

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 19 November 2019 at 10.00 am.

Present:

Chairman: Councillor D P Murphy

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

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

21 APOLOGIES

An apology for absence was received from Councillor S J Jones.

22 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor S H Beer was appointed substitute member for Councillor S J Jones.

23 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

24 MINUTES

The Minutes of the meeting of the Committee held on 17 September 2019 were approved as a correct record and signed by the Chairman.

25 FEES AND CHARGES 2020/21

The Committee received the report of the Head of Regulatory Services which set out the fees and charges for the financial year 2020/21 relevant to the Regulatory Committee.

RESOLVED: (a) The Regulatory Committee approve the Fees and Charges for 2020/21 as set out in Appendix 4 of the report.

(b) 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) 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 be 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 Strategic Director of Corporate Resources to make minor adjustments to the fees and charges as necessary.

26 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES

The Licensing Team Leader presented the report to the Committee. Members were advised that an application from Mr N Wheeler had been received asking for permission to renew the licence on his Vauxhall Insignia, registration plate LD60 XMK, as a Private Hire Vehicle.

The vehicle was granted a licence to be a private hire vehicle by the Regulatory Committee at its meeting held on 11 September 2018 and it was resolved that prior to the expiration of the twelve-month period the vehicle would be brought back to the Regulatory Committee to consider the renewal of the licence.

The vehicle, which fell outside of the vehicle age policy, having been registered on 15 November 2010, had four passenger seats and would be used for a chauffeur service. The Committee withdrew to examine the vehicle accompanied by the applicant and the officers. On returning to the meeting Members asked questions of the applicant about the vehicle. It was confirmed that the vehicle had now covered sixty-six thousand miles and had a full service history and MOT. Mr Wheeler hoped to cover thirty to forty thousand miles within the next year and not exceeding fifty thousand miles.

In accordance with the approved procedure, members of the committee and the legal officer withdrew from the meeting to consider the application.

RESOLVED: That, notwithstanding the Council's current policy guidelines, Mr N Wheeler be granted a Private Hire Vehicle Licence in respect of Vauxhall Insignia LD60 XMK and that any further applications for the vehicle can be dealt with by the Licensing Team Leader.

27 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor D P Murphy, 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.

28 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. The application was referred to the committee as an Enhanced Disclosure from the

Disclosure and Barring Service 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.

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 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: 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 one year.

29 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader in which a review of a hackney carriage and private hire driver's licence was required in accordance with the Dover District Council Hackney Carriage and Private Hire Licensing Policy and Sections 51 and 59, Part II of the Local Government (Miscellaneous Provisions) Act 1976 that required the holder of any such licence to be a 'fit and proper person'. Following an incident involving the licence holder, it was necessary for the Regulatory Committee to determine the driver's suitability as a fit and proper person. The committee were shown video footage of the incident which took place on a Hackney rank with the drivers and their taxis in view.

In accordance with the approved procedure Members offered the driver the opportunity to present evidence concerning the circumstances surrounding the incident. The Licensing Team Leader read a statement on behalf of the licence holder for review, and the licence holder answered questions put to him by the Committee. Persons in support of the driver were in attendance and spoke to his good character. Members were provided with an additional letter of support at the meeting that was not included in the agenda papers.

The Committee withdrew to consider the evidence given and upon resuming the meeting the Contentious and Regulatory Lawyer advised of the decision the Committee had reached. Having considered the evidence, it was

RESOLVED: That, whilst the incident appeared to be isolated and out of character, it took place whilst the driver was in his taxi and on a rank and as such necessitated action being taken. Accordingly, the decision was that pursuant to s61 of the Local Government (Miscellaneous Provisions) Act 1976, the licence should be suspended for a period of seven days commencing at noon today (Tuesday, 19 November 2019) until 11:59am on Tuesday, 26 November 2019.

The meeting ended at 11.13 am.