

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 18 August 2015 at 10.03 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P S Le Chevalier  
S J Jones

Also Present: Applicant (Minute No 16)  
Applicant's representative (Minute No 16)  
Applicant (Minute No 17)

Officers: Head of Legal Services  
Licensing Enforcement Officer  
Democratic Support Officer

11 APOLOGIES

An apology for absence was received from Councillor B Gardner.

12 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

13 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

14 MINUTES

The Minutes of the meeting of the Committee held on 30 July 2015 were approved as a correct record and signed by the Chairman.

15 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor P S Le Chevalier, 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.

16 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 and Private Hire Driver's Licence where an Enhanced Disclosure from the Disclosure and Barring Service (DBS) had shown a number of previous convictions 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. The applicant was last convicted of an offence in November 2013, relating to incidents which took place in January and February of the same year; this

was outside of the Council's Policy which suggested that 3 years should have elapsed before an application is considered.

In accordance with the approved procedure Members offered the applicant and the applicant's representative the opportunity to present evidence concerning the circumstances surrounding the convictions.

The Committee withdrew to consider its decision and upon resuming the Head of Legal Services explained that she had advised the committee in relation to the Council's Policy guidelines and Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 relating to the applicant's suitability as a fit and proper person.

RESOLVED: That having regard to the evidence, the Committee considered the application for a Joint Hackney Carriage and Private Hire Driver's Licence be refused by reason that less than 3 years had elapsed since the last incident and there was not sufficient reason to depart from the Council's Policy.

17 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 and Private Hire Driver's Licence where an Enhanced Disclosure from the Disclosure and Barring Service (DBS) had shown 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. As 3 years had elapsed since the date of the conviction the application was in accordance with the Council's licensing policy. 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 conviction. The Committee withdrew to consider its decision and upon resuming the meeting the Head of Legal Services explained that she had advised the Committee in relation to Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and Dover District Council's licensing policy.

RESOLVED: That having regard to the evidence, the Committee considered that the applicant was a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and the application for a Joint Hackney and Private Hire Driver's Licence be approved for a period of 12 months.

The meeting ended at 10.58 am.