



APPEALS COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Wednesday, 7th December, 2022 at 10.00 am.

The Members of the Appeals Committee are:-

Cllrs. Campkin, Knowles, Sparks.

Cllr. Howard (Reserve).

Agenda

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1. **Election of Chairman**

2. **Apologies/Substitutes**

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

3. **Declarations of Interest**

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To declare any interests which fall under the following categories
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**

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To approve the Minutes of the Meetings of this Committee held on 4th
May 2018 and 9th May 2019 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 - Staff Grievance**
7. **Report of the HR Manager**
8. **Appellant's Papers**

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Agenda Item 3

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 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 alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, 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: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

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 alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy 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 Committee Room No. 1, Civic Centre, Tannery Lane, Ashford on the **4th May 2018 at 2pm.**

Present:

Cllr. Hicks (Chairman);

Cllrs. Link, Sims.

Apology:

Cllr. MacPherson.

Also Present:

Appellant, Appellant's Spouse.

Licensing Officer, Legal Advisor, Member Services Officer.

442 Election of Chairman

Resolved:

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

443 Minutes

Resolved:

That the Minutes of the Meetings of this Committee held on the 15th December 2017 at 10am and 11.30am be approved and confirmed as a correct record.

444 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.

445 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. He went through the case and explained the decision to refuse to grant the Appellant a Private Hire Drivers licence.

The Appellant, aided by his spouse 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 subject to the satisfactory completion of a drugs test prior to the grant of the licence and the undertaking periodic drug testing every six months whilst the Appellant holds a licence until 30th June 2021, this being five years from the date of the Appellant's last drugs conviction. The drug testing should be at the Appellant's expense.

Appeals Committee

Minutes of a Meeting of the Appeals Committee held in Committee Room 1, Civic Centre, Tannery Lane, Ashford on the **9th May 2018 at 10am.**

Present:

Cllr. MacPherson (Chairman);

Cllrs. A. Howard, Link.

Apology:

Cllr. Sims.

Also Present:

Appellant, Appellant's Friend.

Licensing Officer, Legal Advisor, Member Services Officer.

451 Election of Chairman

Resolved:

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

452 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.

453 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. He went through the case and explained the decision to refuse to grant the Appellant a Private Hire Drivers licence.

The Appellant, aided by his friend 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 refused and the Officers decision upheld.

Appeals Committee

Minutes of a Meeting of the Appeals Committee held in Committee Room 1, Civic Centre, Tannery Lane, Ashford on the **9th May 2018 at 11.40am.**

Present:

Cllr. MacPherson (Chairman);

Cllrs. A. Howard, Link.

Apology:

Cllr. Sims.

Also Present:

Appellant.

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

454 Election of Chairman

Resolved:

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

455 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 the Revocation of 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.

456 Appeal Against the Revocation of 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 Chairman advised all those present that mobile phones must be turned off for the duration of the meeting.

The Licensing Officer had submitted a report which outlined the case. He went through the case and explained the decision to revoke the Appellant's 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 the appeal against the revocation be refused.