

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 November 2012 at 9.50 am

Present:

Chairman: Councillor B W Butcher

Councillors: S C Manion
P S Le Chevalier
J M Smith
R J Thompson

Officers: Senior Solicitor
Licensing Team Leader
Licensing Officer
Team Leader - Democratic Support
Democratic Services Officer

294 APOLOGIES

There were no apologies for absence.

295 DECLARATION OF INTEREST

Councillor P S Le Chevalier declared an Other Significant Interest in Minute No 298 by reason of his having negotiated a contract with the company for the Royal Marines Association.

296 MINUTES

The consideration of the Minutes of the meeting held on 18 October 2012 was deferred until the next meeting.

297 FEES AND CHARGES 2013/14

The Licensing Team Leader presented the report on Fees and Charges 2013/14. The complete list of fees, even where there were no changes, were listed for transparency and to ensure all fees and charges were properly set.

- RESOLVED:
- (a) That the Fees and Charges for 2013/14 as set out in Annexes 2 and 3 be approved.
 - (b) That, as a general principal, it be agreed that the fees were set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level then be determined.
 - (c) That the fees be adopted at, or close to government directed levels without the need for further reporting, in cases where the Council was awaiting for Government guidance and it had not been possible to set a fee level at this stage.
 - (d) That authority to make minor adjustments to the fees and charges be delegated to the Director of

Environment and Corporate Assets in consultation with the Director of Finance, Housing and Community.

298 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR LIVERIED TAXI ADVERTISING - PHOENIX CARS

The Licensing Team Leader informed the Committee that Mr Richardson of Phoenix Cars had applied for permission to place vehicle graphics promoting the business on the rear screen of on two of his vehicles.

The Committee was advised that there was no issue with the design or content of the graphics but there was concern that the graphics would obscure the driver's rear view. The company that produced the graphics, Metamark, claimed that the one-way vision film was 40% clear with 1.6mm perforations.

Mr Richardson stated that he was unable to demonstrate the driver's rear view as he had not had a specimen version produced on a vehicle due to the cost involved if the application was unsuccessful. The vehicles, which were minibuses, had significantly limited vision anyway when filled with passengers and were fitted with extra-large side mirrors and parking sensors to compensate.

The Committee withdrew to consider the application. Upon reconvening the Senior Solicitor stated that she had advised the Committee on the Council's policy and the effect of deviation from it. Mr Richardson was further advised that he had the right to appeal the Committee decision.

RESOLVED: That the application to place advertising on private licensed hire vehicles operated by Phoenix Cars be refused on the grounds of safety due to concern over the impact on the driver's rear vision.

(Councillor P S Le Chevalier in accordance with his earlier declaration of an Other Significant Interest withdrew from the meeting for the consideration of this item.)

299 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR LIVERIED TAXI ADVERTISING - DOVER WHITE CLIFF CARS

The Licensing Team Leader informed the Committee that Mr Saleh of Dover White Cliff Cars had applied for permission to place vehicle graphics promoting the business on the rear screen of on his vehicles.

The Committee was again advised that there was no issue with the design or content of the graphics but there was concern that the graphics would obscure the driver's rear view. The company that produced the graphics, Metamark, claimed that the one-way vision film was 40% clear with 1.6mm perforations.

Mr Sankey, representing Mr Saleh, informed the Committee that he was unable to demonstrate the driver's rear view as Mr Saleh also had not had a specimen version produced on a vehicle.

The Committee withdrew to consider the application. Upon reconvening the Senior Solicitor stated that she had advised the Committee on the Council's policy and the

effect of deviation from it. Mr Sankey was further advised that Mr Saleh had the right to appeal the Committee decision.

RESOLVED: That the application to place advertising on private licensed hire vehicles by Dover White Cliffs Cars be refused on the grounds of safety due to concern over the impact on the driver's rear vision.

300 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor P S Le Chevalier, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in paragraphs 1 of Part I of Schedule 12A of the Act.

301 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader on an application for a Joint Hackney Carriage/Private Hire Drivers Licence where a Criminal Records Bureau (CRB) check had disclosed a number of previous convictions that were relevant to the decision as to the applicant's suitability to hold a licence to drive a taxi in the Dover District. The applicant's driving licence confirmed the offences listed on the CRB disclosure.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions. The Sub-Committee withdrew to consider its decision and upon resuming the meeting the Senior Solicitor explained that she had advised Members in relation to sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 and also in respect of the Council's policy regarding fit and proper persons and how it related to offences on record.

RESOLVED: That having regard to the evidence heard, in view of the time elapsed since the convictions and taking into consideration the applicant's personal circumstances at the time of the convictions, a Joint Hackney Carriage and Private Hire Driver's licence be granted for a period of twelve months in accordance with the Council's policy.

The meeting ended at 11.05 am.