

Public Document Pack



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13 January 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Tuesday 21 January 2020 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

Regulatory Committee Membership:

D P Murphy (Chairman)
O C de R Richardson (Vice-Chairman)
P M Brivio
S J Jones
R S Walkden

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 5 - 8)

To confirm the attached Minutes of the meeting of the Committee held on 19 November 2019.

PROCEDURE FOR HEARING (Pages 9 - 14)

The procedures for the Hearings are attached.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO TRANSFER A HACKNEY CARRIAGE LICENCE TO A VEHICLE THAT IS OUTSIDE OF POLICY GUIDELINES** (Pages 15 - 23)

To consider the attached report of the Licensing Team Leader.

6 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 24)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

7 **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** (Pages 25 - 49)

To consider the attached report of the Licensing Team Leader.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Jemma Duffield, Democratic Services Officer, telephone: (01304) 872305 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS LICENSING OF A DRIVER, VEHICLES AND OPERATORS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Chairman	The Chairman advises the applicant of the reason for the Hearing and the procedure.
3	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing • extract from the Rehabilitation of Offenders Act 1974
HEARING		
4	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • presents the Licensing Officer's report • summarises any issues
5	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the applicant or applicant's representatives • may be questioned by the Committee • may, if necessary, be re-questioned by the Licensing Officer
6	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
7	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
8	Members of the Committee	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
9	Licensing Officer	The Licensing Officer may give their final submission.
10	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
11	Committee members/Legal Adviser	The Committee will withdraw to consider its determination. The Legal Adviser may be requested by the Chairman to accompany the Committee.
12	Committee members	If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the whole of the proceedings must not take part in the decision making.
13	Legal Adviser	Any legal advice given to the Committee in private will be summarised to the Applicant.
14	Chairman	The decision of the Committee is given to all parties. In the event of a decision to refuse, suspend or revoke an application, the applicant is told that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS LICENSING OF A DRIVER, VEHICLES AND OPERATORS

Procedure B

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Chairman	The Chairman advises the Licence holder of the reason for the Hearing and the procedure.
3	Legal Adviser	The Licence holder is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing • extract from the Rehabilitation of Offenders Act 1974 (where applicable)
HEARING		
4	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • presents the Licensing Officer's report • summarises any issues
5	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the licence holder or licence holder's representatives • may be questioned by the Committee • may, if necessary, be re-questioned by the Licensing Officer
6	Licence holder or Licence holder's representative	The Licence holder is asked to present his/her case and any particular issues (including whether the licence holder accepts the facts presented or wishes to correct them).
7	Licence holder or Licence holder's representative	The Licence holder or the Licence holder representative may call any witnesses (including the Licence holder themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the Licence holder or his/her representative.
8	Members of the Committee	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
9	Licensing Officer	The Licensing Officer may give their final submission.

10	Licence holder or Licence holder's representative	The Licence holder or their representative may give their final submission.
DETERMINATION		
11	Committee members/Legal Adviser	The Committee will withdraw to consider its determination. The Legal Adviser may be requested by the Chairman to accompany the Committee.
12	Committee members	If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the whole of the proceedings must not take part in the decision making.
13	Legal Adviser	Any legal advice given to the Committee in private will be summarised to the Licence holder.
14	Chairman	The decision of the Committee is given to all parties. In the event of a decision to suspend or revoke a licence, the Licence holder is told that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

Subject:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO TRANSFER A HACKNEY CARRIAGE LICENCE TO A VEHICLE THAT IS OUTSIDE OF POLICY GUIDELINES
Meeting and Date:	Regulatory Committee – 21 January 2020
Report of:	Licensing Team Leader
Classification:	Unrestricted

Purpose of the report:	To consider an application to transfer a hackney carriage licence onto a vehicle, that is outside of policy guidelines
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1. Summary

- 1.1 Mr Mark Oatridge of Deal, Kent has submitted an application to the Council asking for permission to licence a Peugeot Partner as a Hackney Carriage Vehicle. This vehicle falls outside of the current vehicle age policy; being registered on 30 June 2012. The vehicle SF12 LHL has 4 passenger seats and is wheelchair accessible.
- 1.2 As there are no new hackney carriage licences available, Mr Oatridge seeks to transfer this vehicle onto an existing hackney carriage licence which is held in his name – HV032. The vehicle that is currently on this hackney carriage plate is also wheelchair accessible.

2. Introduction and Background

- 2.1 The regulation of Hackney Carriage & Private Hire Vehicles is a statutory duty of the Council under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 The Dover District Council Hackney Carriage and Private Hire Policy states in paragraph 2.4.1 that:

“No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 5 years of age”.
- 2.3 Applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from agreed policy.
- 2.4 The vehicle was first registered on 30 June 2012 and therefore falls outside of the current vehicle age policy. The vehicle had covered mileage of 18,869 miles at the time of the application.
- 2.5 The vehicle has been inspected by the Licensing Enforcement Officer and was found to be exceptionally well maintained.

3 Identification of Options

Options:

- (a) To allow the application for the transfer of the Hackney Carriage licence to the vehicle, notwithstanding that this would be a deviation from the existing vehicle age policy.

- (b) To allow the application for the transfer of the Hackney Carriage licence to the vehicle and give authorisation to the Licensing Team Leader in future as per paragraph 2.4.3 of the policy which states: “No application for the renewal of a hackney carriage or private hire vehicle licence purpose built for the carrying of wheelchair dependant passengers, or a type licensed by the Public Carriage Office as a London Cab will be granted if the vehicle, when application is made, exceeds 12 years of age”.
- (c) To reject the application as there are insufficient reasons to justify a deviation from existing policy.

4 **Evaluation of Options**

Options:

- (a) The vehicle is over the age defined in the policy for the grant of a vehicle licence. However, Mr Oatridge is requesting that the Committee consider whether the vehicle could be licensed as he feels his application is exceptional circumstances and that the vehicle is maintained to very high standard, and is in such good condition.
- (b) If such a deviation from policy were allowed then it would be necessary to make clear that this was an exceptional circumstance and that under normal circumstances such a deviation would not be considered.
- (c) If the Committee felt that there were insufficient reasons to deviate from the Policy, then the application should be refused.

5 **Resource Implications**

There are no resource implications arising from this report.

6 **Appendices**

Appendix A – Application form and supporting papers submitted by Mr Oatridge

7 **Background Papers**

Hackney Carriage & Private Hire Licensing Policy
Local Government (Miscellaneous Provisions) Act 1976.

Contact Officer: Rebecca Pordage, Licensing Team Leader. 01304 872279



Plate Number	HV032
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Dover District Council

Application for
 Hackney Carriage Licence
 Permanent Transfer
 Temporary Transfer

APPLICANT DETAILS			
SURNAME	OATRIDGE	FORENAMES	MARK,ANDREW
ADDRESS			
POSTCODE		EMAIL	
HOME PHONE		MOBILE	
NATIONAL INSURANCE NUMBER		DATE OF BIRTH	
NAME OF BUSINESS	MARK OATRIDGE		
BUSINESS ADDRESS (If different from above)			
BUSINESS EMAIL			

VEHICLE DETAILS			
REGISTRATION NUMBER			
MAKE	MODEL	COLOUR	
PEUGEOT	PSRTNER	WHITE	
DATE OF FIRST REGISTRATION	31/06/12	ENGINE CAPACITY	1.6
TYPE OF FUEL			
PETROL <input type="checkbox"/>	DIESEL <input checked="" type="checkbox"/>	HYBRID <input type="checkbox"/>	
VEHICLE TYPE	SALOON <input type="checkbox"/>	ESTATE <input type="checkbox"/>	MPV <input checked="" type="checkbox"/>
IS YOUR VEHICLE ADAPTED AS <u>WHEELCHAIR ACCESSIBLE?</u>			
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>		

IS THE VEHICLE INSURED FOR THE CARRIAGE OF PASSENGERS FOR HIRE OR REWARD?		
YES <input type="checkbox"/>		NO <input type="checkbox"/>
NAME OF INSURANCE COMPANY	INSURANCE POLICY NUMBER	INSURANCE EXPIRY DATE
NUMBER OF SEATS EXCLUDING THE DRIVER		4
IF CHANGING VEHICLE, PLEASE PROVIDE THE DETAILS OF THE EXISTING VEHICLE		SF11KHY, PEUGEOT PARTNER

IF YOU ARE NOT THE SOLE PROPRIETOR OR PARTY INVOLVED WITH THE HACKNEY CARRIAGE, PLEASE PROVIDE THE NAME AND ADDRESS FOR ALL OTHER INTERESTED PARTIES		
NAME & ADDRESS	NAME & ADDRESS	NAME & ADDRESS
CAPACITY OF INTEREST (e.g. plate owner, vehicle owner)	CAPACITY OF INTEREST (e.g. plate owner, vehicle owner)	CAPACITY OF INTEREST (e.g. plate owner, vehicle owner)
PLATE	PLATE	
NEW APPLICANTS ONLY		Yes <input type="checkbox"/>
Have you previously held or been refused a hackney carriage licence?		No <input type="checkbox"/>
If so, state where and details of vehicles concerned		

Declaration:

I, being the owner/part owner of the above vehicle, apply for a licence to operate this vehicle as a hackney carriage in the Dover District Council area and enclose the appropriate fee (**please refer to guidance notes**). I undertake that, in the event of this application being granted, the vehicle for which the licence is issued will be used solely as a hackney carriage. I understand that, in the event of the vehicle not being so used, the Council reserves the right to revoke the licence.

Dover District Council shares information with other enforcement agencies in order to prevent and detect crime. Such information sharing will comply with the Information Commissioners guidelines.

I confirm that I have read and understood the notes supplied to me with this form and declare that the particulars I have supplied are correct to the best of my knowledge and belief.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.dover.gov.uk/Corporate-Information/Audit/Fair-Processing-Notice.aspx> or contact corporateservices@dover.gov.uk.

Signed		Date	05/12/2019
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If signing on behalf of a company or partnership owning the vehicle, state in which capacity

Note: Any person knowingly or recklessly making a false statement or who omits any material particular in giving information commits an offence and is liable on conviction to a fine under section 57(3) of The Local Government (Miscellaneous Provisions) Act 1976

For Office Use Only			
Fee	£	Unmet demand	£
Receipt No.		Date When Next MOT Due	
Date Of Commencement Of Licence			

Signed by officer		Date received	
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DOVER DISTRICT COUNCIL

NOTES ON HACKNEY CARRIAGE LICENSING PROCEDURE

1. OWNERSHIP OF THE VEHICLE

A hackney carriage licence may only be issued to an applicant who is the owner of the vehicle either solely or jointly with other persons whose names and addresses must also be specified on the application form.

2. CHANGE OF OWNERSHIP

An owner of a vehicle must notify the Council in writing of the name and address of a person to whom the vehicle is sold or transferred within 14 days of the transfer. The new owner must provide evidence that they have acquired the vehicle and hackney plate before the Council agrees to the transfer

3. RESTRICTION ON NUMBERS

At present the number of hackney carriages licences in the Dover District Council controlled district is restricted to a maximum of 69 licences

4. VEHICLE TESTS

The Authority needs to be satisfied that licensed vehicles operating within its area are safe.

All hackney carriage and private hire vehicles shall be subject to the current MOT standard test. The vehicle must pass a further MOT test at 6 monthly intervals once the vehicle is over three years old. The Licensing Team Leader has delegated authority to require further, more frequent testing up to a maximum of 3 tests per year where concerns over safety standards have been identified.

Licensed vehicles that fail an inspection and/or MOT test and are deemed unsuitable for use as a passenger vehicle by the vehicle examiner or Licensing Officer, will result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Once the defects have been satisfactorily remedied then the proprietor may seek the lifting of the suspension notice by the Licensing Officer.

5. TAXIMETERS & TARIFF CARDS

All Hackney Carriage Vehicles must be fitted with a 'Taximeter.' Each taximeter must be tested and where possible, sealed by the Council prior to use of the vehicle. The meter must be positioned so that the display is clearly visible to the passengers. The meter must be started at the commencement of each hiring and left on until the hirer has paid the charge at the end of the journey. If the seals on any 'Taximeter' are broken the meter must be retested and resealed before use. It is an offence to tamper with any meter or the seals.

Hackney Carriage Vehicles must display a Tariff Card in the form provided by the Council in a prominent position clearly visible to passengers.

Taximeters must be operated in accordance with section 20 of Appendix A and with the Hackney Carriage Byelaws as detailed at Appendix G.

6. DISPLAY OF CHARGES ETC

The number of the hackney carriage licence and a schedule of permitted fares and other charges must to be displayed conspicuously to passengers inside the hackney carriage.

7. VEHICLE EXAMINATIONS

Any authorised officer of the Council or any constable has the power at any time to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage licensed by a District Council, or any taximeter affixed to such a vehicle and if he is not satisfied as to the fitness of the hackney carriage or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

8. ACCOMPANYING DOCUMENTS

The applicant is required to submit for examination:

- (a) a valid Certificate of Insurance for Hire and Reward
- (b) a valid Department of Transport Vehicle Test Certificate (not more than 14 days old) or a pre-delivery inspection report in lieu of MOT for new vehicles
- (c) a Vehicle Excise Act 1971 Registration Document

All vehicles shall also be presented to the Licensing Officer for additional inspection. Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory and the engine and full chassis steam cleaned.

9. HACKNEY CARRIAGE PLATES

The proprietor of a hackney carriage vehicle shall fix to the vehicle licence identification plates of size, colour, design and type prescribed by the Authority.

The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the hackney carriage vehicle either immediately above or immediately below the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards so that the licence is clearly visible by daylight from the highway at the rear of the vehicle. It shall be fixed on a platform kit supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.

The proprietor shall ensure that an approved holder displaying a hackney carriage driver badge and a vehicle licence identification card as supplied by the Authority is displayed on the passenger compartment internal screen, in a position for passengers to clearly see.

The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plates shall be displayed only on the vehicle to which it relates.

The licence plates shall remain the property of the Authority and shall be returned to it within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the hackney carriage licence ceasing to be in force in respect of that vehicle.

10. ROOF SIGNS

All hackney carriages must bear an illuminated roof sign showing the word 'TAXI' in conspicuous letters.

11. ADVERTISEMENTS

The only other signs permitted to be displayed shall be the licence plates and a sign on the front windscreen bearing the name of the firm and/or telephone number in letters not more than 2" in height, the total size of the sign being not more than 15" x 4", and any notices permitted to be displayed by the Hackney Carriage Byelaws.

Magnetic door signs are not permitted.

Vehicles are not allowed to display written or other material on any window with the exception of those permitted by the conditions of licence.

Licensed vehicle proprietors must not display or allow to be displayed in or on their vehicles any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of the conditions laid out in section 27 of Appendix A (Hackney Carriages) or section 25 of Appendix B (Private Hire).

12. LICENCE RESTRICTION

A hackney carriage licence is issued in respect of the vehicle the registration number of which is shown on the licence and cannot in any circumstances be an authority for the use of any other vehicle as a hackney carriage.

13. ACCIDENT DAMAGE

The owner of a hackney carriage must report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein.

14. OFFENCES

It is an offence to operate a vehicle as a hackney carriage except that a valid hackney carriage licence is held by the owner of such vehicle and a licensed hackney carriage may only be used as such when in the charge of and driven by a person holding a current hackney carriage driver's licence. The owner is required to undertake that in the event of an application being granted the vehicle will be used solely and whole time as a hackney carriage on the understanding that in the event of the vehicle not being so used the Council reserve the right to revoke the licence.

15. FEE

See enclosed invoices.

16. PERIOD OF LICENCE

A licence taken out under this Act shall be in force from the time it is taken out until the expiration of the period of twelve months beginning with the first day of the month in which it is taken out.

17. WARNING

Any false statement or information given to the questions set out on the application form may result in cancellation of licence and in this event, the fee paid for the licence will not be refunded.

18. BYELAWS

Hackney carriage byelaws are in force in the controlled districts of the Dover District Council and they contain additional requirements. Copies may be obtained from the Licensing Section for a small charge.

19. RIGHT OF APPEAL

Any person aggrieved by the refusal of the Council to grant a licence may appeal to the Magistrates Court.

Applications for hackney carriage licences are to be handed in person to the Licensing Section, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ (Telephone: Dover (01304) 872295).

LICENCE\HCPH\HC-7

MOT test certificate



Driver & Vehicle
Standards
Agency

① Vehicle identification number

VF37J9HP0BJ819536

②a Registration number

SF12LHL

②b Country of registration

GB

Make and model

PEUGEOT PARTNER

⑤ Vehicle category

M1

④ Mileage

18,869 miles

Mileage history

15,898 miles

02.01.2019

12,614 miles

29.01.2018

7,963 miles

06.02.2017

⑦ **Pass**

③b Date of the test

31.10.2019

③ Expiry date

30.10.2020

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 01.10.2020.

③a Location of the test

AIREWORTH ROAD, KEIGHLEY, BD21 4DN

⑨ Testing organisation and inspector name

**37400 RIVERSIDE GARAGE SERVICES
I. AHMED**

MOT test number

3871 0634 4462

Duplicate certificate issued by DVSA on 07 January 2020

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvsa.gov.uk or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 21 JANUARY 2020

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

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 involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
7	1	Information relating to an individual.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item No 7

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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