

# Public Document Pack



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7 March 2013

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Friday 15 March 2013 at 10.00 am 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 6 - 8)

To confirm the attached Minutes of the meeting of the Committee held on 26 February 2013.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 9 - 14)

To consider the attached report of the Licensing Team Leader.

6 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES - MRS S REYNOLDS** (Pages 15 - 17)

To consider the attached report of the Licensing Team Leader.

7 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 18)

The recommendation is attached.

**MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORTS CONTAIN 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**

8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 19 - 30)

To consider the attached report of the Licensing Team Leader.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 31 - 42)

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.**

# DOVER DISTRICT COUNCIL

## LICENSING OF DRIVER, VEHICLES AND OPERATORS

### PROCEDURE FOR HEARINGS BEFORE COMMITTEE

1. Applicant introduced to all Members and Officers Chairman
2. Applicant advised of reason for hearing and procedure to be adopted Chairman
3. Applicant asked to confirm receipt of the following documents: Legal Advisor
  - Agenda item relating to the case
  - Council's policy guidelines
  - Procedure to be adopted during the hearing
4. The District Licensing Officer's case to be summarised and issues identified. DLO
5. District Licensing Officer/representative may call witnesses (including the Licensing Officer). Each witness in turn: DLO
  - (i) gives evidence
  - (ii) may be questioned by Applicant/Applicant's representative
  - (iii) may be questioned by Members
  - (iv) may, if necessary, be re-questioned by the District Licensing Officer
6. Applicant's case to be summarised and issues identified (including whether he/she accepts the facts or wishes to correct them). Applicant/Applicant's representative
7. Applicant/Applicant's representative may call any witnesses (including the Applicant him/herself). Each witness in turn: Applicant/Applicant's representative
  - (i) gives evidence
  - (ii) may be questioned by District Licensing Officer/representative
  - (iii) may be questioned by Members
  - (iv) may, if necessary, be re-questioned by the Applicant/Applicant's representative
8. Further questions may be asked of any of the parties or any witnesses with a view to obtaining further information or clarification. Members
9. District Licensing Officer's makes final submission. DLO
10. Applicant makes final submission Applicant

- |      |  |          |
|------|--|----------|
| 11.  | Resolution to consider matter in private.<br>Applicant/representative, Licensing Officers, police and other witnesses, press and public leave the room. Clerk and Legal Officers may be invited to remain.   | Members  |
| 12.  | Members consider their decision. If Members require any further information from any party or any further evidence, all parties are recalled. Any Member who has not been present during the whole of the proceedings must not participate in decision making.             | Members  |
| 12A. | Any legal advice given in private will be summarised to the Applicant.   | Legal    |
| 13.  | All who have retired return and are informed of the decision. In the event of a decision for refusal, suspension or revocation of the application, the applicant is advised that he/she has the right of appeal through the Magistrates Court and then to the Crown Court. | Chairman |

### **NOTES**

1. The opportunities afforded in this procedure for the parties, their representatives and Members to ask questions are opportunities to do just that. The person given the right to ask questions will not be allowed to use this right as an opportunity to make statements.
2. Members of the Sub-Committee are, as a general rule, expected to ask questions of the various parties in accordance with the procedure. However, circumstances may arise where it is desirable for a Member to seek immediate clarification of a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or, making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant/Applicant's Representative will always be given the right of final reply.
3. Under no circumstances must the parties or their witnesses offer Members of the Sub-Committee information in the absence of the other party. Similarly, Members must not attempt to illicit information from any party to the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhere to the rules of natural justice.

Minutes of the meeting of the **REGULATORY** Committee held at the Council Offices, Whitfield on Tuesday 26 February 2013 at 9.44 am.

Present:

Chairman: Councillor B W Butcher

Councillors: S C Manion  
J M Smith  
R J Thompson

Also Present: Mr J Down  
Mr J Clark

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

\* APOLOGIES

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

\* DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

\* MINUTES

The consideration of the Minutes of the meeting held on 20 November 2012 was approved as a correct record and signed by the Chairman.

\* LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLES OUTSIDE OF POLICY GUIDELINEES – MR D SAUNDERS

The Licensing Team Leader informed the Committee that the six month trial period for one of the two Private Hire Vehicle Licences for Smart 'fortwo' coupes carrying the logo 'Cabfor1' had expired and that the other was due to expire. A decision was required on whether to extend the approval for the licences to continue.

A trial period had been originally agreed because the vehicles were outside of policy guidelines by reason that:

- The engine capacity was less than 1500cc;
- The vehicles did not have at least four doors and were not of sufficient size to accommodate at least four passengers; and
- That the Council's current policy guidelines restricted operators from using the word 'cab' whether in singular or plural and whether they form part of another word or not, unless the vehicle was used as a licensed hackney carriage.

The Committee was advised that there had been no complaints or other problems relating to the operation of the two vehicles during the trial period.

The applicant, Mr D Saunders, had spoken with the Licensing Team Leader prior to the meeting was not present for this item.

RESOLVED: That, notwithstanding the Council's current policy guidelines, Mr D Saunders be granted a Private Hire Vehicle Licence in respect of two Smart 'Fortwo' coupes (EJ58 CHD and YF59 EZJ) for a period of twelve months.

\* EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor S C Manion, 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.

\* 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 (formerly CRB) check had disclosed and confirmed a previous conviction that was 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 Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions.

The Committee withdrew to consider its decision and upon resuming the meeting, the Senior Solicitor explained that she had advised Members of the policy guidelines relating to conviction as set out in Appendix B of the report and how this related to the duty to safeguard the public. In particular, she confirmed that she had advised Members in relation to the part of the policy which stated that in the case of dishonesty at least 3 years should normally have elapsed since the incident before an application would be considered, although each application was considered on its own merits.

The Chairman informed the meeting of the decision to refuse the application after careful consideration of these issues. In particular it was the view of the Committee that the application was made too soon after a criminal conviction.

The applicant was advised of his right to appeal to the Magistrates Court within twenty-one days in respect of the decision.

RESOLVED: That the application for a Joint Hackney Carriage/Private Hire Drivers Licence be refused on the basis that the applicant was not currently considered a fit and proper person to be

granted a licence under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 10.30 am.



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<b>Subject:</b>	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A DRIVER'S LICENCE</b>
<b>Meeting and Date:</b>	<b>Regulatory Committee – 15 March 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 the Introduction of a DVLA check for Licensed Drivers
<b>Recommendation:</b>	That the Committee consider the introduction of a DVLA check for licensed drivers.

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## 1. Summary

- 1.1 The purpose of this report is to propose an amendment to the existing fees and charges when drivers are applying for or renewing their hackney carriage or private hire driver licences and this relates to a new check with the DVLA.

## 2 Introduction and Background

- 2.1 At present the Council's policy requires sight of the applicants' DVLA driver licence and counterpart and this is taken at face value and no other checks are made with DVLA unless the Licensing Officer has cause for concern and therefore makes further enquiries.
- 2.2 An on-line web based system has now been made available to electronically check all drivers' details. This is provided via 'Data Check', a system by Intelligent Data Systems (IDS). The IDS system will provide guaranteed up-to-date information.
- 2.3 Unfortunately, not all applicants submit their paper licences to DVLA for endorsing which then leaves the information on the licence out of date. The IDS system gives search results within 48 hours and therefore should not delay the licensing process.
- 2.4 The regulation of hackney carriage and private hire drivers is a statutory function of the Council under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.5 Sections 51 and 59 of Part II of the Local Government (Miscellaneous Provisions) Act 1976 require that the holder of any such licence is a "fit and proper person" and a licence shall not be issued unless the authority is satisfied that this prerequisite is fulfilled.
- 2.6 As part of the application process for the grant or renewal of a driver's licence, applicants are required to submit their DVLA driver's licence for inspection. However, historically, no checks have been made to verify with the DVLA as to the accuracy of the information presented to the Licensing Authority DVLA unless the Licensing Officer has cause for concern and therefore makes further enquiries.
- 2.8 Unfortunately, not all applicants submit their paper licenses to DVLA for endorsing which leaves the information on the licence out of date, or they may hold multiple licences. The IDS system gives search results within 48 hours and therefore should not delay the licensing process.

- 2.9 It is proposed that drivers should bear the cost of the check which will be £5.75 per check. No additional costs would be incurred by the Council.
- 2.10 Once the applicant /licensee has signed the mandate, the Licensing section will have authorised access to that individual's records for 3 years.
- 2.11 As is the case with CRB checks, new applicants will not be granted a licence until a DVLA check is received by the Council. The turn round time for completing a DVLA check is within 48 hours. Renewal applications from existing licence holders will not be delayed in any way since the check will be carried out automatically before their existing licence expires.
- 2.12 This system will also potentially benefit the drivers as they will no longer be required to attend the Council offices to present their DVLA Driving Licence when renewing their hackney carriage/private hire driver licence which will cut down on the travelling time and distance travelled by the driver.
- 2.13 Should a driver/applicant refuse to sign the mandate and the appropriate check cannot be carried out the Council would have to refuse to grant a licence until the check can be completed. This would be because we would not be able to be satisfied that they are a "fit and proper person."
- 2.10 A series of frequently asked questions has been provided to applicants to accompany the mandate. (**Appendix A**).

### **3. Identification of Options**

- 3.1 The Committee is asked to consider this proposal and decide:
- (a) Whether to approve the new proposed check with the DVLA via IDS
  - (b) Whether to approve imposing the additional fee for this check on all drivers (recommended);
  - (b) To reject the additional fee and/or the new DVLA licence check.

### **4. Evaluation of options**

- 4.1 To evaluate these options
- (a) These new types of checks on DVLA driver licences are considered a valuable improvement in assessing an applicant's suitability as a fit and proper person to hold a driver's licence in the Dover District.
  - (b) To continue relying on having sight of the paper part of a DVLA driver licence as a true and accurate reflection of the applicant's actual driver licence would carry more of a risk and is therefore not recommended.

### **5. Resource Implications**

None.

**6. Appendices**

Appendix A – FAQ's for applicants

**7. Background Documents**

Hackney Carriage & Private Hire Licensing Policy 2013-2016

Local Government (Miscellaneous Provisions) Act 1976

Contact Officer: John Newcombe, Licensing Team Leader

## **Frequently Asked Questions Your data and Intelligent Data Systems (UK) Limited**

## **Appendix A**

Dear Driver,

To allay any concerns you may have in completing the data protection mandate allowing Intelligent Data Systems (UK) Limited (IDS) to check your driving licence details via the DVLA, please see below some information about our Company and your data. We trust this will provide you with reassurance in your employer using a third party to collect this information.

### **Who are IDS?**

Intelligent Data Systems (UK) Limited (IDS) is a privately owned company specialising in the management of data for the fleet industry.

### **Where is personal data held and how do I know this is secure?**

IDS is registered as a Data Controller within the requirements of the Data Protection Act (Reg No.Z853 6279) and have been assessed by The British Standards Institution (BSI) and have gained the following accreditations: Quality Management Systems - ISO 9001:2008 Certificate No: FS 554052 and Information Security Management System - ISO/IEC 27001:2005 Certificate No: IS 560380

IDS treat data security extremely seriously and ensure that access to the information is very tightly controlled. Two of the UK's major clearing banks and one of the UK's major insurance companies represent just 3 of our extensive customer list and we have demonstrated to them as well as the DVLA that we have very strict procedures in place. We have undergone rigorous IT audits in order to ensure full IT compliance to all parties. Access to driver data is only available to named authorised users via secure login using user name and password to the named account only, which is issued by IDS.

The IDS database (which holds driver information) is held electronically on secure dedicated servers, which are hosted by a specialist company called Rackspace who provide their hosting services for many large blue chip organisations and are accredited ISO 27001:2005. By outsourcing our server hosting in this way means that in the event of any unforeseen circumstance, we are able to replicate our operations with little or no disruption to the services we provide to our Customers.

All IDS laptops are encrypted. All driver information is sent to and received from the DVLA is via dedicated encrypted lines.

### **Is my personal information going to be sold or used for any other purpose?**

Absolutely not. Under the agreement between IDS and your employer and also the contract between IDS and the DVLA, IDS cannot use any information that they hold for any other purpose than reporting on driving licence related matters. The contract terms also means that no information can be sold to any other parties. In effect, the information cannot be misused or abused. Were we to misuse or abuse the terms of our contracts, we would risk losing our Customers and our supplier (DVLA). Any such breach of trust would lead to IDS' Data Protection Licence being revoked – we would be unable to trade.

### **What information will IDS collect and how will it be used?**

Having received your completed and signed data protection mandate, IDS will request your current endorsement and licence category information from the DVLA. The information that is collected and held will be current information only and not out of date, historical data. Under the agreement between the DVLA and IDS, IDS will simply report this data to your employer. Home address information is not updated or notified to the DVLA by IDS as it is the responsibility of the driver to inform the DVLA of any change in address or relevant circumstances.

### **Why do IDS need to hold my information once the check has been completed?**

Under duty of care requirements, your employer must be able to demonstrate an audit trail should any issue relate to a Health & Safety matter concerning a driver / driving related incident. In the event that the police or the HSE asked your employer to prove that a driver's licence had been checked, your employer can simply show the output from the IDS system or print out a hard copy. If IDS were to delete a driver's details in between licence checks, there would be no record of what those details were.

**Can I have access to the information that IDS holds**

Yes – under data protection rules, you can request IDS to make available all information held about you personally. IDS may charge for this request.

**I've read some worrying reports in the media about ID theft and need some reassurance about this:**

Apart from the driving licence information, IDS only hold personal information, which is available in the public domain (e.g. electoral role). IDS do not hold critical information which could enable an identity to be 'stolen'; in order to do this, we would have to hold information such as place of birth, NI number, financial information, mother's maiden name – none of which we hold. On occasions, we have actually highlighted instances of identity theft because we have reported drivers with a high number of points to our customers and when they have spoken to their employees, this has turned out to be incorrect due to cases of stolen identity.

**How do I fill in the Driver Data Protection Mandate form?**

All boxes must be filled in using BLACK INK AND BLOCK CAPITAL LETTERS. Where information has not been available and those boxes are left blank or the information is incorrect, please complete the empty boxes with the correct information. It is important that you sign and date the document before returning the data protection mandate. Please note: if you forgot to sign the form or you date it incorrectly, the mandate will be invalidated and another form will be required.

**Why do I need to complete this form?**

Under Health and Safety and Duty of Care requirements, your employer is obliged to check that all employees who carry out any business mileage for the company, no matter the distance or frequency, or who are covered by the company insurance are correctly licenced to drive. Your employer has appointed IDS to facilitate this process in order to minimise any inconvenience by not requiring you to present your licence when requested as well as delivering a well-managed logistical alternative to the previously onerous task of manually checking driving licences. Also, by outsourcing this process to a specialist provider in the field of data management, the risk or exposure to possible data fraud is negated due to IDS' highly secure and encrypted systems and processes.

**Why has my nominated/additional driver(s) been asked to complete a data protection mandate?**

If your employer has decided to check the licence status of nominated additional drivers, then they too will be required to complete a Data Protection Mandate. Please note that you cannot sign the mandate on their behalf, they must sign it themselves. Failure to sign it themselves will render the mandate invalid and they will be required to sign another form.

**I drive my own vehicle so why do I have to provide insurance and MOT details?**

If you use your own vehicle for any business mileage (no matter how few miles) under Health and Safety and Duty of Care requirements, your employer is obliged to check that you hold valid insurance (for business use) and where applicable, a valid MOT. The Q1 declaration document is a self declaration form to capture the information which your employer is obliged to hold to meet their duty of care requirements.

**I don't have a UK DVLA issued licence, what do I need to do?**

If you have a Northern Ireland issued licence you will need to complete a special data protection mandate, issued by the DVA (Northern Ireland). Please request a DVA mandate from your Line Manager, HR Department or email [support@intelligentdatasystems.co.uk](mailto:support@intelligentdatasystems.co.uk).

If you have any other licence that has not been issued by the DVLA or the DVA then please complete the data protection mandate you have been given and, in addition, take a photocopy of both sides of your licence card and your counterpart (if applicable). Please ensure the photocopied pages have your name and your Company name written clearly on it. Also please note on the photocopy the date you entered the UK as an overseas licence holder. Return the mandate and the photocopied licence to the address on the mandate.

**Why doesn't my employer not simply visually check my drivers licence?**

Visually checking licences relies solely on the information provided, which may not be up to date, rather than "real time" information. From an employers' perspective they need to ensure that the information they receive regarding the status of an employee's driving licence is correct, thorough and current and this level of information is only available from the DVLA. Using a specialist provider such as IDS ensures accuracy, ease and speed of information access centrally and a reporting function for risk assessment purposes.

**Why does the form refer to endorsement information from the past?**

The information, which the DVLA will provide will be current information only – this may refer to endorsements, which have occurred in the past, but we will only receive details on these endorsements if they remain current (i.e. unspent offences). Specifically, all endorsements remain on a driver's record for a total of 4 years unless they are certain CD offences (careless driving) or certain DR offences (drink or drugs) endorsement or a previous ban – in which case, they remain on record for 11 years.

**I do not hold a full driving licence OR I do not use my own vehicle or drive any other company owned vehicle for business purposes – What should I do?**

You may be asked to complete a Non Driver Declaration form (ND10) and IDS will amend your driver record accordingly and record your declaration. It is your responsibility however, to ensure you notify your employer and or IDS if your circumstances change at any time in the future.

**What happens to my information (and that of any additional/nominated driver) if I leave the company?**

Your employer will inform IDS and we will delete your information (and any details for nominated additional drivers) from our records and any requests for information from the DVLA will cease.

**Where do I send the completed mandate?**

Please check the form is correctly completed, signed and dated correctly, you will find the return details are on the Data Protection Mandate.

**Who do I contact if I require any further assistance?**

If you have a query or need assistance, the contact details are included in the covering email or letter.

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**Subject:** LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES – MRS S REYNOLDS

**Meeting and Date:** Regulatory Committee – 15 March 2013

**Report of:** John Newcombe, Licensing Team Leader

**Classification:** Unrestricted

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**Purpose of the report:** To consider an application to licence two Hackney Carriage Vehicles outside of policy guidelines.

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**Recommendation:** That the Committee determine the application(s)

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## 1. Summary

- 1.1 Mrs Sam Reynolds of County Cars, on behalf of the plate holder Mrs Burrows, has written to the Council asking for permission to renew Hackney Carriage Vehicle licence HV016 for a 2005 Skoda Octavia GN05 UPO, which has covered 307,216 miles (“**Vehicle 1**”); and also, on her own behalf, to renew Hackney Carriage Vehicle licence HV031 for a 2006 Skoda Octavia GF06 OND, which has covered 308,002 miles (“**Vehicle 2**”). Both vehicles exceed the maximum mileage limit of 300,000 miles specified within the Hackney Carriage & Private Hire Licensing Policy 2013-16. A copy of Mrs Reynolds’ letter is included at **Appendix A**.

## 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 “No application for the renewal of a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 8 years of age, or the total mileage travelled by the vehicle exceeds 300,000 miles.
- 2.3 The policy also states “Applications for vehicles that fall outside of the policy guidelines will be referred to the Regulatory Committee for consideration” and that “each application will be considered on its own merits”.
- 2.4 Mrs Reynolds has applied to renew the licences for two Skoda Octavias; HV016 GN05 UPO and GF06 OND, both vehicles fall outside of the current mileage policy. Vehicle 1 has covered 307,216 miles and is approximately 7 years and 8 months old, being first registered on 30 Jun 2005. The current licence expires on 31 Mar 2013. Vehicle 2 has covered 308,002 miles and is approximately 6 years and 8 months old, being first registered on 14 Aug 2006. The current licence of Vehicle 2 expired on 28 Feb 2013 and has been given a temporary extension pending a decision of the Committee. Mrs. Reynolds states that both the vehicles have had new engines, are in a very good condition and have been maintained to a very high standard.
- 2.5 Both vehicles have been visually inspected by the Licensing Enforcement Officer and found to be in satisfactory condition. Both vehicles have current MOT test certificates.

- 2.6 The reason given in their letter for the request by County Cars for Committee to use their discretion and not strictly follow the policy in this regard is that they are currently suffering some financial difficulties (**Appendix A**).

### **3. Identification of Options**

#### 3.1 Options:

- (a) To allow the application for the renewal of one or both Hackney Carriage vehicle licences notwithstanding that this would be a deviation from existing policy.
- (b) To reject either or both of the application(s) as there are insufficient reasons to justify a deviation from existing policy.
- (c) To allow one or both of the applications but for a lesser period than the year for which it is usually granted.

### **4. Evaluation of Options**

#### 4.1 Options:

- (a) Both vehicles are over the mileage limits defined in policy for the renewal of a licence. However, Mrs. Reynolds is requesting that the Committee consider whether both vehicles could be licensed for an extra year as they feel that they are in such good condition and have been well looked after and that this would assist them financially. Both vehicles fall within the current age limits for renewal (although Vehicle 1 is quite close to this age limit).

If such a deviation from policy were allowed then it is suggested that it would be advisable to consider stating that this was an exceptional circumstance and that under normal circumstances such a deviation would not be considered.

- (b) If the Committee felt that there were insufficient reasons to deviate from the Policy, then the application/s should be refused.
- (c) The Committee may feel that it is appropriate to grant one or both of the licences for a shorter period in this instance.

### **5. Resource Implications**

There are no resource implications arising from this report.

### **6. Appendices**

Appendix A – Letter submitted by Sam Reynolds of County Cars

### **7. Background Papers**

Hackney Carriage & Private Hire Licensing Policy 2013-16

Contact Officer: John Newcombe, Licensing Team Leader





01304 208208

[www.county-taxis.co.uk](http://www.county-taxis.co.uk)

Unit 1 Relyon Yard  
Poulton Close  
Dover  
Kent  
CT17 0HL

To Whom It May Concern,

I am writing to you on compassionate grounds as you may or may not know our Volkswagen Sharan suffered total gearbox failure and turbo failure the cost of which amounted to £5,500, money I had put aside to buy a new vehicle.

What I would like to put to the committee is that I be granted a years extension on two vehicles. Both these vehicles have exceeded the 300,000 mile ruling, but they have both had new engines in their life span and have been immaculately kept by the drivers. They are both regularly used on KCC school runs so have to be kept to a top standard, you are welcome to inspect both vehicles at any time.

We are a small family run business and have a small amount of employees, the trade is slow at the moment with the recession and people watching their pennies, if you see fit to grant me these extensions it would be a lifesaver.

**VEHICLE DETAILS:**

⑩ F  
GN06 OND 308,002 MILES PLATE HV031: SKODA OCTAVIA rey 14/7/06 (TW)  
GN05 UPO 307,216 MILES PLATE HV016: SKODA OCTAVIA rey 30/6/05

Yours hopefully,

Sam Reynolds

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 15 MARCH 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 items to be considered involve 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 Driver's Licence	1	Information relating to any individual
Local Government (Miscellaneous Provisions) Act 1976 - Application for a Driver's Licence	1	Information relating to any individual

**Agenda Item No 8**

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

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**Agenda Item No 9**

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

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