

# Public Document Pack



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17 May 2021

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 25 May 2021 at 10.30 am when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield, Democratic Services Officer on (01304) 872305 or by e-mail at [democraticservices@dover.gov.uk](mailto: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 3)

To receive any declarations of interest from Members in respect of business to be

transacted on the agenda.

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

To confirm the attached Minutes of the meeting of the Committee held on 17 November 2020.

**PROCEDURE FOR HEARING** (Pages 6 - 8)

The procedure for the Hearing is attached.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES**  
(Pages 9 - 19)

To consider the attached report of the Licensing Manager.

**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](http://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, [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk), telephone: (01304) 872305 or email: [democraticservices@dover.gov.uk](mailto: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 as a Teams Live Events remote meeting on Tuesday, 17 November 2020 at 10.08 am

Present:

Chairman: Councillor D P Murphy

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

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

Also Present: Applicant (Minute No.13)  
Supporting Person (Minute No.13)

7 APOLOGIES

It was noted that no apologies for absence were received.

8 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

9 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

10 MINUTES

The Minutes of the meeting held on 29 September 2020 were approved as a correct record and signed by the Chairman.

11 FEES AND CHARGES 2021/22

The Committee received the report of the Head of Regulatory Services which set out the fees and charges for the financial year 2021/22 relevant to the Regulatory Committee.

RESOLVED: (a) That the Fees and Charges for 2021/22 as set out in Appendix 4 of the report be approved.

(b) That Members approved 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 approved 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.

12 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor O C de R Richardson, 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.

13 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 three-year Joint Hackney Carriage and Private Hire Driver's Licence. The applicant had disclosed a driving conviction received in March 2019 which resulted in a fine and penalty points. The offence was a Major Motoring Offence within the Hackney Carriage and Private Hire Licensing Policy and the policy guidelines would generally prevent the granting of a licence by the Authority within 3 years after the date of the conviction. In line with the policy the applicant requested that the application be referred to the Committee for its consideration.

In accordance with the approved procedure Members offered the applicant the opportunity to explain the circumstances that led to the driving offence. The applicant explained the circumstances and provided documentary evidence to support the application. The applicant's supporting person also spoke to the applicant's good character and supported their application.

The Committee withdrew from the remote meeting with the Contentious and Regulatory Lawyer to consider its decision and upon resuming the meeting it was

RESOLVED: That notwithstanding the Hackney Carriage and Private Hire Licensing Policy and the relevance of convictions, and upon detailed consideration of the information presented surrounding the events, including that which led to the motoring conviction, the application for a Joint Hackney Carriage and Private Hire Driver's Licence be granted for 3 years on the basis that the Committee was satisfied that at this time the applicant was a Fit and Proper Person to hold a licence.

The meeting ended at 11.05 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"> <li>• the agenda</li> <li>• Licensing Officer's report</li> <li>• Council's policy guidelines</li> <li>• procedure for hearing</li> <li>• extract from the Rehabilitation of Offenders Act 1974</li> </ul>
HEARING		
4	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> <li>• presents the Licensing Officer's report</li> <li>• summarises any issues</li> </ul>
5	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> <li>• will give evidence</li> <li>• may be questioned by the applicant or applicant's representatives</li> <li>• may be questioned by the Committee</li> <li>• may, if necessary, be re-questioned by the Licensing Officer</li> </ul>
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"> <li>• will give evidence</li> <li>• may be questioned by the Licensing Officer</li> <li>• may be questioned by the Committee</li> <li>• may, if necessary, be re-questioned by the applicant/applicant's representative.</li> </ul>
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.



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Subject:	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES</b>
Meeting and Date:	<b>Regulatory Committee – 25 May 2021</b>
Report of:	<b>R Pordage - Licensing Manager</b>
Classification:	<b>Unrestricted</b>

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Purpose of the report:	<b>To consider an application to renew a licence for a private hire vehicle outside of policy guidelines</b>
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1. **Summary**

1.1 Mr David McWilliams of Aylesham, has submitted an application to the Council asking for permission to renew the licence on his Vauxhall Zafira as a Private Hire Vehicle. This vehicle falls outside of the current vehicle age policy; being registered in November 2010. The vehicle DM06 SJM has 6 passenger seats and is intended to be used for school runs and other private hire duties.

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 2.4.2 that:

*“No application for the renewal of a hackney carriage or private hire vehicle will be granted if the vehicle, when application is made, exceeds 8 years of age”.*

In addition, it states in paragraph 2.4.5 that:

*The Licensing Team Leader has delegated authority to extend the time limits set out at 2.4.1 – 2.4.4 for prestige or exceptionally well maintained vehicles by a maximum of two further years.*

2.3 Applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from the agreed policy.

2.4 Previous renewals of this vehicle have been authorised by the Licensing Team Leader, as per the Dover District Council Hackney Carriage and Licensing Policy delegations. However, as this vehicle is now 10 years and 6 months old, this can no longer be delegated to the Licensing Manager, and therefore has been referred to the Regulatory Committee. The application can be found at **Appendix A**. The current mileage on the vehicle is approximately 187,000 miles. The vehicle has been not been inspected by the Licensing Enforcement Officer as face to face inspections have not yet resumed due to covid restrictions in place at the time of the application. Mr McWilliams has provided some photos of the vehicle’s interior and exterior which are shown at **Appendix B**. The vehicle will be available on the day of the hearing for inspection.

2.5 Mr McWilliams has requested that the vehicle be relicensed as it is in good condition and he has spent a lot of money on the engine and servicing and lots of new parts.

Due to the coronavirus pandemic, he is not in a position to purchase a new vehicle at this time.

2.6 Vehicle licences are for a period of 12 months.

### 3 **Identification of Options**

Options:

- (a) To allow the application for the renewal of Private Hire Vehicle licence to the vehicle notwithstanding that this would be a deviation from existing policy.
- (b) 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 renewal of a licence. However, Mr McWilliams is requesting that the Committee consider whether the vehicle could be licensed as it is maintained to a 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 McWilliams

Appendix B – Photographs of the vehicle

### 7 **Background Papers**

Hackney Carriage & Private Hire Licensing Policy

Local Government (Miscellaneous Provisions) Act 1976.

Contact Officer: Rebecca Pordage, Licensing Manager. 01304 872279

**Katy Sharp**

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**From:** no-reply@dover.gov.uk  
**Sent:** 21 April 2021 12:20  
**To:** DDC Licensing  
**Subject:** Private Hire Vehicle Licence - submitted form ref: 637272  
**Attachments:** 16190006535846037116707917515858.jpg;  
 16190008389158502849593134989034.jpg;  
 16190006918785660889201802456542.jpg;  
 16190037052366360945217325869959.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The following details were submitted online using the Private Hire Vehicle Licence form.

**Renew - private hire licence - £259.00**

Question	Response
<i>Type of application:</i>	Renew - private hire licence - £259.00
<i>Plate number:</i>	33
<i>Title (for example Mr, Mrs, Ms, Miss):</i>	Mr
<i>Firstname:</i>	David
<i>Lastname:</i>	Mcwilliams
<i>Contact phone number:</i>	[REDACTED]
<i>Please enter your email address:</i>	[REDACTED]
<i>Current address (including postcode):</i>	[REDACTED] [REDACTED]
<i>National Insurance number:</i>	[REDACTED]
<i>Date of birth (dd/mm/yyyy):</i>	[REDACTED]
<i>If a firm or partnership, the names of all proprietors or partners or any other person concerned in the keeping, employing or letting on hire of the vehicle:</i>	
<i>(Row 1) Name:</i>	

**Question****Response**

*(Row 1) Address:*

*(Row 2) Name:*

*(Row 2) Address:*

*(Row 3) Name:*

*(Row 3) Address:*

*Registration number:*

Dm06sjm

*Make:*

Vauxhall

*Model:*

Zafira

*Colour:*

Blue

*Date of first registration (dd/mm/yy):*

26/11/2010

*Engine capacity:*

1900

*Type of fuel:*

Diesel

*Vehicle type:*

MPV

*If changing vehicle, please provide the details of the existing vehicle:*

*Upload MOT certificate:*

16190006535846037116707917515858.jpg

*Upload proof of vehicle tax:*

16190008389158502849593134989034.jpg

*Upload V5 or proof of ownership (bill of sale):*

16190006918785660889201802456542.jpg

*Is the vehicle adapted as wheelchair accessible?:*

No

*Number of seats EXCLUDING the driver:*

6

*Is a meter fitted?:*

No

*Upload the tariff card:*

**Question****Response**

<i>Are you requesting an exemption from displaying private hire plates on the vehicle?:</i>	Yes
<i>Is the vehicle a prestige vehicle? :</i>	Yes
<i>If so, is the vehicle used exclusively for the provision of prestige chauffeur services?:</i>	Yes
<i>Is the vehicle insured for the carriage of passengers for hire or reward?:</i>	Yes
<i>Name of insurance company:</i>	Coversure
<i>Insurance policy number:</i>	06sk1166359/905013
<i>Insurance expiry date (dd/mm/yyyy):</i>	15/05/2021
<i>Upload proof of the vehicle insurance:</i>	16190037052366360945217325869959.jpg
<i>Declaration:</i>	I understand and accept the above declaration

Jadu reference number: 637272

Date and time of submission: 21/04/2021 12:20:11

Logged by: WEB

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# MOT test certificate



Driver & Vehicle  
Standards  
Agency

① Vehicle identification number

**WOLOAHM75B2027580**

②a Registration number

**DM06SJM**

②b Country of registration

**GB**

Make and model

**VAUXHALL ZAFIRA**

⑤ Vehicle category

**M1**

④ Mileage

**180,549 miles**

Mileage history

**174,698 miles**

**167,598 miles**

**155,615 miles**

12.11.2020

30.04.2020

24.10.2019

⑦ **Pass**

**Monitor and repair if necessary (advisories)**

- Tyre worn close to legal limit/worn on edge Offside Front [5.2.3 (e)]

⑥ Date of the test

**20.04.2021**

⑥ Expiry date

**19.04.2022**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle is  
**20.03.2022.**

③a Location of the test

**13B COCKERING ROAD, THANINGTON, CANTERBURY, CT1 3UA**

⑨ Testing organisation and inspector name

**90901 Shaun's Autoshop  
s. morgan**

MOT test number

**7892 2533 9275**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

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

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