

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 17 March 2020 at 10.05 am.

Present:

Chairman: Councillor D P Murphy

Councillors: 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

Also present: Mr M McNeil (Minute No.41)
Applicant (Minute No.43)
Supporting person (Minute No.43)

37 APOLOGIES

An apology for absence was received from Councillor R S Walkden.

38 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

39 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

40 MINUTES

The Minutes of the meeting of the Committee held on 21 January 2020 were approved as a correct record and signed by the Chairman.

41 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO RENEW A PRIVATE HIRE LICENCE THAT IS OUTSIDE OF POLICY GUIDELINES

The Licensing Team Leader presented the report to the Committee. An application from Mr Gary Gasking had been received for the renewal of a private hire vehicle licence for a Peugeot Partner (GF59 DYU) – a four passenger seat and wheelchair carrying vehicle. The vehicle fell outside of the current vehicle age policy, having been registered on 8 October 2009, and having delegated authority to do so, the Licensing Team Leader had granted the previous renewals of the licence in 2018 and 2019. The vehicle having now reached 11 years of age, was referred to the Committee for a decision.

Mr Martin McNeil was in attendance at the Hearing on behalf of the applicant and was the driver of the vehicle. The Committee, along with Mr McNeil and officers, withdrew to examine the vehicle. Having previously been inspected by the Licensing Enforcement Officer, the vehicle was found to be in average condition for a vehicle

of its age, high mileage and having some marks and scratches to the body work. The vehicle was regularly serviced every 6000 miles and no major faults were found in the last two years. Any minor faults were repaired in a timely manner by Mr Gasking (the applicant) who carried out services on the vehicle.

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 carrying vehicles, and notwithstanding the Council's current policy guidelines, Mr G Gasking be granted the renewal of a Private Hire Licence for a Peugeot Partner, registration plate GF59 DYU for one year.

42 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor S Jones, 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.

43 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 application was referred to the committee as an Enhanced Disclosure from the Disclosure and Barring Service (DBS) showed a number of 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 applicant had been a licensed driver and voluntarily surrendered their badge following an arrest and charge in 2019. The disclosure from the DBS included this conviction as well another new conviction, and those that had already been considered by the Regulatory Committee when the driver was originally granted a licence. 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 a driver's licence. A supporting person was also in attendance and spoke to the applicant's good character and honesty and supported their application.

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.

RESOLVED: That, having considered the evidence provided by the applicant and their supporting person, the Committee was concerned that a serious offence had been committed as was reflected in the custodial sentence imposed by the Crown Court, albeit suspended. The Committee noted that alcohol played a part in the recent and

historical conviction. Furthermore, a second offence was committed which resulted in a community order. The Committee observed that both convictions fell within the Council's Policy guidelines on convictions and that both sentences were still in effect. The Committee concluded the applicant was not considered a fit and proper person to hold a driver's licence in the Dover district at this time.

The meeting ended at 11.11 am.