

## DOVER DISTRICT COUNCIL

### REGULATORY COMMITTEE PROCEDURE FOR HEARINGS LICENSING OF A DRIVER, VEHICLES AND OPERATORS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Chairman	The Chairman advises the applicant of the reason for the Hearing and the procedure.
3	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> <li>• the agenda</li> <li>• Licensing Officer's report</li> <li>• Council's policy guidelines</li> <li>• procedure for hearing</li> <li>• extract from the Rehabilitation of Offenders Act 1974</li> </ul>
HEARING		
4	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> <li>• presents the Licensing Officer's report</li> <li>• summarises any issues</li> </ul>
5	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> <li>• will give evidence</li> <li>• may be questioned by the applicant or applicant's representatives</li> <li>• may be questioned by the Committee</li> <li>• may, if necessary, be re-questioned by the Licensing Officer</li> </ul>
6	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
7	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> <li>• will give evidence</li> <li>• may be questioned by the Licensing Officer</li> <li>• may be questioned by the Committee</li> <li>• may, if necessary, be re-questioned by the applicant/applicant's representative.</li> </ul>
8	Members of the Committee	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
9	Licensing Officer	The Licensing Officer may give their final submission.
10	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
11	Committee members/Legal Adviser	The Committee will withdraw to consider its determination. The Legal Adviser may be requested by the Chairman to accompany the Committee.
12	Committee members	If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened.  Any Member of the Committee who has not been present during the whole of the proceedings must not take part in the decision making.
13	Legal Adviser	Any legal advice given to the Committee in private will be summarised to the Applicant.
14	Chairman	The decision of the Committee is given to all parties.  In the event of a decision to refuse, suspend or revoke an application, the applicant is told that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.

## NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.