



## Licensing Sub-Committee (Taxis, Private Hire and Street Trading Matters) Procedure for determining application

Each application that comes before the Sub-Committee will be determined on its own merits, and the licensing authority will take its decision based on:

- the merits of the application;
  - the Council's Hackney Carriage And Private Hire Policy And Street Trading Policy
  - Hackney Carriage and Private Hire and Street Trading Policy, a copy of which of which can be obtained from the Licensing Team
1. The Chair opens the Meeting, introducing the Members of the Sub-Committee and Officers to the Applicant(s) and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
  2. The Council is committed to taking decisions in an honest, accountable and transparent fashion but, on occasion, may find it necessary to exclude members of the public and Press in accordance with the legal framework given in Schedule 12A of the Local Government Act 1972 and/or local policy.
    - a) Street Trading hearings shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (section 100A(4) Local Government Act 1972) is concerned and the Sub Committee 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.
    - b) Taxi and Private Vehicle licensing hearings will usually be considered in private as cases coming before the Sub-Committee involve information related to an individuals. Most taxi and private hire licensing hearings will therefore be treated as confidential and not for publication.
  3. The Licensing Officer outlines the application, any relevant representations and relevance to the Council's Hackney Carriage and Private Hire Policy and Street Trading Policy and statutory guidance.
  4. Members may ask any relevant questions of the Licensing Officer.
  5. The Licensing Officer introduces the Applicant(s) (if present) and the Chair invites them, or the person representing the Applicant, to present their application to the Sub-Committee and to clarify any information arising from the Officer's outline, if necessary.
  6. Members may ask relevant questions of the Applicant(s) regarding the application.

7. The Chair invites those parties, including any interested parties and/or responsible authorities, making representations to address the Sub-Committee in turn.
8. Members may ask any relevant questions of those parties making representations.
9. The Applicant(s) may ask any relevant questions of those parties making representations.
10. If necessary, the Sub-Committee will consider requests to allow other parties invited by the Applicant(s) to address the Committee.
11. Members may ask any relevant questions of any person invited by the Applicant(s) who addresses the Sub-Committee.
12. Any parties who have made representations may ask any relevant questions of any person invited by the Applicant(s) who addresses the Sub-Committee.
13. The Chair invites the Applicant(s) and any parties making representations, to briefly summarise their points if they wish.
14. The Chair ascertains that all parties are satisfied they have said all they wish to say.
15. The Sub-Committee debates the application and makes its decision; it may retire to do so, if appropriate.
16. Where a decision is made at the Meeting, the Chair notifies the Applicant(s):-
  - of the decision;
  - the reasons for the decision;
  - any Conditions placed on the licence (if granted), and the licensing objectives they relate to;
  - the rights of appeal, and that the decision will be confirmed in writing as soon as practicable following the Meeting, and within the statutory timescales.

#### NOTES

- a) All references to the Sub-Committee relate to the five Members appointed by the Planning and Licensing Committee. However, a Sub-Committee could decide not to exercise its delegated authority and refer an application to the Planning and Licensing Committee for determination, or to the Council (as the Licensing Authority). In such cases, references to 'the Sub-Committee' shall relate to the Committee or the Council, as appropriate.
- b) All references to the Licensing Officer refer to the appropriate Licensing Officers.
- c) All references to the Applicant(s) refer to the Applicant(s), the licensee or their representative.
- d) Hearings will take the form of a discussion led by the Sub-Committee throughout which Members, the Applicant(s) and, if appropriate, Officers and other parties, may ask questions.

- e) Parties who have made representations will be invited to address the Sub-Committee in the following order, where applicable:-
- Gloucestershire Constabulary
  - Officers of the Council in capacity as Responsible Authorities (health and safety, planning and pollution) (For Street Trading Matters only);
  - Interested Parties;
  - Ward Member(s)
- f) In order to avoid repetition, parties are requested to appoint a spokesperson to address the Sub-Committee where a number of the same, or similar representations, are being made.
- g) Decisions will generally be taken regardless of whether the Applicant(s) is present. All notices and representations received from absent parties will be considered.
- h) Information which has not been produced prior to a Meeting will not be considered unless with the agreement of the Sub-Committee and all relevant parties present.
- i) Any changes in the membership of the Sub-Committee will be announced by the Chair at the start of the Meeting.
- j) The Council has the right to exclude parties disrupting this Meeting, at its discretion.

#### **Housekeeping Matters**

- Mobiles phones must be switched off or set to silent;
- No smoking throughout the building or anywhere on the site;
- In the event of the fire alarm sounding, Officers will direct you to the meeting point
- Please ensure that you mute your desk microphone whilst not speaking and raise your hand if you wish to speak. The meeting will follow the procedures closely so please ensure that you have read this.