

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 18 June 2019 at 10.00 am.

Present:

Chairman: Councillor D P Murphy

Councillors: S H Beer (as substitute for Councillor S J Jones)
K Mills (as substitute for Councillor P M Brivio)
O C de R Richardson (as substitute for Councillor J Rose)

Officers: Head of Governance
Licensing Team Leader
Licensing Enforcement Officer
Democratic Services Officer

1 APOLOGIES

Apologies for absence were received from Councillors P M Brivio, S J Jones, J Rose and R S Walkden.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors K Mills, S H Beer and O C de R Richardson were appointed as substitutes for Councillors P M Brivio, S J Jones and J Rose respectively.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting of the Committee held on 16 April 2019 were deferred.

5 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor S H Beer, 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 1 of Schedule 12A of the Act.

6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVERS 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. The applicant had previously applied for a licence in 2017 which was considered and refused by the Committee.

The applicant's most recent Disclosure and Barring Service (DBS) report was still being processed and the applicant had asked for the matter to be referred to the

committee for approval, providing there were no further convictions on the new DBS report once it was received. Members were provided with the DBS report that was submitted with the 2017 application which had disclosed and confirmed convictions that were relevant to the decision as to the applicant's suitability to hold a licence to drive a taxi in the Dover district. 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 convictions.

The Committee then withdrew to consider its decision. Upon resuming the Head of Governance explained that she had advised the Committee in relation to the Council's policy on the relevance of convictions to applications 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: (a) That, having regard to the evidence and subject to no further convictions following receipt of the enhanced disclosure from the Disclosure and Barring Service, 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 that the application for a Joint Hackney Carriage and Private Hire Driver's Licence be granted for an initial period of 6 months; and
- (b) That, providing there are no complaints during the initial 6 month period the Licensing Team Leader shall grant the licence for a further 6 months.

7 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS 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. An enhanced disclosure from the Disclosure and Barring Service 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. The Licensing Team Leader had discussed the convictions with the applicant.

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

The Committee then withdrew to consider its decision. Upon resuming the Head of Governance explained that she had advised the Committee in relation to the Council's policy on the relevance of convictions to applications 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: (a) 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 that the application

for a Joint Hackney Carriage and Private Hire Driver's Licence
be granted for 1 year.

The meeting ended at 10.39 am.