

## Appeals Committee – 15 March 2016

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Minutes of the meeting of the **Appeals Committee** adjourned from **2 March 2015** and held on **15 March 2016** when there were present:-

Chairman: Cllr Mrs C A Weston  
Vice-Chairman: Cllr B T Hazlewood

Cllr K H Hudson

Cllr Mrs B J Wilkins

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs D Hoy and R A Oatham.

### **OFFICERS PRESENT**

C Todman	- Solicitor
J Fowler	- Senior Licensing Officer
M Pinnington	- Trainee Solicitor
C Stone	- Hackney Carriage Officer
M Keogh	- Hackney Carriage Enforcement Officer
S Worthington	- Committee Administrator

### **55 PROCEDURE DOCUMENT**

The Committee noted the procedure to be followed in hearing the appeal.

#### **Exclusion of the Press and Public**

#### **Resolved**

That the press and public be excluded from the meeting for the remaining business on the grounds that exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

### **56 HACKNEY CARRIAGE DRIVER'S LICENCE AND HACKNEY CARRIAGE VEHICLE LICENCES**

The Committee considered the exempt report of the Assistant Director, Legal Services relating to a hackney carriage driver's licence and hackney carriage vehicle licences, which had been adjourned from the meeting of this Committee scheduled on 2 March 2016.

The Committee considered all the exempt evidence circulated in advance of the hearing and the oral evidence and clarifications provided at the meeting. During the course of the hearing it was apparent that there had been some misunderstanding as to the requirements of the Council in respect of the licensing of wheelchair accessible vehicles and some misinterpretation of licensing condition 12.1 around certification for the application of wheelchair accessible vehicle licences.

In addition, the Committee was concerned by the submission of a document at exempt appendix H2, page 6.34, as officers alleged that this was a certificate that had been altered. Although the appellants were not able to provide the Committee with an acceptable explanation in relation to this particular document, the Committee did not, however, consider that sufficient evidence was available to suggest that this document had been intentionally submitted.

The Committee did however consider that it was the responsibility of the appellants to ensure that all documentation relating to their vehicles was accurate; in this particular case, the Committee found submission of this document to have been, at best, incompetent.

The Committee considered it was appropriate to suspend the relevant vehicle licences until such time as the necessary documentation was provided to the Council.

### **Resolved**

- (1) That the vehicle licences for all wheelchair accessible vehicles that did not have the necessary documentation required by Rochford District Council be suspended until such time as this documentation was submitted to and approved by the Licensing Authority.
- (2) That the appellants be issued with a strong warning letter stating that any similar instances of incompetent administration and management in future could result in a more serious sanction being imposed.  
(ADLS)

The meeting commenced at 9.30 am and closed at 1.40 pm.

Chairman .....

Date .....

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