

Public Document Pack



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18 February 2014

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 28 February 2014 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.

Where a Member does not have either a Disclosable Pecuniary Interest (DPI) or Other Significant Interest (OSI) but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a Voluntary Announcement of Other Interests (VAOI). A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration”.

Note to the Code:

Situations in which a Member may wish to make a VAOI, include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI.

4 **MINUTES** (Pages 6 - 7)

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

5 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 8)

The recommendation is attached.

MATTERS 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

6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE (Pages 9 - 23)

To consider the attached report of the Acting 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. 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.

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

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| 11. | Resolution to consider matter in private.
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 November 2013 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

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

Officers: Licensing Enforcement Officer
Technical Support Officer (Licensing)
Team Leader – Democratic Support
Democratic Support Officer□

348 APOLOGIES

There were no apologies for absence received from Members.

349 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

350 DECLARATIONS OF INTEREST

There were no declarations of interest.

351 MINUTES

The Minutes of the meetings of the Committee held on 20 August 2013, 5 September 2013, 26 September 2013 and 15 October 2013, subject to the deletion of the words 'Democratic Support Officer' from the attendance of the meeting held on 26 September 2013 were approved as a correct record and signed by the Chairman.

352 FEES AND CHARGES 2014/15

The Committee received the report of the Director of Governance on fees and charges for 2014/15.

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

- RESOLVED: (a) That the Fees and Charges 2014/15 as set out in Annex 4 be approved.
- (b) That Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.
- (c) That Members approve the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.

- (d) That the Head of Regulatory Services be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting for Government guidance and it has not been possible to set a fee level at this stage.
- (e) That authority be delegated to the Head of Regulatory Services in consultation with the Director of Governance and the Director of Finance, Housing and Community, to make minor adjustments to the fees and charges.

353 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES - MR K SHORT

The Licensing Enforcement Officer informed the Committee that Mr K Short had applied to the Council for the transfer of Private Hire Vehicle Licence PHV106 to a Chrysler 300c, registration number KY56 OGM.

The date of the vehicles first registration was 26 September 2006 which was outside of the Council's adopted policy guidelines by reason of it exceeding 5 years of age. The mileage was 60,000 miles at the time of its MOT on 21 November 2013 which was within policy guidelines.

The Licensing Enforcement Officer confirmed that she had inspected the vehicle on 14 November 2013 and had found the vehicle to be in excellent condition.

RESOLVED: That, notwithstanding the Council's current policy guidelines and as an exception on the grounds of age, overall condition of the vehicle and its mileage being just outside of policy guidelines, Mr K Short be GRANTED a Private Hire Vehicle Licence in respect of a Chrysler 300c (KY56 OGM) for a period of 12 months.

The meeting ended at 10.02 am.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 28 FEBRUARY 2014

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</u>	<u>Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
6	Local Government (Miscellaneous Provisions) Act 1976 – Application for a Joint Drivers Licence	1	Information relating to any individual
		2	Information which is likely to reveal the identity of an individual

Agenda Item No 6

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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