

IS THERE ANY RIGHT OF APPEAL AGAINST THIS DECISION?

If upon receipt of the Notice of Determination you believe that the decision of the Sub-Committee was incorrect, you may appeal to the Oxford Magistrates' Court.

Any appeal must be lodged with the Court within a period of 21 days from receipt of the Notice of Determination.

You must also advise the Council Licensing Team that you have lodged an appeal and provide evidence (given to you by the Court) that you have done so.

The court details are:

Oxford Magistrates' Court
The Court House
P.O. Box 37
Speedwell Street
Oxford
OX1 1RZ

WHAT MAY HAPPEN AT THE APPEAL HEARING?

Upon hearing all of the evidence provided, the Magistrate's Court may:

1. Uphold the decision of the Sub-Committee
2. Uphold the appeal
3. Refuse the appeal on the grounds of insufficient evidence.

It is advisable to ensure that you / your legal representative is aware of the Council Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and the Conditions attached to your licence, when attending both the Sub-Committee Hearing and any Court appeal.

HELP & ADVICE WHO CAN I TALK TO?

The Licensing Team at Oxford City Council are able to offer further advice should you need assistance.

Please call us on 01865 252115, or alternatively you can email us at: licensing@oxford.gov.uk

You may also wish to seek legal advice from a solicitor, your Hackney Carriage or Private Hire Association, or the Citizens Advice Bureau.

FURTHER HELP

Additional information can be found on the Council website:

www.oxford.gov.uk/taxilicensing

Contact Details:

Licensing Team
Oxford City Council
St. Aldates Chambers
109 St. Aldates
Oxford
OX1 1DS

Tel: 01865 252115
Fax: 01865 252115
Email: licensing@oxford.gov.uk
Web: www.oxford.gov.uk

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COMMUNITY SERVICES

www.oxford.gov.uk



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEES: HEARINGS AND APPEALS



HACKNEY CARRIAGE & PRIVATE HIRE LICENSING SUB-COMMITTEE WHAT HAS IT GOT TO DO WITH ME?

If relevant information arises during an application for a new licence, renewal of a licence, or during the term of a licence, that would lead the Licensing Officers to believe that the status of an individual may not be in keeping with the Licensing Authority's definition of a "**Fit and Proper Person**" as defined with our **Policy on the Relevance of Warnings, Offences, Cautions and Convictions***, then the applicant / licence holder will have their suitability to be granted or continue to hold a licence determined by a panel of three elected Members (the Sub-Committee) chosen from those elected to the General Purposes Licensing Committee.

If this should happen, notification will be sent to the applicant / licence holder that a Hearing has been convened and the date of the Hearing. Approximately 2 weeks before the Hearing takes place a formal report will be published and sent to the applicant / licence holder.

The Sub-Committee has strict guidance to follow when considering any application brought before them.

They must:

- Take into the Council's Policy on the Relevance of Warnings, Offences, Cautions and Convictions
- Take into account any relevant representations made by the applicant / licence holder or his / her representative.

*** This Policy guides the Authority as to how to exercise its Taxi Licensing functions.**

DETERMINING APPLICATIONS: SUB-COMMITTEE HEARINGS

The Sub-Committee has a number of steps available to them including:

- **Granting or refusing an application**
- **Adding additional conditions to a licence**
- **Issue a Councillor Warning**
- **Suspend a licence**
- **Revoke a licence**

However, the Sub-Committee must when making any decision do so with a view to upholding the Policy on the Relevance of Warnings, Offences, Cautions and Convictions and promoting the Licensing Objectives, which are:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

WHO ATTENDS THE HEARINGS?

Other than the Members of the Sub-Committee, the applicant / licence holder and / or their representatives are expected to attend. Also present will be a Licensing Officer to present the report, and a Clerk to take minutes, and the Legal Adviser to the Sub-Committee. The Hearings are held in private due to the confidential nature of the subject matter being heard.

WHAT HAPPENS DURING THE SUB-COMMITTEE HEARING?

At the start of the Hearing, the Chair of the Sub-Committee will introduce the other Members of the panel, and all of the other parties are able to state who they are and why they are attending.

The Licensing Officer will then read a summary of the report detailing the reasons why the matter has been referred to the Sub-Committee for determination, and the relevant sections of the Policy on the Relevance of Warnings, Offences, Cautions and Convictions that will direct the Sub-Committee, and the relevant legislation that applies to each particular case.

The applicant / licence holder or his / her representative then puts his / her case forward as to why an application should be granted / renewed, or why the Sub-Committee should depart from the Policy on the Relevance of Warnings, Offences, Cautions and Convictions when determining the case.

Questions can be put to any of the parties during the Hearing, and at the end of the Hearing, the Sub-Committee retires to determine an outcome.

HOW WILL I FIND OUT WHAT WAS DETERMINED AT THE HEARING?

The Sub-Committee will most likely declare their decision and their reasons for such a decision at the Hearing.

A Notice of Determination will be sent to the applicant / licence holder shortly after the Hearing providing a written decision and detailed reasons for the decision.