



<b>B Offences under the Town Police Clauses Act</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty</b>
48	Failure by HC Proprietor to hold a copy of HC driver licences of persons who use the vehicle	<b>10</b>
	Carrying other person than the hirer without consent	<b>10</b>

<b>C Offences under the Byelaws</b>	
All breaches of hackney carriage byelaws shall attract 10 penalty points.	

<b>D Policy and Conditions of Licence</b>	
All non compliance with the policy and breaches of licence conditions shall attract 10 penalty points.	

## Appendix M

# Procedure to be followed for Hearings at the Taxi and Miscellaneous Sub Committee

## 1 Key

- (1) **"Licensing Officer"** - the member of the Licensing Services Section who will be presenting the report.
- (2) **"Applicant/Licence Holder"** – this procedure applies in all cases in which a person appears before the Sub Committee other than an appeal against penalty points, i.e. both an applicant for a licence and an existing licence holder whose licence is being reviewed.
- (3) **"Representative"** – in all instances the Applicant/Licence holder is entitled to be accompanied by a representative, who may be, but does not need to be, a legal representative. In the interests of simplification, no reference to the representative appears in the remainder of this document. It may be taken that at each stage either the Applicant/Licence holder or the Representative may take the lead in addressing the Sub Committee, asking questions and, subject to any expressed wish of the members thereof, answering them. It is a matter for them how they wish to present their case. Questions may be asked of either of them, at the relevant stages.

## 2 Interpreters

- 2.1 The Authority no longer makes arrangements nor meets the costs of the attendance of accredited interpreters on behalf of licence holders and applicants for licences at meetings of the Taxi and Miscellaneous Sub-Committee and if applicants and licence holders wish to use an interpreter to assist them making representations to the Sub-Committee then they must make their own arrangements to employ an independent accredited interpreter. This will be the normal practice, however, alternatives will be considered in exceptional circumstances.

## 3 Procedure

- 3.1 The Licensing Officer and the Applicant/Licence holder are invited into the room where the Sub-Committee is meeting. The members of the Sub -Committee will have received a report about the matter and will have it before them.
- 3.2 The Chair introduces the members and officers of the Sub Committee. This will involve the solicitor, the Member Services Officer, the Licensing Officer and any other officers who may be present. The individual members and officers will state their name and position.
- 3.3 The solicitor confirms with the Applicant/Licence holder that he has received the report about him. If relevant the applicant is asked to confirm his convictions as stated in the report. If the Applicant/ Licence holder is unaccompanied, the Chair confirms whether or not he is aware that he could be accompanied by a legal or other representative.



3.4 If it should occur that the Applicant/Licence Holder does not accept that he has received the report or that his convictions are as stated in the report, then such matter will be addressed at this stage. Depending on what emerges, the Sub Committee may resolve to adjourn the matter in order that the query may be addressed. If it involves the report not having been received or read by the applicant the matter may be stood down for a while in order to enable him to read the report. It maybe that if the report is more complex it would be necessary to defer the matter to another day. If the problem relates to a dispute as to the convictions stated in the report it is likely that the matter will be adjourned in order that the Applicant/Licence Holder, and the Licensing Manager as appropriate, may investigate the matter.

- 3.5 The solicitor describes the procedure to be followed at the hearing.
- 3.6 The Licensing Officer presents the facts of the case by taking the Sub- Committee through the report (and calls any witnesses whom he may have).
- 3.7 Any additional people who have expressed a wish to make representations are then invited to speak.
- 3.8 The Applicant/Licence holder has the opportunity to put relevant questions to the Licensing Officer and any third party who has submitted evidence or made a statement to the Sub Committee.
- 3.9 Members of the Sub Committee have the opportunity to put relevant questions to the Licensing Officer and, on matters of law and licensing procedure as appropriate and also to the solicitor. They may also ask questions of any third party who has submitted evidence or made a statement to the Sub Committee.
- 3.10 The Applicant/Licence holder presents the matters which he wishes to say in support of his case, including an explanation of the matters mentioned in the report. Witnesses may be called at this stage by the Applicant/ Licence holder.

- 3.11 The Licensing Officer and any third party have the opportunity to put questions to the Applicant/Licence holder and to any witnesses that may have submitted evidence.
- 3.12 The Members of the Sub Committee have the opportunity to put questions to the Applicant/ Licence holder and his witnesses. At the invitation of the Chair, the solicitor may also ask questions if they consider that any matters within their remit require clarification.
- 3.13 The Chair asks both the Licensing Officer and the Applicant/Licence holder if they have anything further to say to sum up their case.
- 3.14 The Chair then asks the principal parties to withdraw to allow discussion of the issue in private. The Licensing Officer, the Applicant/Licence holder and all persons connected with him and any independent persons all leave the room. The Council's solicitor and Member Services Officer remain present to advise on points of law and (licensing and general Committee) procedure and to take a record of the proceedings as appropriate.

- 3.15 If it should prove necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the hearing are invited to return. After that question has been determined they all withdraw again.
- 3.16 The Sub Committee considers all the evidence and makes a decision.
- 3.17 Once the Sub Committee has reached its conclusions, all parties are recalled and the decision is announced to the Applicant/Licence holder by the Chair. This will include mention of any specific conditions and any penalties which may have been imposed. If necessary the solicitor will provide further clarification of the decision and its implications.
- 3.18 The decision will be confirmed in writing and if it is a refusal, a written warning, a suspension or a revocation the Applicant/Licence holder is told the reasons for the decision. If it is an verbal warning, that will be issued by the Chair of the Sub-Committee then and there.



## Appendix N

# Hackney Carriage Stands

- 3.19 If the application is refused or there is a decision to suspend or revoke, the solicitor will inform the Applicant/Licence holder of his right of appeal to Preston Magistrates' Court. (The decision letter will also include these details.)
- 3.20 If the decision involves a resolution by the Sub Committee to suspend or revoke the licence of an existing licence holder, and the Sub Committee also passes a resolution that the decision shall have immediate effect pursuant to Section 52 of the Road Safety Act 2006, this fact will be specifically mentioned by the solicitor. The solicitor will then explain the meaning of that decision and its implications for the driver. (Again, the decision letter will explain such a decision, if applicable.)
- 3.21 The hearing is then pronounced concluded by the Chair and then the Applicant/Licence holder will depart from the meeting. If the decision is to grant a licence and the applicant is unsure of what should be done, he will be told that a licensing officer will discuss the matter with him outside the room.
- 3.22 The Sub Committee's decision is confirmed in writing by the Licensing Manager, with the reasons, to the Applicant/Licence holder as soon as possible. The letter will include details of the statutory rights of appeal were relevant.