

APPEALS COMMITTEE

MINUTES of a **MEETING** of the **APPEALS COMMITTEE** held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **25TH JULY 2007**

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

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

149 ELECTION OF CHAIRMAN

Resolved:

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

150 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.	153

151 MINUTES

Resolved:

That the Minutes of the meeting of this Committee held on the 16th July 2007 be approved and confirmed as a correct record.

152 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.

153 APPEAL AGAINST THE REFUSAL TO RENEW A PRIVATE HIRE DRIVERS LICENCE (Reconvened from 2nd July 2007 – Minute No. 101/7/07 refers)

The Chairman welcomed all parties back to the hearing.

The Principal Legal Assistant clarified that the Appellant had undertaken a further sight test as requested at the previous meeting of this Committee and the results had been circulated to all parties. A revised copy of the letter had also been distributed to correct a point made in the original letter. The Licensing Officer gave further clarification over this point.

Both parties were given the opportunity to comment on the new information that had been supplied since the last meeting and the Chairman confirmed that this was the only point outstanding that the Committee had wished to consider at this meeting. Following that, the Appellant gave a final summary of his case.

The Licensing Officer and Appellant left the meeting whilst the Committee retired to reach its decision.

All parties then returned to the meeting and the Principal Legal Assistant read out the decision.

Resolved:

That the Committee have carefully considered all the evidence presented to it verbally and in writing by the Appellant and the Head of Environmental Services.

The Committee are required to have regard to the Driver and Vehicle Licensing Authority (DVLA) Group 2 Fitness to Drive Standards, but are not bound by them.

The Head of Environmental Services was quite correct to refuse the licence and the Committee has no criticism of that decision or the Head of Environmental Services, however, in the circumstances of this case the Committee has decided that the Appellant should be granted a licence having regard to his exemplary driving record and the fact that his visual acuity has not materially deteriorated over many years.

The Committee has had particular regard to the expert optometrist's letter dated 5th July 2007 which states that "(the Appellant's) left eye can see an object at six metres that a person with average eyesight will see at four metres i.e. his vision is above average in this eye, and similarly when both eyes are working together the result is the same".

The Committee recommend that the Appellant should continue to undergo annual visual acuity tests and that licences should not in future be refused or revoked on the ground of inadequate visual acuity, unless there is evidence that such has deteriorated.
