Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 12 April 2016 at 10.03 am.

Present:

Chairman: Councillor B W Butcher

Councillors: B Gardner
D P Murphy

Also present: Ms J Milner (Minute no. 43)
Applicant (Minute no.45)
Person in support (Minute no.45)

Officers: Contentious and Regulatory Lawyer
Licensing Team Leader
Democratic Support Officer

40 APOLOGIES

Apologies for absence were received from Councillors P S Le Chevalier and S J Jones.

41 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

42 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

43 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES

The Licensing Team Leader informed the Committee that Mr D Lamb of Relyon Transport had applied for permission to licence a Renault Trafic (DU08 OUK) as a Private Hire Vehicle. Members were asked to consider that if the vehicle were to be approved, authorisation be given to the Licensing Team Leader to approve the vehicle for renewal in the future providing the vehicle remained to a good standard and was used solely for shuttle services by Relyon.

The Committee was asked to consider the application as the vehicle was outside of the policy guidelines by reason that the vehicle was outside the current vehicle age policy, being registered on 1 March 2008. The Licensing Team Leader inspected the vehicle on 31 March 2016 and found the vehicle to be in very good condition. The vehicle was MOT'd on 11 April 2016 and passed with no advisory notes.

The vehicle would be used to transport passengers to and from Dover Port/Cruise Terminal and the parking facilities at the applicant's business address; the vehicle would not be used for any other private hire purpose.

The Committee adjourned to examine the vehicle accompanied by the Applicant's representative (Ms J Milner) and officers.

In accordance with the approved procedure, Members of the Committee and the Contentious and Regulatory Lawyer withdrew to consider the application. The committee had considered the evidence given and the provisions in s48 of the Local Government (Miscellaneous Provisions) Act 1976 and Dover District Council's Hackney Carriage and Private Hire Licensing policy, specifically paragraph 2.4.1.

RESOLVED: That, notwithstanding the Council's current policy guidelines, the Committee decided on this occasion to deviate from the policy in regard to the maximum age of the vehicle on the grounds that the Applicant's stated use of the vehicle was that it would not be as a Private Hire vehicle in the traditional sense, but instead would be used only in the manner set out by the Applicant, namely to convey passengers to and from the port terminal and the parking facilities operated by the company and that Mr D Lamb of Relyon Transport be GRANTED a Private Hire Vehicle licence in respect of a Renault Trafic (DU08 OUK) with the following conditions:

(a) That the vehicle be inspected by Dover District Council every 6 months, that inspection to be carried out by the Licensing Team Leader (or her deputy) and provided that the Licensing Team Leader is satisfied that the vehicle remains in a safe mechanical and comfortable condition the Licensing Team Leader may approve the licence for a further 6 month period.

(i) Clarity provided to the Licensing Team Leader that this process will continue to be carried out at six monthly intervals thereafter.

44 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor B W Butcher, 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 involved the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act.

45 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) 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 and Private Hire Driver's Licence where an Enhanced Disclosure from the Disclosure and Barring Service (DBS) had shown a previous conviction and a caution that were relevant to the decision as to the applicant's suitability as a fit and proper person to hold a licence to drive a taxi in the Dover District.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the conviction and caution and the applicant called upon his person in support to speak to his good character and suitability as a fit and proper person.

The Committee withdrew to consider its decision and upon resuming the meeting the Contentious and Regulatory Lawyer explained that she had advised the

Committee in relation to the provisions in Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and Dover District Council's Hackney Carriage and Private Hire Licensing policy, specifically that in relation to relevance of convictions (and cautions).

RESOLVED: That having regard to the evidence, the application for a Joint Hackney Carriage and Private Hire Licence be granted for an initial period of six months; and

(a) That the Licensing Team Leader will monitor and review the applicant.

(b) Provided there are no issues during the initial six months the licence will be granted for a further six months.

The meeting ended at 10.59 am.