

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 15 March 2013 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

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

Also Present: Mrs S Reynolds (Minute No 577)
Applicant (Minute No 579)
Applicant (Minute No 580)

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

572 APOLOGIES

There were no apologies for absence from Members.

573 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

574 DECLARATION OF INTEREST

There were no declarations of interest from Members.

575 MINUTES

The Minutes of the meeting of the Committee held on 26 February 2013 were approved as a correct record and signed by the Chairman.

576 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DVLA FEE

The Licensing Team Leader presented the report on the proposed introduction of a DVLA check for licensed drivers.

The Committee was advised that while applicants were currently required to submit their DVLA driver's licence as part of the application or renewal process, checks were not normally made with the DVLA to verify the accuracy of the information provided unless the Licensing Officer had cause for concern. The proposed introduction of a DVLA check using an on-line web based system provided by IDS would provide the results of the DVLA check within 48 hours and ensure the authority had the most up to date information on the licence. It was intended that the £5.75 per check fee would be borne by the driver/applicant.

The Committee was advised that in addition to DVLA checks being undertaken at the time of renewal/application for a DVLA licence, the Council had the authority as part of the mandate signed by the driver/applicant to conduct additional checks over a three year period if required.

- RESOLVED: (a) That the introduction of a DVLA check via IDS for be approved.
- (b) That the charge of £5.75 per DVLA check be approved.

577 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES - MRS S REYNOLDS

The Licensing Team Leader informed the Committee that Mrs S Reynolds of County Cars had applied on her own behalf (HV031 - 2006 Skoda Octavia GF06 OND) and that of another plate holder, Mrs Burrows (HV016 - 2005 Skoda Octavia GN05 UPO), for permission to renew their respective Hackney Carriage Vehicle licences.

The vehicles were both outside of the policy guideline which required the vehicles to have a mileage not in excess of 300,000 miles at the time when the application was made (HV016 – 307,216 miles and HV031 – 308,002 miles respectively). Both vehicles were less than 8 years of age and had current MOT test certificates.

Mrs S Reynolds stated that it was intended that both vehicles would be replaced within the next 12 months, if the licence was granted, and that the delay in replacing the vehicles was due to financial pressures resulting from mechanical failures on other vehicles. The Licensing Team Leader stated that both vehicles had been visually inspected and found to be in a satisfactory condition.

RESOLVED: That, notwithstanding the Council's current policy guidelines, Mrs S Reynolds and Mrs Burrows be granted Hackney Carriage Vehicle Licences in respect of a 2006 Skoda Octavia GF06 OND and a 2005 Skoda Octavia GN05 UPO respectively for a period of 12 months.

578 EXCLUSION OF THE PRESS AND PUBLIC

It was moved 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 paragraph 1 of Part I of Schedule 12A of the Act.

579 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 an Enhanced Disclosure from the Disclosure and Barring Service (DBS) check had disclosed and confirmed 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 matter had been brought before the Committee to determine whether the applicant was a Fit and Proper Person to hold a licence.

In accordance with the approved procedure, the applicant presented evidence concerning the circumstances surrounding the convictions.

- RESOLVED: (a) That the application for a Joint Hackney Carriage/Private Hire Driver's Licence be approved for a period of six months.
- (b) That after the expiry of the six month period, any application for renewal must be brought back to the Regulatory Committee and should be accompanied by a reference from the applicant's employer.

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In accordance with the approved procedure, the applicant was given the opportunity to present evidence concerning the circumstances surrounding the convictions.

- RESOLVED: (a) That the application for a Joint Hackney Carriage/Private Hire Driver's Licence be approved for a period of twelve months.
- (b) That a condition be imposed on the licence to restrict it to the transport of passengers only between the Port of Dover Ferry/Cruise Terminal and the parking facilities operated by Relyon Transport Limited in Poulton Close, Dover.

The meeting ended at 11.43 am.