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West Devon  
Borough  
Council

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Dear Councillor

## WEST DEVON LICENSING SUB-COMMITTEE - WEDNESDAY, 10TH MARCH, 2021

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

### Agenda No    Item

PROCEDURE RULES

PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).

The Committee is recommended to pass the following resolution:

**“RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting on the grounds that exempt information may be disclosed as defined in the paragraph given below in bold type from Part I of Schedule 12(A) to the Act.”

Yours sincerely

Darryl White  
Democratic Services Manager

Encs

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## **Licensing Sub-Committee Hackney Carriage (taxi) and Private Hire Proprietors and Operators' Hearing Procedure**

1. The Chair will introduce Members of the Sub-Committee, introduce the Officers present, explain the procedure to be followed and ensure those present understand that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. The Applicant (or his/her representative) addresses the Sub-Committee.
4. The Applicant may be asked questions about the matter by the Sub-Committee.
5. The Applicant (or his/her representative) may call witnesses in support of their case and each witness may be asked questions by the Sub-Committee.
6. The Chair will ask the Licensing Officer present whether they have any comments they wish to make. The Officer making comment may be asked questions.
7. The Applicant will be invited to make a closing statement.
8. The Sub-Committee withdraw to private session to consider their decision. The Sub-Committee may reconvene to resolve any points of uncertainty on matters already raised. The Sub-Committee will be accompanied for advice only by the Legal Adviser and Democratic Services Officer.
9. Unless the hearing is held remotely the Sub-Committee will return to the meeting room and the Chair will announce the Sub-Committee's decision with reasons. Where the hearing is held remotely the Chair will advise those present remotely that the Sub-Committee's decision and the reasons for it will be sent to all parties within 5 working days.

### PLEASE NOTE:

- Where the Sub-Committee considers it necessary the procedure may be varied.
- In circumstances where any party fails to attend the Sub-Committee will consider whether to proceed in that party's absence or defer to the next meeting on notice to all parties that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices and representations will be considered.
- Only in exceptional circumstances will the Sub-Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The Sub-Committee will disregard any information or representation given by a party they consider not to be relevant to an Application.
- The hearing will take the form of a discussion and the Sub-Committee will allow all parties to ask questions of other parties present. However, formal

cross examination will be discouraged although supplementary questions may be asked for clarification purposes.

- If any person has special needs regarding access, hearing or vision, this should be brought to the Council's attention prior to the hearing so that reasonable adjustments can be made.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.