

## APPEALS COMMITTEE

**MINUTES** of a **MEETING** of the **APPEALS COMMITTEE** held in Committee Room No.1 (Fougeres Room), Civic Centre, Tannery Lane, Ashford on the **2<sup>ND</sup> JULY 2007**

**PRESENT:** Cllr. Mrs Hutchinson (Chairman);  
Cllrs. Holland, Taylor

**APOLOGY:** Cllr Wells

**ALSO PRESENT:** Licensing Officer (Enforcement)  
Principal Legal Assistant, Senior Member Services & Scrutiny Support Officer  
Appellant.

### 97 ELECTION OF CHAIRMAN

**Resolved:**

**That Councillor Mrs Hutchinson be elected as Chairman for this meeting of the Appeals Committee.**

### 98 DECLARATIONS OF INTEREST

| Councillor | Interest  | Minute No. |
|------------|---|------------|
| Holland    | Code of Conduct – Personal but not Prejudicial – Had sat on a previous appeal from the same Appellant – Both appellant and Licensing Officer agreed to Councillor Holland sitting on this appeal. | 102        |

### 99 MINUTES

**Resolved:**

**That the Minutes of the meeting of this Committee held on the 12<sup>th</sup> April 2007 be approved and confirmed as a correct record.**

### 100 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 item, 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 2 and 3 of Schedule 12A of the Act.**

### 101 APPEAL AGAINST THE REFUSAL TO GRANT A PRIVATE HIRE DRIVERS LICENCE.

A letter had been received that morning from the Appellant stating that he was unable to make the meeting that day and therefore wished to withdraw his appeal.

The Senior Member Services and Scrutiny Support Officer endeavoured to clarify with the Appellant whether he was withdrawing his appeal in full or wished it to be heard at a later date.

**Resolved:**

**That Officers confirm whether the Appellant had withdrawn his appeal or was seeking a deferral.**

**102 APPEAL AGAINST THE REFUSAL TO RENEW A PRIVATE HIRE DRIVERS LICENCE**

The Chairman welcomed the Appellant and introduced everyone present.

The Licensing Officer introduced his report, which outlined the case and gave a review of the decision not to renew the Appellant's Private Hire Drivers Licence. The Licensing Officer then answered questions from the Appellant and Members.

The Committee then asked the Licensing Officer and Appellant to withdraw briefly whilst they sought legal advice.

On the resumption of the meeting the Appellant put his case to the Committee and answered questions from Members.

Both parties then took the opportunity to sum up and the Appellant was given an opportunity to explain what effect the refusal to renew his Private Hire Drivers Licence would have on him and his family.

The Licensing Officer and Appellant left the meeting whilst the Committee retired to reach its decision. Both parties were called back to the room for a short period to answer a point of clarification on the report and then withdrew again

All parties then returned to the meeting when the Chairman indicated that the Committee was minded to adjourn the appeal if the Appellant was prepared to undertake a further sight test by an optometrist instructed and paid for by the Council. The Appellant indicated that he was prepared to undertake such a further sight test.

**Resolved:**

**That the Appeal be adjourned and reconvened when the results of the sight test were available.**

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