

## **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.