

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 28 February 2023 at 10.00 am.

Present:

Chairman: Councillor N J Collor

Councillors: E A Biggs (as substitute for Councillor P M Brivio)  
M F Hibbert (as substitute for Councillor R S Walkden)  
S J Jones  
O C de R Richardson

Officers: Principal Lawyer - Litigation and Regulatory  
Litigation Lawyer  
Licensing Manager  
Licensing Officer  
Democratic Services Officer

Also Present: Applicant (Minute No. 40)

35 APOLOGIES

Apologies for absence were received from Councillors P M Brivio and R S Walkden.

36 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors E A Biggs and M F Hibbert were appointed as substitute members for Councillors P M Brivio and R S Walkden respectively.

37 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

38 MINUTES

The Minutes of the meeting held on 17 January 2023 were approved as a correct record for signing by the Chairman.

39 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor N J Collor, 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 1 of Schedule 12A of the Act.

40 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE

The Committee considered the report of the Licensing Manager on an application for a Joint Hackney Carriage and Private Hire Driver's Licence whereby an

enhanced disclosure from the Disclosure and Barring Services had shown previous convictions and caution that were relevant to the decision as to the applicant's suitability as a Fit and Proper Person to hold such a licence within the Dover district.

In accordance with the approved procedure Members heard from the applicant in respect of the convictions and caution. The applicant explained the circumstances surrounding the caution and convictions, the reasons for wanting to be a licensed driver and their customer experience in other jobs.

The Committee withdrew from the meeting with the legal advisors to consider its decision. The Committee considered the Council's policy setting out its approach to convictions and other information received which might be relevant to the Fit and Proper Person test. The Committee also had the discretion to depart from the policy and in consideration of the application, the Committee noted the applicant's honest and open approach and the full explanations provided of the circumstances that led to the caution and convictions, the low penalty imposed and the time that had subsequently passed. Upon resuming the meeting, it was

RESOLVED: That, having considered the circumstances surrounding the convictions and caution, the Regulatory Committee considers that the applicant is a Fit and Proper Person and GRANTS the application for a Joint Hackney Carriage and Private Hire Driver's Licence for the period of 1 year as applied for.

The meeting ended at 10.48 am.