

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 13 November 2018 at 10.01 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P M Brivio
B Gardner
P S Le Chevalier
D P Murphy

Officers: Contentious and Regulatory Lawyer
Head of Regulatory Services
Licensing Team Leader
Licensing Enforcement Officer
Democratic Services Officer

16 APOLOGIES

There were no apologies for absence.

17 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

18 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

19 MINUTES

The Minutes of the meeting of the Committee held on 11 September 2018 were approved as a correct record and signed by the Chairman.

20 FEES AND CHARGES 2019/20

The Committee received the report of the Head of Regulatory Services which set out the fees and charges for the financial year 2019/20 relevant to the Regulatory Committee.

- RESOLVED:
- (a) That the Regulatory Committee approve the Fees and Charges for 2019/20 as set out in Appendix 4 of the report.
 - (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 is authorised to adopt fees at, or close to government directed levels without the

need for further reporting, in cases where the Council is awaiting Government guidance and it has not been possible to set a fee level at this stage.

- (e) That the Head of Regulatory Services be authorised in consultation with the Director of Governance and the Director of Finance, Housing and Community to make minor adjustments to the fees and charges as necessary.

21 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 paragraph 1 of Part I of Schedule 12A of the Act.

22 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE 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 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.

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

The Committee withdrew to consider its decision and upon resuming the Contentious and Regulatory Lawyer 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 in so far as they related to the applicant's suitability as a fit and proper person.

RESOLVED: That the application for a Joint Hackney Carriage and Private Hire Driver's Licence be refused on the basis that the applicant was not currently considered to be a fit and proper person to be granted a licence under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 10.46 am.