

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 28 January 2025 at 10.11 am.

Present:

Chairman: Councillor G Cowan

Councillors: P M Brivio  
J P Loffman  
M F Hibbert  
M P Porter (as substitute for Councillor 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 29)  
Applicant's Supporting Person (Minute No 29)  
Applicant (Minute No 30)

24 APOLOGIES

An apology for absence was received from Councillor O C de R Richardson.

25 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M P Porter was appointed substitute for Councillor O C de R Richardson.

26 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

27 MINUTES

The Minutes of the meeting held on 10 December 2024 were approved as a correct record for signing by the Chairman.

28 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.

29 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 three-year Joint Hackney Carriage and Private Hire Drivers' Licence. The

application was referred to the Committee to determine whether the applicant was considered to be a Fit and Proper Person to hold such a licence in light of the matters contained within the restricted report.

In accordance with the approved procedure Members heard from the applicant and of those matters that led to the application being put before the Committee for their consideration. The Committee also heard from the proprietor of a Dover district taxi firm who was supporting the applicant. Members acknowledged how the applicant had applied themselves as an adult, their experience in the taxi office and their experience of dealing with the public in their employment.

The Committee withdrew to consider its decision and upon resuming the Principal Lawyer – Litigation and Regulatory explained that each application was considered on its own merits, and the Committee had the discretion to depart from the Council's policy although such a departure was exceptional and must be justified. The Committee had taken into account the statutory taxi and private hire vehicle standard which stated

*“It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant.”*

RESOLVED: That having considered the circumstances the Regulatory Committee considers the applicant is a Fit and Proper Person and GRANTS the application for a Joint Hackney Carriage and Private Hire Drivers' Licence for the period of 3 years as applied for.

30 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 Carriage and Private Hire Drivers' licence. The application was referred to the Committee to determine whether the applicant was considered to be a Fit and Proper Person to hold such a licence in light of the matters contained within the restricted report.

In accordance with the approved procedure Members heard from the applicant and of those matters that led to the application being put before the Committee for their consideration. The applicant asked the Committee to take into consideration their understanding of their previous mistakes and that they had learnt from them – both in terms of acceptable conduct and licensing rules. The applicant explained to Members the steps they had taken in respect of passenger safety and that customers continued to ask for them when booking a taxi. They also heard of the applicant's recent changes in family dynamics and Members had the opportunity to ask questions of the applicant.

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 consideration when determining whether they considered the applicant to be a Fit and Proper Person including the duty of the Licensing Authority to consider whether “without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?” If, on the balance of probabilities, the answer to the question was no, the individual should not hold a licence; the applicant should not be given the benefit of

doubt. Furthermore, potential economic hardship of an applicant was not a factor to weigh in the balance against the safety of passengers.

The Committee took into consideration the safety measures applied to the applicant's vehicle and that customers continued to ask after the applicant when calling for a taxi. Members also acknowledged the applicant's decision to come alone to the Regulatory Committee meeting so Members would hear from them alone. The Committee took into consideration the applicant's previous conduct and character.

**RESOLVED:** That the Regulatory Committee determine that the applicant is not Fit and Proper and the application for a Joint Hackney Carriage and Private Hire Drivers' Licence be REFUSED.

The meeting ended at 11.34 am.