

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 7 December 2021 at 2.03 pm.

Present:

Chairman: Councillor N J Collor

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

Officers: Contentious and Regulatory Lawyer
Head of Regulatory Services
Licensing Manager
Regulatory Lawyer
Technical Support Officer - Licensing
Democratic Services Officer

Also Present: Mr Wirya Kadir (Minute No.32)
Mr Kawah Saleh (Minute No.32)

28 APOLOGIES

There were no apologies for absence.

29 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

30 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

31 MINUTES

The Minutes of the meeting held on 7 September 2021 were approved as a correct record for signing by the Chairman.

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

The Licensing Manager presented the report to the Committee. An application from Mr Wirya Kadir had been received for the renewal of a Hackney Carriage Licence for a Volkswagen Caddy, registration EU11 BZY. It was a six-passenger seat vehicle to be used for Hackney Carriage hire within the district and beyond. The vehicle fell outside of the current vehicle age policy, having been registered in June 2011. The vehicle having now reached 10 years and 5 months of age, was referred to the Committee for a decision.

The applicant, Mr Wirya Kadir, was present at the Hearing along with Mr Kawah Saleh of Dover Taxis, who was supporting his application. The Committee, along with Mr Kadir, Mr Saleh and officers, withdrew to examine the vehicle.

Upon returning to the meeting room Mr Kadir had the opportunity to answer questions from Members about the condition and history of the vehicle. Members noted the Minor Defect and Advisory notes from the last MOT and noted the rear bulb above the number plate was not working. Mr Kadir advised Members he had replaced the bulb and was not aware it had stopped working. With regard to the Advisory, Mr Kadir advised the Committee the brakes were to be replaced in the following week. Furthermore, Mr Kadir advised that the engine had been replaced in 2020 and a new gearbox and cambelt installed at 93,000 miles and 70,000 miles respectively.

Having not been in a position to work very much during the past two years as a result of Covid19, and due to personal family circumstances, Mr Kadir was not in a financial position to purchase a new vehicle and requested that his licence be renewed for a further year.

In accordance with the approved procedure, the Committee and the Contentious and Regulatory Lawyer withdrew from the meeting to consider its decision. Members were mindful of Mr Kadir's situation and financial position and that it had been a difficult time with a reduced income to be able to replace the vehicle.

RESOLVED: That, subject to the replacement of front brake discs, the four hub caps and rear number plate by 17 December 2021 and the paperwork from these replacements provided to the Licensing Team by 20 December 2021, and notwithstanding the Council's current policy guidelines, Mr Wirya Kadir be granted the renewal of a Hackney Carriage Licence for a Volkswagen Caddy, registration EU11 BZY for six months only. The Committee stated that no further renewal beyond these six months would be considered.

33 FEES AND CHARGES 2022/23

The Head of Regulatory Services presented the report to the Committee which set out the fees and charges for the financial year 2022/23 relevant to the Regulatory Committee. Members' attention was drawn to the reductions in licensing fees for wheelchair accessible vehicles, and the same reduction extended for fully electric/hybrid vehicles as an incentive to encourage more within the district, and the additional fee in respect of Animal Activities.

RESOLVED: (a) That the Fees and Charges 2022/23 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) That 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 in consultation with the Strategic Director (Corporate resources) to make minor adjustments to the fees and charges as necessary.

The meeting ended at 2.42 pm.