

POWYS COUNTY COUNCIL

Taxi Licensing Review Panels – Procedural Guidelines

A. General

1. The Council's Planning Rights of Way & Licensing Committee has agreed to appoint a Licensing Review Panel to hear and determine all applications, complaints and other relevant matters relating to individual licensing applications/licence holders where this is not incompatible with specific legislation.
2. The Licensing Review Panel shall consist of three Members of the Committee. For the purposes of clarification, a quorum for a Panel shall be three Members.
3. The Local Member(s) (whether or not on the Panel) has the right to appear and state his/her views to the Review Panel. Local Member means the Member for the Ward in which the applicant resides or has his/her place of business which is the subject of the application.

B. Procedure at the Hearing

1. The Hearing would normally be considered in public, unless specific circumstances warranted exclusion of press and public.
2. The procedure at the Hearing shall be determined by the Panel, normally in accordance with the following guidelines.
3. The Panel shall appoint a Chairman.
4. The Chairman will introduce himself/herself, the other Members of the Panel and the Clerk to the Panel and shall outline the nature of the application to be considered.
5. The Chairman will take appearances from the Council's representative and the applicant/licence holder (or his/her representative) who will both state their name and position and the names and positions of the witnesses they intend to call.
6. Where appropriate, the Chairman will take appearances from any Local Member who wishes to state his views.
7. Copies of any relevant documents and correspondence, to include copies of the application, relevant consultations and letters of objection or support shall be supplied to the Panel and the applicant. Wherever possible these will have been circulated to the Panel and the applicant/licence holder prior to the Hearing.
8. The Chairman will ask the Council's representative and the applicant/licence holder (as appropriate) to confirm whether or not the formal requirements in respect of the matter have been complied with.
9. If not satisfied as to any formal requirements, the Panel will decide whether to continue with its consideration of the matter or to adjourn the proceedings to enable the formal requirements to be completed or to dismiss the application.
10. If satisfied as to the formal requirements or that the proceedings should in any event proceed. The order of the proceedings shall be as follows except that it may be varied with the consent of the Council's representative and the applicant/licence holder or his/her duly authorised representative.
11. The Council's representative shall put the Council's case in the presence of the applicant/licence holder (and/or any representative) and may call witnesses.
12. The applicant/licence holder (or his/her representative) may ask questions of the Council's representative on the evidence given by him/her and any witnesses who he/she may call.
13. The Panel may ask questions of the Council's representative and witnesses.

14. The applicant/licence holder (or his/her representatives) shall put his or her case in the presence of the Council's representative and may call such witnesses as he/she wishes.
15. The Council's representative may ask questions of the applicant/licence holder (or his/her representative) and his/her witnesses.
16. The Panel may ask questions of the applicant/licence holder (or his/her representative) and his/her witnesses.
17. The Local Member(s) shall state his (their) view.
18. The Council's representative may ask questions of each Local Member.
19. The applicant/licence holder or his/her representative may ask questions of each Local Member.
20. The Panel may ask questions of each Local Member.
21. The Council's representative may make a final statement.
22. The applicant/licence holder or his/her representative may make a final statement.
23. The Council's representative, the applicant/licence holder and their representatives and witnesses shall withdraw.
24. The Panel, with its Clerk, shall deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt. Any objectors still present may also return if they wish.
25. If the Committee decides to grant the application, it will consider and decide upon the terms, conditions and restrictions (if any) upon which it will be granted.
26. The decision of the Panel, together with the grounds for that decision and the reasons for reaching it, shall be announced verbally to the parties at the conclusion of the hearing and will be conveyed in writing to the applicant or license holder by the Clerk to the Panel (or other appropriate designated Officer).

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12th September 2017