

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 4 June 2024 at 10.00 am.

Present:

Chairman: Councillor G Cowan

Councillors: J P Loffman  
M F Hibbert  
S Hill (as substitute for Councillor P M Brivio)

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

Also Present: Applicant (Minute No.54)  
Applicant's Representative (Minute No.54)

1 APOLOGIES

Apologies for absence were received from Councillors P M Brivio and O C de R Richardson.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor S Hill was appointed substitute for Councillor P M Brivio.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 16 April 2024 were approved as a correct record for signing by the Chairman.

5 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor J P Loffman, 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.

6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVERS' LICENCE

The Committee considered the report of the Licensing Manager on an application for a Joint Hackney and Private Hire Drivers' Licence. The application was referred to the Committee to determine whether the applicant was a Fit and Proper Person

to hold such a licence within the Dover district, in light of the applicant's previous convictions, which had been declared by the applicant.

In accordance with the approved procedure Members heard from the applicant and their representative. They heard from both in respect of the applicant's convictions, the age of those convictions and how their life had changed since and, their employment history including, experience with a delivery job. Due to family circumstances the applicant required some flexibility in their working hours and wanted to become a part time driver. The applicant explained to the Committee how they considered themselves to be a fit and proper person.

The applicant had applied for employment with a local taxi operator who had provided the applicant with details of the nature of the work involved, the safety provisions in all licensed vehicles (for the safety of both staff and customers) and was informed that calls to customers were periodically made to retrieve feedback.

The Committee withdrew from the meeting along with the Principal Lawyer - Litigation and Regulatory to consider its decision. Upon returning the legal advisor set out the Committee's considerations when determining whether they considered the applicant to be a fit and proper person and that included consideration of:

- the duty of the Licensing Authority when considering applications and the question 'without prejudice, and based on the information before you, would you allow a person for who you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?';
- that if the Committee was only 50/50 as to whether the applicant was fit and proper then a licence should not be granted;
- all relevant convictions could be taken into consideration when deciding whether an applicant is 'fit and proper'; and
- the Council's approach to convictions and cautions as set out within the Council's Policy and the specified minimum periods that should elapse before application set out therein.

Although the applicant's convictions were noted as a pattern of offending at that time, there was a significant passage of time since the convictions (exceeding the minimum period set out in the Council's Policy) and there had been no offending since, it was

**RESOLVED:** That the Committee is satisfied that the applicant is a Fit and Proper Person and that the application for a Joint Hackney Carriage and Private Hire Drivers' Licence be GRANTED for one year as sought.

The meeting ended at 10.26 am.