



PROCEDURE FOR SUBMITTING AN OBJECTION TO AN APPLICATION AND CONSIDERATION OF OBJECTIONS.

This Procedure was agreed by the Road Transport Licensing Committee ("the Committee") on 28th August 2019 and supersedes any previous Policy or Procedure relating to meetings held in public under the Road Transport Act 2001 ("the Act").

Paperwork

1. For an objection to an application to be admitted for consideration, it must satisfy the following criteria:
 - (a) It must be in writing (including emails) and must be individual written correspondence from the proposed objector, not multiple copies of one letter (or email) signed by different people nor a single petition.
 - (b) It must be received by the RTLC office within 21 days of the application's publication in an AD&N Circular.
 - (c) It must specify the name and address of the person making the objection.
 - (d) It must specify the particulars of the grounds under which the objection is being made. It is essential that the entirety of the objection must be contained within the written correspondence.
 - (e) The grounds on which the objection is made must be within the jurisdiction of the Committee to consider according to the Act and its supporting Regulations.
2. The Committee may, in exceptional circumstances, treat an objection as duly made even though the procedural requirements of (a), (b), (c) and (d) were not complied with.

Prior to the consideration of the application

3. All evidence that the applicant intends to rely on at the meeting must be submitted as part of the application and subject to scrutiny from any potential objectors prior to the meeting. If the application is incomplete it will not be advertised until it is deemed to be complete. Should this be the case the application will still be considered to be pending which means that any expiring licences will continue in force until the new application (including any additional information to complete the application) is disposed of.
4. Once the 21 day period for objections to be received following the publication of the application of the AD&N Circular has expired, the Committee will meet to determine which objections will be considered relevant to the application. Such objections may contain the following characteristics:
 - (a) The objection must reference the actual application and the specific parts of the application that are being objected to.

- (b) If the objection references particular legislation that the objector believes that the application does not comply with, the objection should go on to explain why the application does not comply. Merely stating that an application does not comply with a piece of legislation does not necessarily make it so.
5. The Secretary will notify all objectors in writing whether their objections have been determined to be relevant or not. If an objection is determined not to be relevant, the objector will be given a summary of the reasoning behind the decision.

Consideration of the application

6. Relevant objectors will be invited to attend the meeting held in public where the application will be considered. Those who submitted objections which were determined not to be relevant to the application will be able to attend the same meeting, but only as observers.
7. Meetings held in public will be conducted in accordance with current Formal Procedures for Meeting Held in Public of the Committee.
8. Relevant objectors will be reminded that they may only ask questions on what was submitted in their written objection. New points may not be introduced unless the applicant submits new evidence at the meeting which was not available in the original application.

After a decision has been made

9. Once the Committee has made a decision on the application, all objectors (relevant or not) will be notified of this decision in writing.
10. Should any of the objectors disagree with the decision, they will have the opportunity to appeal the decision to the High Bailiff under various sections of the Act depending on the type of application. Any such appeal must be made within 21 days from the date the objector was notified in writing of the Committee's decision. The process of the appeal is dealt with in section 60 of the Act, which follows at the end of this procedure.

60 Appeals: general

(1) An appeal to the High Bailiff under this Act shall be by way of an application for an order.

(2) The time within which any such application may be made is 21 days from the date on which the Committee's decision was notified in writing to the person desiring to appeal.

(3) In any case where such an appeal lies, the document notifying the person concerned of the decision of the Committee shall state the right of appeal and the time within which such an appeal may be brought.

(4) Notice of any such appeal shall be given by the appellant to-

- (a) the Committee;
- (b) the Department; and
- (c) the Chief Constable;

and the Committee shall cause notice of the appeal to be given to any person by whom any representation or objection was made with respect to the decision appealed against.

(5) On an appeal under this Act the High Bailiff may reverse or vary a decision of the Committee if, and to the extent that, he considers that the Committee in reaching the decision-

- (a) erred in law; or
- (b) based its decision on any incorrect material fact; or
- (c) exercised its discretion in an unreasonable manner.

(6) The Chief Registrar shall give notice of the High Bailiff's decision on any appeal under this Act, with his reasons, to the appellant and to the Committee, who shall cause a copy of such notice to be given to the Department, the Chief Constable and any person by whom any representation or objection was made with respect to the decision appealed against.

(7) Where on an appeal under this Act the High Bailiff reverses or varies a decision of the Committee, the Committee shall give effect to his order, and in particular shall grant or issue any necessary licence or other document and make or alter any necessary entry in any list or register.

