primarily in the Town Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).

The legislation provides a broad framework for the licensing of drivers, vehicles and operators, but the detail of how this is done, including standards and conditions, is the responsibility of individual district and unitary councils ('licensing authorities').

There are a number of other Acts which also have an impact; for example the Equalities Act 2010, which places a duty on councils to take steps to meet the needs of disabled people where these are different from the needs of other people, and enables regulations to improve disabled access to taxis.

d. Differences between taxis and PHVs

One of the key differences between the vehicles is that a PHV, unlike a taxi, cannot ply for hire, which means that all journeys must be pre-booked in advance through a licensed operator.

It is an offence for PHVs to pick up passengers from any location unless pre-booked. Local councils can also regulate the fares charged by taxis, whereas there is no power to do so with PHVs.

	Taxi	Private Hire
Ply for hire	✓	x
Pre booked	✓	✓
Operating from a rank	✓	x
Fare meter required	✓	x
Fare tariff set by council	✓	x
Number of vehicles may be restricted by councils	✓	x
Taxis require two types of licence:		Hackney carriage proprietors (vehicle) licence Hackney carriage drivers licence
The provision of a private hire service requires three types of licence:		Private hire operators licence Private vehicle licence Private hire drivers licence

e. Local Authorities' role in taxi and PHV licensing

Taxi and PHV licensing in England and Wales is undertaken by licensing authorities (district and unitary councils). Middlesbrough Council has the responsibility for ensuring the public travel in safe, well maintained vehicles driven by safe competent drivers, as well as providing a fair and reasonable service for the taxi and PHV trade.

To deliver their responsibilities, councils' core functions in taxi and PHV licensing can be summarised as:

- setting the local framework, which can include safeguarding standards, fares, vehicles standards or limits on vehicle numbers – Policy
- considering applications and safeguarding the public by issuing, reviewing, suspending or revoking licenses
- undertaking inspection and enforcement activities to ensure the required standards are being maintained.

In providing the licensing function, the Council, under the provisions of the 1976 Act, is entitled to levy fees to recover the reasonable cost associated with:

- recovering the costs of the issue and administration of drivers' licences
- the inspection of vehicles for the purposes of determining whether any such licence should be granted or renewed
- the provision of hackney carriage stands
- any administrative or other costs in connection with the control and supervision of hackney carriage and private hire vehicles.

The Council consults upon the fees it intends to levy through a public notice procedure.

Licensing income from these schemes is ring-fenced, in that licensing fees and charges cannot be spent on other areas of council activity.

f. Department for Transport's (DfT) role

The DfT's role is that of regulatory ownership and maintenance of the regulatory framework for taxis and private hire vehicles. The Department collects and publishes statistics on an annual basis and produces statutory and best practice guidance to assist local councils in carrying out their taxi and PHV licensing functions.

The DfT produced Statutory Taxis and Private Hire Vehicle Standards which were published in July 2020. The Council and the Licensing Committee must have regard to these statutory standards when exercising their functions.

The focus of the new standards is on safeguarding with recommendations centred on ensuring robust decision-making processes and procedures are in place for licensing drivers and operators.

g. The Taxis and Private Hire Policy ("the Policy")

In accordance with the DfT's statutory standards Middlesbrough Council has published a single licensing Policy for taxi and PHV licensing that brings together all its procedures in one place. This includes policies on convictions, determining the 'fit and proper' person test, licence conditions and vehicle standards.

The Policy is reviewed on a regular basis and provides clarity for drivers, vehicle proprietors and operators, as well as strengthening the council's position if there is a challenge against a decision in court. The DfT recommends policies should be reviewed every five years but that interim reviews should also be considered where significant issues arise.

The views of the trade, customers, and other stakeholders are taken into consideration when establishing the Policy.

h. When is the Licensing Committee's Discretion Engaged?

Decisions in respect of applications for licences where there are grounds to refuse and reviews of current licences if an issue has been raised are made by the Licensing Committee.

However, Officers have been delegated the power to take action if a licensee has been arrested or charged with a serious offence or where urgent action is required to protect the public.

Both applicants seeking new licences and the holders of existing licences will have the right of appeal to the local magistrates' court if they are aggrieved by the decision of

the Licensing Committee or Officers to refuse to grant, condition, suspend or revoke a licence.

i. How Are Licensing Decisions Made? - Fit and Proper Test

The Licensing Committee must not grant a taxi or PHV driver's licence or permit a licensee to continue to be licensed unless it is satisfied the Applicant / Licensee is a fit and proper person to hold such a licence.

The Statutory Standards advised the following test be used:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night? If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

Properly applying the "fit and proper" person test is essential for ensuring a robust licensing scheme that protects safety and commands the confidence of the general public.

j. What Decisions can be made?

The Licensing Committee has range of options available to them including:

- in the case of licence applications, to grant a licence, with or without conditions (but not for taxi drivers)
- in the case of licence applications, to refuse a licence
- in the case of existing licences where matters are brought to the council's attention to do nothing (but members should set out reasons for this to protect the council in the future)
- in the case of existing licences where matters are brought to the council's attention to suspend a licence
- in the case of existing licences where matters are brought to the council's attention to introduce conditions on a PHV driver's or operator's licence
- in the case of existing licences where matters are brought to the council's attention to revoke a licence.
- If it is in the interests of public safety, the Committee can decide that a suspension or revocation of a Taxi or PHV driver's licence is to have immediate effect. This means the suspension or revocation will be effective from the date the Driver receives notice of the decision, rather than at the expiration of 21 days permitted for a Driver to appeal the decision or the determination of any

such an appeal by the court. This protects the public in that interim period. The Committee must explain in its decision why it considers an immediate suspension or revocation in the interests of public safety is required.

Suspension can be particularly helpful in improving standards or addressing complaints. For instance, a licence can be suspended until such time as the driver can undergo additional driver training or receive other improvement support. However, you cannot suspend a licence as an interim measure pending a final decision being made at a later date – it must always be used as a final decision (this was established in *R (application of Singh) v Cardiff City Council*). In other words, the suspension is lifted once the required action has been completed, with no threat of further penalty. In this context, suspension is not a punishment but a tool to protect the public from risk until corrective action has been completed by the driver.

Although the suspension must in itself be a final decision, if new evidence comes to light at a later date, as can happen in a court case, the Licensing Committee may take a new decision based on the new evidence. This would not fall foul of the *Singh v Cardiff* court case and decision, which considered the issue of suspension, because the decision to suspend would be made on the facts known at that time, and the decision to revoke would be made on the facts known at the later date.

However, the same case law has also determined that there are instances where a suspension can be used as a lesser sanction than revocation.

The Licensing Committee may attach bespoke conditions to taxi and PHV licences (except taxi driver licences) over and above the standard conditions contained in the Policy however, the conditions must not:

- exceed the council's powers set out in the controlling legislation ('ultra vires')
- be unreasonable or disproportionate
- be beyond the applicant's powers to comply with
- be for an ulterior motive.

They must:

- be clearly stated in order that they can be properly understood to be complied with and enforced.

k. Considerations of Convictions and Behaviour

The Policy includes the relevance of convictions, cautions, reprimands warnings, complaints and character and how this assists in determining whether an applicant is fit and proper.

Whilst each application must be determined on its individual merits, the Policy sets out a recommended minimum period free of conviction or incident for offences falling into broad categories. The conviction or incident free period starts once any sentence is completed.

The Policy should generally be followed unless there are good reasons to depart from it and those reasons are recorded.

The reason a person's past criminal or inappropriate conduct is taken into consideration is that it can indicate what is likely to happen in the future if a licence is granted.

When making decisions, the Licensing Committee can take into account any spent conviction, but must do so in a fair and proportionate way, following the Policy.

Sometimes an applicant/driver will assert that he was wrongly convicted, or only pleaded guilty to get it over with, to shield a family member or to avoid the risk of a more severe sentence. However the Licensing Committee must not go behind the existence of the conviction in an attempt to 're-try' the case (a principle established in Nottingham City Council v Farooq 1998).

Licensing Committee members should also be mindful that if a person claims to have perverted the course of justice by lying to protect a relative or friend, that in itself may demonstrate a dishonest character.

The Licensing Committee should not focus solely on an applicant's convictions as an indication of their character, but also their conduct.

It is not necessary for a criminal offence to have been committed to refuse to grant an application or suspend or revoke a licence.

A taxi / PHV driver is in a position of extreme trust in a very high risk environment where vulnerable adults and children will be travelling alone.

For instance, failure to comply with regulatory requirements, conditions or codes of conduct may not itself be criminal but may demonstrate a concern as to the fitness and suitability of an Applicant or licensee. Factors such as anti-social behaviour, solvency and sobriety would also be relevant. Certain behaviours or inappropriate actions by an Applicant or Driver may result in them being unfit in the interests of the public's safety or protection.

The Licensing committees can consider soft intelligence provided by the police and other partners, as well as of the applicant's responses in the committee hearing. It can consider complaints by Members of the public and other allegations.

The evidential threshold for licensing committees is not the 'beyond reasonable doubt' standard which is the criminal standard of proof for criminal trials but on the balance

of probabilities or whether it is more likely than not, based on the information provided, that the Applicant or Licensee is not fit and proper.

In short, the Statutory Standards advise, if you are 51 per cent sure that the applicant may not be a fit and proper person then you are able to, and should, refuse the licence. You should not give a driver the benefit of the doubt at this stage in the process.

When making decisions at both the application stage, or in a disciplinary situation with an existing driver, the sole deciding factor should be the safety of the travelling public. Exceptional mitigation may be relevant to assessing the risk to the travelling public if it shows that the driver/applicant acted out of character, so that the misdemeanour is unlikely to be repeated – but personal circumstances, and specifically the potential economic hardship of an applicant or driver, are not a factor to weigh in the balance against the safety of passengers.

L. General Principles of Decisions Making

The Licensing Committee has a broad discretion when refusing to grant a licence or deciding what action to take on a review of a licence, providing the decision is reasonable, proportionate and follows the Policy unless there are good reasons to depart from it. Full reasons must be given by the Licensing Committee for departing from the Policy.

Detailed reasons must be given by the Licensing Committee for every decision reached. Applicants have a right of appeal to the magistrates' court against those decisions which involve refusal, suspension, revocation or the imposition of conditions.

Councillors' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Councillors must, therefore, consider all of the relevant issues in the light of Council policies, Government advice and their own individual judgement.

Whilst Councillors should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so

m. The Decision must be reasonable.

The decision must accord with the Wednesbury principle of reasonableness otherwise it would be unlawful

Wednesbury principle: 'A decision so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.'

Wednesbury criteria:

- in making the decision, the committee took into account factors that ought not to have been taken into account, or
- the committee failed to take into account factors that ought to have been taken into account, or
- the decision was so unreasonable that no reasonable authority would ever consider imposing it.

n. The decision must be within the rules of natural justice.

A party must know the case against them; anyone affected by a decision has a right to be heard; and no one should be a judge in his own cause. The Applicant or Licensee should have a fair hearing.

The Decision should be justified and reasons should be given why the decision was made.

o. Application of Human Rights

A decision to revoke, suspend or refuse to renew a licence will engage the licensee's rights under the Human Rights Act 1998 (the 1998 Act) by providing a right to a fair hearing and a right to an independent and impartial appeal tribunal (in this case the magistrates' court). It may also engage the licensee's rights not to be deprived of their underlying economic interests in the licence unless that can be justified in the public interest and is proportionate.

There have been a number of challenges to decisions to suspend or revoke licences on the basis that a licence is a personal piece of property, and therefore revocation infringes the driver's human rights. However, case law has established that a decision maker dealing with a currently licensed driver should not regard the licence as a piece of property under the 1998 Act (*Cherwell District Council v Anwar* 2011).

p. Appearance of bias

While third party lobbying of elected members is legitimate and certain councillors may make representations to the licensing committee on behalf of 'interested parties', it is crucial for the Licensing Committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.

Section 25 of the Localism Act 2011 does not prevent members from publicly expressing a view about an issue or giving the appearance of having a closed mind towards an issue on which they are to adjudicate

However, it is recommended that to avoid an appearance of bias the following advice should be observed:

- No member sitting on the licensing sub-committee can represent one of the interested parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the sub-committee which is considering the application. Case law has also established they should not be in the room for the hearing once an interest has been declared.
- If a member who sits on the licensing committee is approached by persons wishing to lobby him/her as regards the licence application then that member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her ward member or the licensing officer who can explain the process of decision making. If the member who sits on the licensing sub-committee wishes to represent them then s/he will need to excuse him/herself from the licensing committee.
- Members who are part of the licensing committee must avoid expressing personal opinions prior to licensing committee decision. To do so will indicate that the member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives nor the statement of licensing policy.
- Members must not pressurise licensing officers to make any decisions or recommendations as regards applications.
- Political group meetings should never be used to decide how any members on the licensing committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration..
- Councillors must not be members of the licensing committee if they are involved in campaigning about the application.
- Other members (i.e. those who do not sit on the licensing committee) need to be careful when discussing issues relating to matters which may come before the licensing committee members as this can easily be viewed as bias / pressure and may well open that committee member to accusations of such. While a full prohibition upon discussing such issues with committee members by other members may be impractical and undemocratic, Members are subject to the Council's Members Code of Conduct.
- Members must also be aware of the need to declare any pecuniary or non-pecuniary interests in matters that may come before them, whether these relate to policy issues or to specific applications.
- Member behaviour is also governed by the member's code of conduct which you should have regard to.
- Members should consult the monitoring officers for further advice where necessary.

q. Personal and Prejudicial Interests

The Code of Conduct for Councillors provides guidance as to disclosable interests which may (depending on their nature) affect a Councillor's ability to take part in the decision-making process.

Where Councillors have interests which may be thought likely to influence their decision, the fact should be declared at the meeting.

Where the interest is such that members of the public may feel that the Councillor will not be able to approach matters with an open mind and consider the application on its merits, Councillors should consider withdrawing from the Committee.

As a minimum, the integrity of the licensing system requires openness on the part of Councillors; it must operate fairly and be seen to operate fairly

Pecuniary Interests

If you have a pecuniary interest in an Application or Review you must make a verbal declaration of the existence and nature of the disclosable pecuniary interest at the Committee at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

Other Interests

If you attend a Committee at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business where a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area.

Gifts and hospitality

Councillors shall follow the advice in the Member's Code of Conduct about accepting gifts and hospitality. Councillors should treat with extreme caution any offer which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a proposal. If receipt of hospitality is unavoidable, Officers shall ensure it is of a minimal level and declare it in the hospitality register as soon as possible

r. Exempt and Confidential Information

Most Reports regarding applications or reviews will contain confidential information about an individual's previous convictions or conduct. As it is in the public interest that the Licensing Committee is able to consider this confidential information in order to reach an informed decision the press and the public are usually excluded from the meeting when such reports are being considered.

The Press and Public are therefore usually excluded under Section 100A (4) Part 1 of the Local Government Act 1972 on the grounds that if present there would be disclosure to them of exempt information falling within paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Members of the Licensing Committee are therefore under a duty to keep the information contained in the reports and discussed at the meeting confidential. If information is shared there would be a breach of the Members Code of Conduct and if harm is caused as a result the Council may be liable for damages.

5. AGENDA AND INFORMATION PROVIDED BEFORE THE LICENSING COMMITTEE

Members will receive the Agenda.

The Agenda will include, Apologies for Absence, Declaration of Interests, Minutes of the Previous Committee, any reports that are not confidential for consideration, Consideration of excluding the press and the public in order for the Committee to consider confidential reports, any applications or reviews to be considered, followed by an entry for any other urgent business that in the opinion of the Chair should be considered.

Members will receive the Licensing Officers Reports in respect of Applications and / reviews.

The Reports will include the details of the issues to be considered, the relevant parts of the Policy that apply and any further appended information.

Prior to the Committee the Members should have received and read the Agenda and Reports

Members should be aware of the parts of the Policy that apply to the individual Applications or Reviews.

Members should declare if they have any personal or pecuniary interests in any of the matters prior to the meeting and, if required, arrange for a substitute who has been fully trained to attend

Members should sign the attendance sheet prior to the opening of the Committee

6. THE ROLE OF OFFICERS

Officers in their role of advising Councillors shall provide:

- Impartial and professional advice;
- Complete written reports covering all necessary information for a decision to be made.

Officers shall follow the guidance on their standards of conduct as set out in the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 Local Government Act 2000

An Officer from the Licensing Team will be present at the hearing to summarise the report answer any questions, clarify any matter and to ask questions of an Applicant or Licensee.

An Officer from the Governance Team will be present at the hearing to take a record of proceedings and to answer any questions relating to the Governance of the meeting and proceedings.

An Officer from Legal Services will be present to advise the Committee.

7. EQUALITY ACT 2010

Section 149 provides that:

A council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a protected characteristic and persons who do not share it.

The above powers relate to the following protected characteristics:

(a) Ages; (b) Disability; (c) Gender reassignment; (d) Marriage and civil partnership; (e) Pregnancy and maternity; (f) Race (including colour, nationality and ethnic or national origins); (g) Religion or belief; (h) Sex; or (i) Sexual orientation

8. THE PROCEDURE OF THE LICENSING COMMITTEE

The Licensing Committee will generally following the following procedure however the Chair may depart from or change the order as and when required.

- Chair of the Licensing Committee opens the Meeting and proceeds through the Agenda
- Apologies for Absence
- Declarations of Interest
- Approval of Minutes of previous meeting
- Consideration of any public reports
- Exclusion of the Press and Public
- Consideration of Each Report
- Chair Introduces the Members and Officers to the Applicant / Licensee
- Chair asks Applicant / Licensee to provide their name and address and confirms that they have received the report and any appendices
- An Applicant is entitled to be represented by another person or persons or bring witnesses to support their case. A representative may or may not be legally qualified
- Chair explains the procedure of the Committee to the Applicant / Licensee
- Chair Asks the Licensing Officer to summarise the Report and any appendices
- Chair asks Members if they have any questions in relation to the report only
- Chair asks the Applicant / Licensee if they agree the Report is correct, if not advice sought and decision made whether or not to proceed
- If there is a witness the Chair calls for the witness to enter the Committee, the chair explains this part of the procedure to the witness, the witness is asked to give their information to the Committee. Members, the Licensing Officer, Legal Officer and the Chair can ask questions of the Witness. The Applicant / Licensee may be permitted to ask questions of the witness but not to cross exam or make statements. A witness is entitled to bring a representative to support them. Once the witness has provided the information and answered any questions the Chair will request they leave the Committee. There may be situations where special measures are required, for example screening, video link or excluding the Applicant / Licensee whilst the witness provides their information. If the latter is the case the Applicant / Licensee should be advised of a summary of the information provided and given an opportunity to consider and respond to ensure a fair hearing.
- If there is any footage the Chair will request this is shown to the Committee
- The Chair asks the Applicant / Licensee to present their case
- The Chair gives permission for Members to ask questions of the Applicant / Licensee. Open questions should be asked. Members should not make statements as to what their view is at this stage as this gives the appearance that their minds have been made up and may result in an unfair hearing.
- The Chair gives permission for Officers to ask questions

- The Chair may ask questions at any point
- If permission is given by the Chair, the Applicant / Licensee is given the opportunity to sum up their case
- The Chair informs the Applicant / Licensee that the Members, Governance Officer and Legal Officer will retire into closed session in order to consider the case and for Members to make a decision.
- The Applicant will be informed whether or not the decision will be given in writing in five working days at the Chair's discretion.
- Members and Officers go into closed session, the Applicant / Licensee, any representatives and the Licensing Officer leave the room
- Members debate the case in closed session and consider the report, appendices, oral representations, relevant policy, legal advice, proposals and reasons. A proposal may be put forward and seconded. Proposals are then put to the vote. Members should raise their arms for a vote in favour, against or to abstain. The Chair has the casting vote in the case of a tie. If the first proposal has a majority vote in favour that is the decision of the Committee.
- The Applicant / Licensee and any representatives are called back into the room unless informed the decision will be supplied in writing in five working days.
- The Chair informs the Applicant / Licence of the summary of the decision and that a letter setting out the decision and all of the reasons will be sent to the Applicant / Licensing within five working days. The Chair informs the Applicant / Licensee of their right of appeal if applicable.
- Chair considers any other business and closes the meeting.

9. COUNCILLOR TRAINING

No decision makers should be permitted to sit on the Licensing Committee without having been formally trained.

In accordance with DfT's statutory standards, training covers licensing procedures, natural justice, understanding the risks of child sexual exploitation, and disability equality, as well as any additional issues deemed locally appropriate. It covers the making of difficult and potentially controversial decisions. All training is formally recorded by the council and requires a signature from the Councillor.

Trained Members of the Licensing Committee will have or access to

- Membership and Terms of Reference
- Procedure at Licensing Committee
- Training Materials
- The Taxi and Private Hire Policy
- Statutory Taxi and Private Hire Standards

Failure to follow this Code without good reason could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected Councillors and officers.

Breaches of this Code may also amount to breaches of the Council's Members Code of Conduct. If in doubt about what course of action to take, a Councillor or officer should seek the advice of the Council's Monitoring Officer.