

AGENDA ITEM 3

Appendix C

PROCEDURE TO BE FOLLOWED BY THE CABINET PANEL

SCRAP METAL DEALER HEARINGS

NOTE:

All hearings will normally be held in public. However, the Panel may excluded the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking part in public. A party or that party's representatives may be treated as a member of the public and therefore excluded from the meeting for all or part of the hearing and all parties have the right to be represented and to call witnesses.

PROCEDURE:

1. The Chair of the Panel will open the meeting and introduce the members of the Panel and call upon the parties to identify themselves and their representatives and to identify any witnesses they intend to call.
2. The Chair of the Panel will call upon the Clerk of the Committee to explain to the parties the procedures which will be followed at the hearing. Unless the Chair directs otherwise, each party will normally have a maximum period of one hour in which to give further information and call any witnesses in support of their case. In every case, all parties will have an equal maximum period.
3. The Chair of the Panel will then normally call upon those persons the Council consults with to submit objections regarding the applicant's suitability, in objection the Borough Council will always consult with Staffordshire Police and the Environment Agency, or alternatively the Council's Representative, to provide evidence in support of the objection.
4. The applicant will then have an opportunity to question those persons.
5. Members of the Panel will then have the opportunity to question those persons.
6. Any person who has made a relevant objection will then call any witness in support.
7. The applicant will then have an opportunity to question that witness.
8. Members of the Panel will then have the opportunity to questions that person.
9. Stages 6 to 8 will then be repeated for each person making relevant objections.
10. The applicant will then have the opportunity to give evidence in response to the application and in response to the relevant objections which have been made.

11. Those persons that have been consulted by the Council will then have an opportunity to question the applicant or the Council's Representative
12. Members of the Panel will then have the opportunity to question the applicant.
13. Stages 10 to 12 will be repeated for any witnesses on behalf of the applicant.
14. Those persons that have submitted an objection or the Council's Representative will have the right to address the Panel.
15. The applicant will have the right to address the Panel in summing up his case.
16. All parties will then leave the room while the Panel consider their decision.
17. The Panel will normally make their determination at the conclusion of the hearing, but when this is not possible, will make its determination as soon as possible after the day on which the hearing was held.