

APPEALS COMMITTEE

MINUTES of a **MEETING** of the **APPEALS COMMITTEE** held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on Friday, the **27TH JANUARY 2006**

PRESENT: Cllr. Greaves (Chairman);
Cllrs. Cowley, Mrs Larkin

ALSO PRESENT: Senior Solicitor, Senior Member Services Officer

471 ELECTION OF CHAIRMAN

Resolved:

That Councillor Greaves be elected as Chairman for this meeting of the Appeals Committee.

472 MINUTES

Resolved:

That the Minutes of the meeting of this Committee held on the 17th October 2005 be approved and confirmed as a correct record.

473 EXCLUSION OF THE PUBLIC

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following items, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraphs 4 and 7 of Schedule 12A of the Act.

474 APPEAL AGAINST THE REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE AND PRIVATE HIRE OPERATOR LICENCE (Appellant and Appellant's Representative present)

The Chairman welcomed the Appellant and his Representative and introduced everyone present. He outlined the procedure to be followed and explained that unfortunately the Council's Licensing Officer had suffered a family bereavement and was therefore not present but the decision had been taken to proceed with the hearing. He explained that if the Appellant felt the need to cross-examine the Licensing Officer the hearing would have to be adjourned. The Appellant agreed with this.

The Licensing Officer had submitted a report, which outlined the case and gave a review of the decision to revoke the Appellants licences.

The Appellants Representative, with the help of the Appellant, then put their case to the Committee and answered questions from Members. Members asked for a copy of the Appellant's current driving licence, which was provided.

The Chairman advised that a decision would be made that day and that it would be confirmed in writing, but the Committee were likely to take some time to consider the case. The Appellant decided he would leave and wait for the Senior Member Services Officer to telephone him with this information immediately after the decision had been made.

The Appellant and his Representative then left the meeting and the Committee retired to make its decision.

Resolved:

That although it is clear that the Appellant was at some point driving without a valid DVLA driving licence and insurance, there is enough mitigation to consider that for at least some of that time he was able to drive legally. Nevertheless he had a responsibility to the public and the Committee unanimously agree that the Appellant's Hackney Carriage and Private Hire Drivers Licence and Private Hire Operators Licence should be suspended for a period of six months, in an attempt to protect the public, and also extend the opportunity to the Appellant to maintain his livelihood.

**475 APPEAL AGAINST THE REVOCATION OF PRIVATE HIRE DRIVERS LICENCE
(Appellant present)**

The Chairman welcomed the Appellant and introduced everyone present. He outlined the procedure to be followed and explained that unfortunately the Council's Licensing Officer had suffered a family bereavement and was therefore not present but the decision had been taken to proceed with the hearing. He explained that if the Appellant felt the need to cross-examine the Licensing Officer the hearing would have to be adjourned. The Appellant agreed with this.

The Licensing Officer had submitted a report, which outlined the case and gave a review of the decision to revoke the Appellant's Private Hire Drivers Licence.

The Appellant then put his case to the Committee and answered questions from Members. He also pointed out the letter in the papers submitted by his current employers and tabled a testimonial letter from a community organisation.

The Appellant left the meeting and the Committee retired to make its decision.

The Appellant then returned to be advised of the decision.

Resolved:

That the unanimous decision of the Committee was that the Appellant has served a sufficient punishment for his crime involving dishonesty and he poses no danger to the public and should be able to continue in his livelihood. Therefore the appeal should be allowed and the Appellant be able to keep his Private Hire Drivers Licence.

(DS)
MINS:AXXX0604