

**Notice of a meeting of
Environment Appeals Panel**

To: Councillors Hayes, Richardson and Boyce

Date: Monday, 20 February 2017

Time: 10.00 am

Venue: The Auden Room - Ground Floor, West Offices (G047)

AGENDA

- 1. Chair (Pages 1 - 4)**
To elect a Member to act as Chair of the meeting.
- 2. Declarations of Interest**
At this point in the meeting, Members are asked to declare:
 - any personal interests not included on the Register of Interests
 - any prejudicial interests or
 - any disclosable pecuniary interestswhich they may have in respect of business on this agenda.
- 3. Exclusion of Press and Public**
To consider excluding the public and press from the meeting during consideration of agenda item 5 on the grounds that it contains information relating to individuals. This information is classed as exempt under Paragraphs 1 & 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.
- 4. Minutes (Pages 5 - 6)**
To approve and sign the minutes of the Environment Appeals Panel held on 6 October 2014.
- 5. Appeal against Revocation of Private Hire Driver's Licence (Pages 7 - 76)**
Members are asked to determine an appeal against the decision to revoke a private hire driver's licence.

Democracy Officer:

Name: Laura Clark

Contact Details:

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- E-mail – Laura.Clark@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

CITY OF YORK COUNCIL

ENVIRONMENT APPEALS PANEL

1. Purpose of Meeting

To consider appeals against decisions of:-

- (a) Officers in respect of the allocation or refusal of various licences, permits or consent under public health or Hackney Carriage legislation;
- (b) Officers to revoke or grant any licence, permit or consent;
- (c) Officers to refuse licences for market stalls;
- (d) Officers in respect of car parking permits.

2. Nature of Meeting

(a) Appeals are heard under Council procedure as a measure of good administration, they are not statutory. In respect of appeals under 1(a) above concerning vehicle licences there is a further right of appeal to the Magistrates Court.

(b) The Environment Appeal Panel observes the “rules of natural justice” and to that end:-

- the members of the Panel have not previously been involved in the application(s);
- each side is given an equal opportunity to present its case: the decision of the Panel is based on the written evidence submitted and the evidence submitted at the meeting;

Council policies are not applied in a blanket fashion. They are considered in relation to the circumstances of each appeal.

3. Procedure

The following formal procedure will normally be observed:

- The appellant and/or his/her representative and the officer(s) appearing for the Council are invited into the meeting.
- The Chair of the Environment Appeal Panel will confirm the nature of the appeal and that the appellant and/or his/her representative are aware of the procedure to be followed.
- The Council's representative(s) will present the Council's case and will call and question any supporting witnesses he/she considers necessary.
- Following the presentation of the Council's case, the Panel will be invited to put questions to the Council's representative(s).
- Then the appellant or his/her representative will be invited to put questions to the Council's representative(s).
- The appellant or his/her representative will present his/her case and will call and question any supporting witnesses he/she considers necessary.
- Following the presentation of the appellant's case, the Panel will be invited to put questions to the appellant or his/her representative.
- Then the Council's representative(s) will be invited to put questions to the appellant or his/her representative.
- The Council's representative(s) will be invited to make a closing statement.
- The appellant or his/her representative will be invited to make a closing statement.

- The appellant, his/her representative and the officer(s) presenting the case on behalf of the Council will be asked to leave the meeting while the Panel considers its decision. You will be asked to wait for a few minutes in case the Panel wish to seek clarification of the evidence given. If it does then both parties will be invited back into the hearing.

4. Decision

The Environment Appeal Panel will consider and reach its decision at the end of each appeal presented to it. Both sides will normally be notified of the decision, in writing, within five working days.

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City of York Council

Minutes

Meeting	Environment Appeals Panel
Date	6 October 2014
Present	Councillors King, Watson and Reid (Substitute)
Apologies	Councillor Hyman

1. Chair

Resolved: That Councillor King be appointed to Chair the meeting.

2. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

3. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 4 (minute 4 refers) on the grounds that it contains information relating to an individual. This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

4. Appeal against Suspension of Private Hire Driver's Licence and Hackney Carriage Driver's Licence

Members considered an appeal against the decision to suspend a private hire driver's licence and hackney carriage driver's licence.

Consideration was given to the oral and written representations from both parties.

Resolved: That the appeal be dismissed.

Reason: Having considered all the information before them the Panel felt there were no special circumstances to deviate from Council policy in this instance.

Chair

The meeting started at 10.00 am and finished at 11.25 am.

**STATEMENT AND
PAPERS IN SUPPORT
OF COUNCIL'S CASE**

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of the Local Government Act 1972.

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