

APPEALS SUB-COMMITTEE

Membership

The Sub-Committee is formed of three Members of the Regulatory Committee to be appointed on a meeting by meeting basis. The Sub-Committee need not be appointed on a proportional basis.

Terms of Reference

To determine a stage two appeal against a decision made by or on behalf of the authority in relation to the issue or re-issue of a Blue Badge, Disabled Persons Freedom Pass or London Taxicard.

PROCEDURE

Before the meeting

1. All paperwork in relation to the appellant's case will be forwarded to the clerk once the appellant has chosen to proceed to a stage two appeal: this includes reasons for the refusal of the appeal at stage one.
2. The appellant can request that their appeal is considered based on written submissions only (if they do not wish to attend in person). The Authority's case will be made on the basis of written representations and may also be made in person, by the attendance of an Accessible Transport Unit (ATU) Officer, irrespective of whether or not the appellant is present.
3. In either case, the clerk will notify the appellant of the date of the appeal and the requirement to submit any additional evidence before the meeting agenda is published¹. Any medical evidence submitted must be relevant to the appellant's case.
4. The clerk will forward any new evidence to the ATU Officer as soon as it is received. The ATU Officer will review the evidence and pass to an Occupational Therapist if necessary. The ATU Officer will then notify the clerk if the appellant now meets either the automatic criteria or the assessed criteria for the issue of a Blue Badge, Disabled Persons Freedom Pass or London Taxicard. In the case of qualification, the appeal will no longer be necessary and the badge, pass or card will be issued by the ATU.
5. All paperwork in relation to the appeal including any new evidence will form the agenda for the Appeals Sub-Committee meeting. This agenda will be posted to the appellant and the Sub-Committee Members five clear working days before the meeting.
6. Evidence which is received after the date of agenda completion will only be considered in exceptional circumstances where a delay was unavoidable². This evidence is considered at the discretion of the Sub-Committee and, if accepted, must be made available to all parties before the Appeals Sub-Committee meeting commences to allow time for all parties to review content.

During the Meeting

1. The Sub-Committee will appoint a Chairman, sign minutes of previous meetings and make any declarations of interest before the appellant enters the room. Members will pass a resolution to exclude the press and public from the meeting (except for the appellant and their representatives). Members are subject to the requirements of the Members' Code of Conduct in relation to declaration of interests.

¹ If, due to unavoidable circumstance, the appellant cannot attend the original appeal date, attempts will be made to reschedule the appeal. If the appellant cannot attend the rescheduled date then the appeal may be heard in the appellant's absence.

² For example, where an unforeseen hospital admission or similar event has occurred.

2. The appellant and the ATU Officer must enter the meeting room at the same time to avoid any resemblance of bias.
3. At the start of the appeal hearing, the Chairman will introduce himself / herself and other Members of the Sub-Committee, emphasising their independence and neutrality, and will explain the procedure for the meeting as follows:
 - (a) The ATU Officer will introduce the Authority's report, state the Authority's case and outline the reasons for the decision taken. The ATU Officer will explain how the Authority has responded to any evidence that has been received since the determination of the stage one appeal. The ATU Officer can be questioned by the appellant and by Members of the Sub-Committee on matters relating to the case.
 - (b) The appellant (if in attendance) will then present their case, stating their reasons for appeal and discuss any evidence submitted in support of the appeal. The appellant can be questioned by the ATU Officer and by Members of the Sub-Committee on matters relating to their case.
 - (c) The ATU Officer and then the appellant may make a closing statement. However, no new issues may be raised at this stage and the closing statement must be limited to commenting on matters raised by the other party and/or summing up the case.
4. At the end of the presentation of cases the Chairman will ask the ATU Officer and the appellant to leave the meeting to enable the Sub-Committee to deliberate in private. The clerk will record the decision of the Sub-Committee and the reasons for this decision. The Sub-Committee may decide (by majority decision) to refuse or uphold the appeal, or, in exceptional circumstances, to refer the appellant for reassessment. The Sub-Committee must follow the *Guidelines for the Determination of Stage Two Blue Badge, Disabled Persons Freedom Pass and London Taxicard Appeals* in reaching its decision.
5. A decision must be made on the basis of the written and oral evidence of the appellant and the Authority, as presented at the appeal. The Sub-Committee cannot adjourn to request further information or to await the outcome of future actions.
7. If the decision is made to allow the appeal, the criteria under which the appeal has been allowed must be outlined. Where relevant, the Authority should be notified in what respect it was found to have acted improperly. The Sub-Committee's decision is binding on both parties.

After the meeting

1. The Clerk will send a decision letter to the appellant within two working days of the meeting. The decision letter will outline the reasons for the Sub-Committee's decision and any subsequent action that that appellant should take (e.g. return of badge or pass in cases of refusal). Where appeals are not upheld, the decision letter will include details of how to contact the Local Government Ombudsman and as applicable, informal signposting to other Council support services and relevant external agencies.'
2. The appellant does not have a further right of appeal. However, the appellant does have the right to reapply for a Blue Badge, Disabled Persons Freedom Pass or London Taxicard following a six month period from the date of the appeal, or as soon as desired if the appellant becomes eligible under one of the automatic qualifying criteria.
3. In exceptional circumstances, where there has been a significant change in the appellant's medical situation following an appeal, the appellant may re-apply within a six month period, even if they do not meet one of the automatic qualifying criteria. In such a circumstance, the appellant should discuss the significant changes to their situation with the ATU before re-applying, and submit any new evidence where it has been attained.