



Isle of Man
Government

Reillys Ellan Vannin

Road Transport Licensing Committee

Bing Kied Carbid

Chair: Mr Graham Curphey

The Slieau Whallian, Foxdale Road, St John's, Isle of Man, IM4 3AS
Tel: (01624) 651564 Email: rtlc@gov.im Website: www.gov.im/rtlc



FORMAL PROCEDURES FOR HEARING APPLICATIONS AT MEETINGS HELD IN PUBLIC

1. Evidence normally to be given on oath or affirmation.
2. The applicant to be invited to give evidence in support of his/her application.
3. The objectors should then be given the opportunity to question the applicant.
4. The Committee may then ask questions if there are any matters that require further clarification.
5. Any witnesses for the applicant to be allowed to give evidence, then be questioned before being asked to answer any additional questions that may be put by the Committee.
6. Objectors should be called upon under the same procedures to give evidence on oath or affirmation, once the applicant's case has been fully made, then be questioned before being asked to answer any additional questions that may be put by the Committee.
7. The objectors should be invited to make a short address in relation to the objections, followed by a similar address on the merits of the case from the applicant.
8. Parties or their witnesses may not wish to give 'live' evidence but merely to make written or oral submissions to the Committee. While such submissions will normally be admissible as evidence, the Committee will bear in mind that evidence which has not been given on oath and tested by way of questioning is very likely to have less weight than that which has been so given and tested.
9. The Committee may refuse to consider any documentation not provided, or witnesses not identified, to the Committee at least ten days in advance of the hearing.

10. The Committee should consider all oral and written evidence and submissions in private and having given due weight to each should arrive at its decision either at the conclusion of the evidence or a reasonably short time thereafter.
11. A witness may, or may not choose, to appear in person at a hearing to give oral evidence. However, please note that the RTLC recommends that a written submission, backed up by evidence of support on oath or affirmation at the hearing, is the most desirable manner of proceeding.
12. Written decisions should include details of : -
 - (a) the matters that have been examined;
 - (b) what matters are regarded as important;
 - (c) what matters the Committee finds proved (or not proved);
 - (d) whether or not in consideration of the Committee's written decisions, the application should be approved – with or without conditions where applicable,
OR;
 - (e) whether the application should be refused and for what reasons.
13. The Committee's decision should finally be published in the manner required by the Regulations.
14. Private minutes should remain private, but if 'full' written decisions are published there should be no need for anyone to challenge the effectiveness or efficiency of such minutes.
15. Private Meetings with either party must not be allowed – this also applies to any correspondence appertaining to the application.
16. Public hearings can proceed in the absence of any noticed party if one side decides not to attend without good reason.

Additional Procedures for Hearing Applications at Meetings Held in Public

Evidence

The Committee may refuse to consider any documentation not provided, or witnesses not identified, to the Committee at least ten days in advance of the hearing.

An applicant must be given an opportunity to expand upon points that are causing concern to the Committee, and it is quite in order for the Committee to let the applicant know what their concerns are, providing it is done so in a neutral manner.

If the applicant then feels that he/she has been ambushed or taken by surprise, then the Committee should offer the applicant a short adjournment of 10 or 15 minutes to consider their next move, and they may seek an adjournment in order to compile the relevant information and deal with the points that have been raised by the Committee. If the Committee has raised something that the applicant genuinely did not anticipate, then in those circumstances it may be appropriate to grant an adjournment or defer the hearing until the applicant has had the opportunity to respond.

Interruptions

At the commencement of Meetings Held in Public, the Chairman to make a statement as follows:

“Please note that interruptions will not be tolerated. Any parties interrupting will have to leave the hearing as interruptions are a gross discourtesy to the proceedings, and can effect the concentration of applicants and objectors, and have a detrimental effect on their ability to present their case to the Committee”.

Applicants who have previously sold a business

To ensure that the Committee has details of the precise circumstances of an application, it will be necessary to address the following points:

- (a) All the reasons given in support of the new application
- (b) The reasons for the sale of the whole or part of the original business
- (c) The actual length of time that has elapsed since the sale of the business, and the application for the new licence
- (d) If the applicant's circumstances have changed in the meantime
- (e) If they sold the old business in the belief that they could simply apply for a new licence to replace the old one
- (f) If there is a limit on the number of licences available to other applicants
- (g) The nature of the licence applied for, i.e. is it different or the same as the old one?
- (h) Any relevant objection

This is not an exhaustive list, but it will be reasonable to have rational responses to all of the above in order to consider the application fully.