



APPEALS COMMITTEE

Notice of a Meeting, to be held in the Committee Room 2 (Bad Münstereifel Room) -
Ashford Borough Council on Monday, 23rd April, 2018 at 10.00 am.

The Members of the Appeals Committee are:-

Cllrs. Farrell, Hicks, Waters

Reserve – Cllr Sims.

NB: Under the Council's Public Participation Scheme, members of the public can submit a petition, ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers).

Agenda

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1. **Election of Chairman**

2. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii)

3. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests

See Agenda Item 3 for further details

4. **Minutes**

3 - 6

To approve the Minutes of the Meetings of this Committee held on 15th December 2017 at 10am and 11.30am.

5. **Exempt Item**

To consider passing the following resolution to exclude the public:-

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 1 and 2 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Appeal Against the Refusal to Grant a Private Hire Drivers Licence and Refusal to Grant an Operators Licence

(a) **Report of the Head of Health, Parking and Community Safety**

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(b) **Appellant's Papers**

10 April 2018
KM

Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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Appeals Committee

Minutes of a Meeting of the Appeals Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **15th December 2017 at 10am.**

Present:

Cllr. Heyes (Chairman);

Cllrs. Barrett, MacPherson.

Also Present:

Appellant, Appellant's Spouse.

Licensing Officer, Licensing Officer, Environmental Protection & Licensing Team Leader, Legal Advisor, Member Services Officer.

301 Election of Chairman

Resolved:

That Councillor Heyes be elected as Chairman for this Meeting of the Appeals Committee.

302 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 14th March 2017 be approved and confirmed as a correct record.

303 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, namely 'Appeal Against Refusal to Grant a Private Hire Drivers Licence' 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 1 and 2 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

304 Appeal Against Refusal to Grant a Private Hire Drivers Licence

The Councillors and Officers present were introduced. The Chairman welcomed all present and explained the procedure to be followed. The Committee confirmed that they had received and read the agenda papers.

The Licensing Officer had submitted a report which outlined the case. She went through the case and explained the decision to refuse to grant the Appellant a Private Hire Drivers licence.

The Appellant then put his case to the Committee.

The Licensing Officer and the Appellant then answered questions from Councillors.

The Committee then retired to make its decision.

On the Committee's return, the Legal Advisor read out the 'Decision and Reasoning's Statement' that had been prepared by the Appeals Committee. Copies of this would also be sent to the Appellant after the meeting, along with the minutes and a decision letter.

Resolved:

That the application for a private hire driver's licence be granted forthwith with no additional conditions attached save the standard applied to every licence issued.

Appeals Committee

Minutes of a Meeting of the Appeals Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **15th December 2017 at 11.30am.**

Present:

Cllr. Heyes (Chairman);

Cllrs. Barrett, MacPherson.

Also Present:

Appellant.

Licensing Officer, Licensing Officer, Legal Advisor, Member Services Officer.

305 Election of Chairman

Resolved:

That Councillor Heyes be elected as Chairman for this Meeting of the Appeals Committee.

306 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, namely 'Appeal Against Refusal to Grant a Private Hire Drivers Licence' 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 1 and 2 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

307 Appeal Against Refusal to Grant a Private Hire Drivers Licence

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The Appellant then put his case to the Committee.

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The Committee then retired to make its decision.

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Resolved:

That the application for a private hire driver's licence be refused. No further application will be considered before 5 years from this date has lapsed. Any future application should be supported with evidence of work history and reform.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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