

Public Document Pack



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7 October 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 Tuesday 15 October 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.

Yours sincerely

A handwritten signature in black ink, appearing to read "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**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3 **DECLARATIONS 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 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES - MR ABDUL HASSAN RAJABI** (Pages 3 - 11)

To consider the attached report of the Licensing Officer.

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. 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 for details.

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

Subject: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES – MR ABDUL HASSAN RAJABI

Meeting and Date: Regulatory Committee – 15 October 2013

Report of: Rebecca Pordage, Licensing Enforcement Officer

Classification: Unrestricted

Purpose of the report: To consider an application to licence a Private Hire Vehicle outside of policy guidelines

Recommendation: That the Committee determine the application

1. Summary

1.1 Mr Abdul Hassan Rajabi has applied to the Council for the grant of a new Private Hire Vehicle licence for a Skoda Octavia GF58 KND. The date of first registration is 29 November 2008.

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 a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 5 years of age, or the total mileage travelled by the vehicle exceeds 100,000 miles.”

2.3 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”.

2.4 Mr Rajabi has applied to licence a vehicle that falls outside of the current mileage limits specified in the policy. The vehicle has covered 104,136 miles although it is under 5 years old.

2.5 The Licensing Enforcement Officer inspected the vehicle on 17 September 2013 and found the vehicle to be in extremely good condition and all relevant paperwork to be in order.

3. Identification of Options

3.1 Options:

(a) To allow the application for the grant of the vehicle licence to the vehicle notwithstanding that this would be a deviation from existing policy.

(b) To reject the application as there are insufficient reasons to justify a deviation from existing policy.

4. Evaluation of Options

4.1 Options:

- (a) The vehicle is over the mileage defined in policy for the grant of a licence, however, Mr Rajabi is requesting that the Committee consider whether the vehicle could be licensed as he feels it is in such good condition and that the mileage is only 104,136 miles.

If such a deviation from policy were allowed then it would be necessary to make clear 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 should be refused

5. Resource Implications

None.

6. Appendices

Appendix A – Application form submitted by Mr Rajabi

Appendix B – Licensing Enforcement Officer's inspection report form

7. Background Papers

Hackney Carriage & Private Hire Licensing Policy

Contact Officer Rebecca Pordage, Licensing Enforcement Officer



Dover District Council
Licensing Section
26 SEP 2013

PLATE NUMBER

DOVER DISTRICT COUNCIL

K. A. Hassan

APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE

GRANT RENEWAL TRANSFER TEMPORARY TRANSFER

TITLE	MR <input checked="" type="checkbox"/>	MRS <input type="checkbox"/>	MS <input type="checkbox"/>	MISS <input type="checkbox"/>
SURNAME	Rajabi		FORENAME/S	Abdulhassan
ADDRESS (including postcode)	[REDACTED]			
HOME PHONE	[REDACTED]		MOBILE	[REDACTED]
EMAIL	[REDACTED]			

If a firm or partnership, the names of all proprietors or partners or any other person concerned in the keeping, employing or letting on hire of the vehicle.

Name and Address of Operator: Beg. castl taxis

VEHICLE DETAILS

Make:	SKODA	Model:	OCTAVIA	Colour:	SILVER
Date of first registration	29/11/08		C.C.	1.9.00	
REGISTRATION NUMBER	GF58KND		Fuel Type:	Petrol <input type="checkbox"/> Diesel <input checked="" type="checkbox"/> Hybrid <input type="checkbox"/>	
Is the vehicle adapted as wheelchair accessible?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Number of seats excluding the driver	4		
Is a meter fitted	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If so please attach the tariff card			

INSURANCE DETAILS


Is the vehicle insured for the carriage of passengers for hire Or reward	YES <input type="checkbox"/> NO <input type="checkbox"/>
Name of insurance company	Insurance to be arranged if vehicle licence is granted
Policy number:	
Date insurance expires	
If changing vehicle, please give details of existing vehicle	BP
Are you requesting an exemption from displaying private hire plates on the vehicle?	
If so, is the vehicle used <u>exclusively</u> for the provision of prestige chauffeur services?	

Declaration:

I apply for a licence for the private hire vehicle stated and enclose the relevant fee

I confirm that I have read and understand the notes supplied to me with this form and declare that the particulars I have supplied are correct to the best of my knowledge and belief.

I understand that Dover District Council may share this information with other agencies for the prevention and detection of crime.

SIGNATURE		DATE	26/9/13
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NOTE: Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976: "If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this Section he/she shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.00."

For office use only	
Fee Renewal/Transfer	£
Plate Deposit	£
Receipt No.	
Date of Commencement of Licence	
Date when next MOT due	
Signed by officer	
Date received	

DOVER DISTRICT COUNCIL
NOTES OF PRIVATE HIRE VEHICLE LICENCE

1. It is an offence to operate a vehicle for private hire unless a valid private hire vehicle licence is held by the owner of such vehicle and a licensed private hire vehicle may only be used as such when in the charge of and driven by a person holding a current private hire driver's licence.

2. ACCOMPANYING DOCUMENTS

The applicant is required to submit for examination:

- (a) a valid Certificate of Insurance for Hire and Reward
- (b) a valid Department of Transport Vehicle Test Certificate (not more than 14 days old) or a pre-delivery inspection report in lieu of MOT for new vehicles
- (c) a Vehicle Excise Act 1971 Registration Document

All vehicles shall also be presented to the Licensing Officer for additional inspection. Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory and the engine and full chassis steam cleaned.

3. VEHICLE TESTS

The Authority needs to be satisfied that licensed vehicles operating within its area are safe.

All hackney carriage and private hire vehicles shall be subject to the current MOT standard test at licence renewal. The vehicle must pass a further MOT test at 6 monthly intervals once the vehicle is over three years old. The Licensing Team Leader has delegated authority to require further, more frequent testing up to a maximum of 3 tests per year where concerns over safety standards have been identified.

Licensed vehicles that fail an inspection and/or MOT test and are deemed unsuitable for use as a passenger vehicle by the vehicle examiner or Licensing Officer, will result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Once the defects have been satisfactorily remedied then the proprietor may seek the lifting of the suspension notice by the Licensing Officer.

When a licensed vehicle sustains serious accident damage it shall be subjected to a further satisfactory MOT test prior to it being presented back into service.

4. VEHICLE EXAMINATION

Any authorised officer of the Council or any constable has the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any private hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the private hire vehicle or as to accuracy of its taximeter he may by notice in writing require the proprietor of a private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

5. TAXIMETERS

Private Hire Vehicles do not have to be fitted with a 'Taximeter' but if one is fitted it must be checked and, where possible, sealed by the Council prior to use.

Private Hire Vehicles that are fitted with Taximeters must also display a Tariff Card and provide a copy to the Licensing Authority for reference.

If at anytime after the grant of a licence a different type of tyre is fitted to the vehicle, and/or any alterations are carried out to the vehicle which might affect the reading on the face of the taximeter, and/or the seal of the taximeter is broken, whether accidentally or otherwise, the vehicle must be submitted for re-examination and/or sealing of the taximeter.

6. ACCIDENT DAMAGE

The proprietor of a private hire vehicle must report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein.

7. DISPLAY OF PLATE

The proprietor of a private hire vehicle shall fix to the vehicle licence identification plates of size, colour, design and type supplied by the Authority.

The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the private hire vehicle in the vicinity of the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence is clearly visible by daylight from the highway. It shall be fixed on a

platform kit as supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.

The proprietor shall ensure that an approved holder displaying a private hire driver badge and a vehicle licence identification card as supplied by the council is displayed, in a position for all passengers to clearly see.

The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the council, and the said plate shall be displayed only on the vehicle to which it relates.

The licence plates shall remain the property of the council and shall be returned to them within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the private hire vehicle licence ceasing to be in force in respect of the vehicle.

Private hire vehicles must display door signs in prominent positions on both rear doors of the vehicle indicating that they must be booked in advance and separate signs on the front doors indicating details of the operator

RESTRICTION ON SIGNS, NOTICES & ADVERTISING, ETC

Vehicles shall not be allowed to display any printed, written or other material on the windows of the vehicle except in respect of the following:-

- No eating or drinking;
- Public health and safety campaigns;
- Permits for private ranks;
- Trade organisation membership;
- No smoking; and
- Vehicle Excise Licence

Vehicle proprietors shall not display or allow to be displayed in or on their vehicle any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of these conditions.

Applications for approval of advertisements must be made in writing on the approved form to the Licensing Team Leader. The form must be accompanied by a copy of the proposed advertisement in full colour.

Permitted advertisements may be displayed in the interior of vehicles on the underside of tip-up seats and these must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

COMPANY SIGNS

Cars

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs). The maximum size shall be 770mm x 260mm.

A sign may be displayed on the rear of the vehicle advertising the company but it shall not exceed 100mm in height and the telephone number should not exceed 75mm in height.

A copy of any proposed company sign shall be forwarded to the Licensing Section for approval.

MPV's

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs) of private hire vehicles. Signs may be displayed on the rear of the vehicle advertising the company (but not the window). A copy of any proposed company signage shall be forwarded to the Licensing Section for who shall approve by vehicle make and model, signage parameters in proportion to the design of each vehicle.

Other (Large) Vehicles

The Authority shall approve, by vehicle make and model, signage parameters in proportion to the design of each vehicle. Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Council signs).

All company signs shall be the same for each vehicle.

The words "For Hire", "Cab" or "Taxi" must not be included even if the name of the firm includes such words.

0. PERIOD OF LICENCE

A licence shall be in force from the time it is taken out until the expiration of the period of twelve months beginning with the first day of the month in which it is taken out.

1. LICENCE RESTRICTION

A private hire vehicle licence is issued in respect of the vehicle the registration number of which is shown on the licence and cannot in any circumstances be an authority for the use of any other vehicle as a private hire vehicle.

12. TRANSFER OF LICENCE

The proprietor of a private hire vehicle must notify the Council in writing of the name and address of a person to whom the vehicle is sold or transferred within 14 days of the transfer.

Applications for the transfer of a licence during the currency thereof will be considered and, subject to compliance with the necessary conditions, will be granted.

13. WARNING

Any false statement or information given to the questions set out in the application form may result in cancellation of the licence.

14. RIGHT OF APPEAL

Any person aggrieved by the refusal of the Council to grant a private hire vehicle licence may appeal to a Magistrates' Court.

Applications for private hire licences should be made to the Licensing Section, White Cliffs Business Park, Dover, Kent CT16 3PJ (Telephone: Dover (01304) 872295).

MOT Test Certificate



Vehicle & Operator Services Agency

Advisory Information

MOT Test Number

666229263246

Make

SKODA

Model

OCTAVIA

Colour

SILVER

Issuer's name

S. J. COLE

Signature of Issuer

Expiry Date

SEPTEMBER 25th 2014
(FOURTEEN)

Vehicle Registration Mark

GF58KND

Vehicle Identification Number

TMBDS41U898843432

Test Class

IV

Odometer Reading and History

26/09/2013: 104136
15/02/2013: 96829
14/02/2012: 79756
16/02/2011: 63309

Issued

26/09/2013 10:44

Additional Information

To preserve the anniversary of the expiry date the earliest you can present your vehicle for test is 26/08/2014

Want a reminder? Text MOT No. to 66848. Cost £1.50. Subscribing confirms acceptance of T&Cs.

Go to www.direct.gov.uk/motreminders for information.

Inspection Authority

WALMER ADAMSON MOTORS LTD
46 WEST STREET
DEAL
CT14 6AH 01304382093

Test Station

92228

An executive agency of the
Department for
Transport

About this document

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded on The Vehicle & Operator Services Agency's (VOSA's) database of MOT Test results; this may be verified at www.direct.gov.uk/yourmotcheck
 - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy for the validity of the certificate.
 - 3 Check carefully that the details are correct.
 - 4 Whilst advisory items listed above do not constitute MOT failure items they are drawn to your attention for advice only.
 - 5 For further information about this document please visit www.direct.gov.uk/mot or contact VOSA on 0300 123 9000*.
- *Your call may be monitored or recorded for lawful purposes.



104,000 → outside of policy

HACKNEY/PHV 1419 COMPLIANCE CHECK REPORT

Time: 14:00 Date: 17/9/13
 Location: DDC OFFICES
 Vehicle type: Skoda Octavia
 Vehicle number:
 Plate number: GF58 KND Badge number:
 Driver: Hassan Rajabi
 Address: 3 Sunny Terrace, Hamilton Rd, Deal

No marks, scratches, dents. Extremely clean inside.

PURPOSE OF CHECK Please tick

Routine inspection
 Cleanliness of vehicle
 Construction and use
 Compliance with policy over mileage
 Driver conduct/appearance

RESULT OF CHECK Please tick

In order:
 Verbal advice given To be presented
 Written advice given before committee
 Offence or breach of policy

Issuing Officer: R. Pardage
 Received: