

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 17 September 2019 at 10.00 am.

Present:

Chairman: Councillor D P Murphy

Councillors: D G Beaney (as substitute for Councillor O C de R Richardson)  
P M Brivio  
S J Jones

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

Others in attendance: Applicant (Minute No. 20)

15 APOLOGIES

Apologies for absence were received from Councillors O C de R Richardson and R Walkden.

16 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor D G Beaney was appointed substitute member for Councillor O C de R Richardson.

17 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

18 MINUTES

The Minutes of the meetings of the Committee held on 16 April, 18 June and 16 July 2019 were approved and signed by the Chairman.

19 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor P M Brivio, 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.

20 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 Drivers' Licence. Having received an Enhanced Disclosure from the Disclosure and Barring Service which

showed a number of previous convictions that were relevant to the applicant's suitability as a Fit and Proper Person to hold a taxi licence in the Dover district, the application was referred to the Committee for a decision.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions and to present to the committee why they should be considered for an application for a driver's licence.

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 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.

The applicant had been refused a Joint Driver's licence in 2017 by the Regulatory Committee as they were not deemed a fit and proper person and that the reasons for the refusal at that time, in part, were still relevant. The Regulatory Committee noted that the applicant, despite the passage of time, had still not sought to address those issues. The Regulatory Committee did observe that the convictions were now outside of the policy by way of the number of years passed since the convictions, and therefore the Committee were disregarding them.

**RESOLVED:** That, having regard to the evidence, the Committee considered that the driver was not a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, and that they would therefore not grant a Joint Hackney Carriage and Private Hire Driver's Licence.

The meeting ended at 10.26 am.