

# Public Document Pack



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20 February 2013

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the at these Offices on Tuesday 26 February 2013 at 9.40 am, or upon the rising of the Licensing Committee whichever is the later, when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at [rebeccabrough@dover.gov.uk](mailto:rebeccabrough@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

## Regulatory Committee Membership:

Councillor B W Butcher (Chairman)  
Councillor P S Le Chevalier (Vice-Chairman)  
Councillor S C Manion  
Councillor J M Smith  
Councillor R J Thompson

## AGENDA

- 1 **APOLOGIES**
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**  
To note appointment of Substitute Members.
- 3 **DECLARATION OF INTEREST**

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Where a Member is declaring an Other Significant Interest (OSI) they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the later case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

4 **MINUTES** (Pages 4 - 6)

To confirm the attached Minutes of the meeting of the Committee held on 20 November 2012.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLES OUTSIDE OF POLICY GUIDELINES - MR D SAUNDERS** (Pages 7 - 12)

To consider the attached report of the Licensing Team Leader.

6 **EXCLUSION OF THE PRESS AND PUBLIC** (Pages 13 - 14)

The recommendation is attached.

MATTER WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

7 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 15 - 33)

To consider the attached report of the Licensing Team Leader.

### **Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: [rebeccabrough@dover.gov.uk](mailto:rebeccabrough@dover.gov.uk) for details.

**Large print copies of this agenda can be supplied on request.**

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.

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<b>Subject:</b>	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLES OUTSIDE OF POLICY GUIDELINES – MR D SAUNDERS</b>
<b>Meeting and Date:</b>	<b>Regulatory Committee – 26 February 2013</b>
<b>Report of:</b>	<b>John Newcombe, Licensing Team Leader</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	To consider extending approval for the licensing of two Private Hire Vehicles outside of policy guidelines
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<b>Recommendation:</b>	That the Committee determine the application
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**1. Summary**

1.1 At the meeting of the Regulatory Committee on 9 August 2012 it was resolved to approve, for a trial period of 6 months, a Private Hire Vehicle licence for a Smart 'fortwo' coupe YF59 EZJ. At the meeting of the Regulatory Committee on 18 September 2012 a second, similar vehicle was granted a Private Hire Vehicle Licence for the same trial period of 6 months. Both vehicles were also granted permission to carry the logo 'Cabfor1' as part of the branding for the company. The Committee resolved to review the decision in 6 months time, a period which has now passed.

**2. Introduction and Background**

2.1 The regulation of Hackney Carriage & Private Hire Vehicles is a statutory duty of the Council under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2.2 This Council has a policy stating that:

Any vehicle licensed for use as a hackney carriage or private hire vehicle must:

1. Have an engine capacity of not less than 1500 cc.
2. Have at least four doors and be of sufficient size to accommodate at least four and up to eight passengers. The minimum dimensions for any single seat shall be 18 inches (46 cm) wide measured from side to side and 12 inches (30 cm) from front to back. There shall be a minimum of 12 inches (30 cm) legroom.
3. Be fitted with sufficient seatbelts for the number of persons it will be licensed to carry.
4. Have adequate storage for the luggage for the number of persons it will be licensed to carry.

2.3 In addition, the last page of the Council's current policy also states that:

## **Advertising**

No advertising material, letter headings or other stationary, or any business name used by the operator, shall include the words "taxi" or "cab" whether in the singular or plural and whether they form part of another word or not, unless the vehicle used is a licensed Hackney Carriage.

- 2.4 The policy also states "applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from agreed policy".
- 2.5 The Committee resolved to approve the licences subject to a review after a period of 6 months (**Appendices A & B**).
- 2.6 Officers can advise that there have been no problems, by way of complaint or otherwise, with the operation of the two vehicles during the initial trial period of 6 months.

## **3. Identification of Options**

- 3.1 The Committee is asked to review the matter and further decide about these licences. The options are:
  - (a) To extend the approval for the licensing of these two Private Hire Vehicles notwithstanding that this would be a deviation from existing policy; or
  - (b) To reject the extension of approval for the Private Hire Vehicle licences.

## **4. Evaluation of Options**

- 4.1 To evaluate these options:
  - (a) There have been no problems, by way of complaint or otherwise, with the operation of the two vehicles during the initial trial period of 6 months.
  - (b) This option is not recommended by Officers as there have been no problems during the trial period.

## **5. Resource Implications**

- 5.1 There are no resource implications arising from this report.

## **6. Appendices**

Appendix A – Minutes from Regulatory Committee 9 August 2012

Appendix B – Minutes from Regulatory Committee 18 September 2012

## **7. Background Papers**

Hackney Carriage & Private Hire Licensing Policy

Contact Officer: John Newcombe, Licensing Team Leader



Minutes of the meeting of the **REGULATORY** Committee held at the Council Offices, Whitfield on Tuesday 9 August 2012 at 9.30 am.

Present:

Chairman: Councillor B W Butcher

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

Also Present: Mr D Saunders  
Mrs Gasking

Officers: Senior Solicitor  
Licensing Team Leader  
Team Leader – Democratic Support

168 APOLOGIES

There were no apologies for absence received.

169 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

170 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES – MR SAUNDERS

The Licensing Team Leader informed the Committee that Mr D Saunders had applied for permission to licence a Smart 'Fourtwo' coupe (RJ58 CHD) as a Private Hire Vehicle.

The vehicle was outside the current policy guidelines by reason that:

- It had an engine capacity of less than 1500cc; and
- It did not have at least four doors and was not of sufficient size to accommodate at least four passengers.

The Committee adjourned to inspect the vehicle accompanied by the applicant (Mr Saunders) and officers. On reconvening, the Licensing Team Leader reminded the Committee that in the event it was minded to approve the application, it would only be approving a licence for a specific vehicle and not authorising any change in policy.

In accordance with the approved procedure the applicant withdrew from the meeting to permit the Committee to consider its decision. Upon resuming the meeting it was

RESOLVED: That, notwithstanding the Council's current policy guidelines:

- (a) That Mr Saunders be granted a Private Hire vehicle licence in respect of a Smart 'Fourtwo' coupe (RJ58 CHD) for a period of 6 months.

- (b) That the Private Hire Licence be reviewed by the Regulatory Committee in 6 months time from the date of the commencement of the licence.

The meeting ended at 10.15 am.

Minutes of the meeting of the **REGULATORY** Committee held at the Council Offices, Whitfield on Tuesday 18 September 2012 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: J M Smith  
R J Thompson

Also Present: Mr J Shepherd  
Mr D K Lamb  
Mr D Saunders

Officers: Senior Solicitor  
Licensing Team Leader  
Team Leader – Democratic Support

190 APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

191 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

194 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES – MR D SAUNDERS

The Licensing Team Leader informed the Committee that Mr D Saunders had applied for permission to licence a Smart 'Fortwo' coupe (YF59 EZJ) as a Private Hire Vehicle.

The vehicle was outside the current policy guidelines by reason that:

- It had an engine capacity of less than 1500cc; and
- It did not have at least four doors and was not of sufficient size to accommodate at least four passengers.

It was noted that Mr D Saunders had previously been granted permission by the Committee at its meeting held on 9 August 2012 to licence a similar vehicle for a period of six months.

It was emphasised that in the event the Committee was minded to approve the application, it would only be approving a licence for a specific vehicle and not authorising any change in policy.

There was a further related application to licence vehicles YF59 EZJ and RJ58 CHD for the use of the word 'cab' as part of the sign writing on the vehicle as part of the 'Cab for 1' company branding and also for wider use in the company's branding and promotional material. This was outside of the current policy which restricted the use of the words 'cab', 'taxi' and 'for hire' on private hire vehicles to avoid confusion amongst the general public with hackney carriage vehicles. This position was

consistent with the provisions of Section 64 of the Transport Act 1980 and Section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 and the Committee was advised that if it was minded to deviate from the existing policy in this instance it would still need to ensure that any decision was consistent with the provisions of these Acts.

The Licensing Team Leader advised that he had granted temporary permission to Mr D Saunders to use the word 'cab' as part of the sign writing on the bodywork of vehicle RJ58 CHD pending a decision by the Committee on the matter due to an error in the advice originally provided by the Council to the applicant in respect of the matter.

The consensus view of the Committee was that a two seat Smart 'Fortwo' coupe was not of such design and appearance that it could lead any person to believe that the vehicle was a hackney carriage. It was felt that the addition of the words 'pre-book only' as agreed by Mr D Saunders to the sign writing would provide further clarification to the public that the vehicle was not 'plying for hire' and could not be 'flagged down'.

RESOLVED: That, notwithstanding the Council's current policy guidelines:

- (a) That Mr Saunders be granted a Private Hire vehicle licence in respect of a Smart 'Fourtwo' coupe (YF59 EZJ) for a period of 6 months.
- (b) That permission be granted for the word 'cab' as part of 'Cab for 1' to be used on the company's vehicles and promotional materials subject to the words 'pre-booked only' also being clearly displayed on the vehicle bodywork.
- (c) That the Private Hire Licence be reviewed by the Regulatory Committee in 6 months time from the date of the commencement of the licence.

The meeting ended at 10.32 am.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 26 FEBRUARY 2013

**EXCLUSION OF THE PRESS AND PUBLIC**

**Recommendation**

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 item to be considered involveS the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Local Government (Miscellaneous Provisions) Act 1976 - Application for a Drivers Licence	1	Information relating to any individual



**Agenda Item No 7**

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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