

# Public Document Pack



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21 July 2015

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 30 July 2015 at 1.45 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at [jemmaduffield@dover.gov.uk](mailto:jemmaduffield@dover.gov.uk).

Yours sincerely

A handwritten signature in dark ink, appearing to be "N. Smith", written over a horizontal line.

Chief Executive

## Regulatory Committee Membership:

B W Butcher (Chairman)  
P S Le Chevalier  
B Gardner  
S J Jones  
S C Manion

## AGENDA

### 1 **APOLOGIES**

To receive any apologies for absence.

### 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

### 3 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4      **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 13 March 2015.

**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.
- 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 Jemma Duffield, Democratic Support Officer, telephone: (01304) 872305 or email: [jemmaduffield@dover.gov.uk](mailto:jemmaduffield@dover.gov.uk) for details.

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

**Declarations of Interest****Disclosable Pecuniary Interest (DPI)**

Where a Member has a new or registered 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.

**Other Significant Interest (OSI)**

Where a Member is declaring an 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 latter 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.

**Voluntary Announcement of Other Interests (VAOI)**

Where a Member does not have either a DPI or 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 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.

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 13 March 2015 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: R J Thompson  
M J Ovenden

Also present: Driver

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

28 APOLOGIES

Apologies for absence were received from Councillors B Gardner, P S Le Chevalier and S C Manion.

29 APPOINTMENT OF SUBSTITUTE MEMBERS

Councillor M J Ovenden was appointed as substitute for Councillor S C Manion.

30 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

31 MINUTES

The minutes of the meeting of the Committee held on 10 February 2015 were approved as a correct record and signed by the Chairman.

32 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor R J Thompson, 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.

33 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR RENEWAL OF A JOINT DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader on an application for the renewal of a Joint Hackney Carriage and Private Hire Driver's Licence where the applicant had failed to notify the authority of an accident which occurred in December 2014, within the required 72 hour period whilst driving a licensed vehicle. This was a breach of the Council's Hackney Carriage and Private Hire Licensing Policy. Together with this, the Committee was required to consider the cumulative effect of the number of accidents the driver had had since the issue

of the drivers licence the previous year and whether the driver remained a fit and proper person in accordance with the Act.

The Committee had previously reviewed the driver's Joint Driver Licence on 16 September 2014 following three accidents in the driver's licensed vehicle, only two of which were reported to the Licensing Team within 72 hours. The Committee resolved to suspend the driver's licence with immediate effect pending the successful passing of the DSA test. The driver passed the test on 7 October 2014 and the badge was reinstated.

It was reported to the Committee that the driver had an additional accident in the licensed vehicle since the preparation of the report, however; this had been reported to the Licensing Team within the required 72 hours.

The Committee withdrew to consider its decision and upon resuming the meeting the Senior Solicitor explained that she had advised the Committee in relation to the Local Government (Miscellaneous Provisions) Act 1976, in particular section 61 and the powers available to the Committee in relation to renewal or otherwise of the hackney carriage and private hire drivers' licence.

RESOLVED: That, in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, the Committee do refuse to renew the driver's joint hackney carriage and private hire drivers licence on the ground of 'any other reasonable cause' for the following reasons:

- (a) That they no longer considered the driver to be a fit and proper person as required by the Act.
- (b) That they are extremely concerned that the driver had had 5 accidents since the grant of the licence in March 2014. They consider that there have been elements of distraction whilst driving in too many of these accidents and that the concerns about public safety are too great to ignore and go to the heart of whether the driver remains a fit and proper person;
- (c) That in addition, they consider that the failure to report the accident on 20 December 2014 to be unacceptable and that having been a licensed driver for a number of years the driver should have been aware of the duty to do so and that the driver had also been reminded of this duty during an interview with the Licensing Team Leader in August 2014.

The meeting ended at 12.19 pm.