

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 21 January 2020 at 10.00 am.

Present:

Chairman: Councillor D P Murphy

Councillors: P M Brivio
O C de R Richardson
R S Walkden

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

30 APOLOGIES

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

31 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

32 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

33 MINUTES

The Minutes of the meeting of the Committee held on 19 November 2019 were approved as a correct record and signed by the Chairman.

34 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO TRANSFER A HACKNEY CARRIAGE LICENCE TO A VEHICLE THAT IS OUTSIDE OF POLICY GUIDELINES

The Licensing Team Leader presented the report to the Committee. An application from Mr M Oatridge had been received asking for permission to licence a Peugeot Partner, registration plate SF12 LHL, as a Hackney Carriage vehicle and would be transferred onto an existing hackney carriage licence (HV032) if permission were granted. The vehicle was outside of the current vehicle age policy being registered on 30 June 2012 and was referred to the Committee for a decision.

The Committee withdrew to examine the vehicle accompanied by the applicant and officers. It was a well-maintained vehicle and had four passenger seats as well as being wheelchair accessible. The vehicle was used for hackney carriage customers as well as Kent County Council schools' contracts passengers.

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

RESOLVED: That, due to the need for more wheelchair accessible vehicles, and notwithstanding the Council's current policy guidelines, Mr M

Oatridge be granted the transfer of Hackney Carriage Vehicle Licence HV032 onto Peugeot Partner, registration plate SF12 LHL and that any further applications for the vehicle can be dealt with the Licensing Team Leader.

35 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.

36 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TO CONSIDER IF A DRIVER IS A FIT AND PROPER PERSON TO HOLD A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCE

The Committee considered the report of the Licensing Team Leader in which Members were asked to consider a Dover district licensed driver's suitability as a fit and proper person to hold a Joint Hackney Carriage and Private Hire Drivers' Licence.

Following a change of provider for DVLA checks, a discrepancy was found between the information provided on the driver's application form and that compiled by the new provider. The Licensing Team Leader invited the driver to the Council offices to discuss the conviction disclosed by the DVLA check and the driver's failure to include this information in their application.

In accordance with the approved procedure Members offered the driver the opportunity to present evidence concerning the incident and the reasons for the non-disclosure of the conviction on the consent form.

The meeting was adjourned at 10.37am for the Contentious and Regulatory Lawyer to seek clarity from the driver regarding dates and the sequence of events relating to the conviction and DVLA driving ban. The Committee reconvened at 11.06am and the Contentious and Regulatory Lawyer summarised what had been discussed and the driver confirmed that the summary given was an accurate account.

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.

RESOLVED: (a) That, having considered the account of the licensed driver and his failure to disclose his conviction, the Committee considered he remained a fit and proper person to hold a licence and as a result would not revoke or suspend the driver's licence.

(b) That 10 penalty points (as set out in the Council's Taxi policy) be imposed on the driver's Dover District Council (DDC) Joint Hackney Carriage and Private Hire Drivers' Licence on the basis that information had been withheld in order to obtain a licence.

- (c) That within seven days of this meeting, the driver must produce a copy of his insurance certificate to the Licensing Team.
- (d) That within 14 days of the insurance renewal (which the driver stated was in two months' time), the driver must provide the new insurance certificate to the Licensing Team or provide written confirmation that the taxi operator now insures the driver.
- (e) That any complaints received within the next 12 months involving the driver will be brought back before the committee.

The meeting ended at 11.35 am.