

Minutes of the meeting of the **REGULATORY** Committee held at the Council Offices, Whitfield on Tuesday 26 February 2013 at 9.44 am.

Present:

Chairman: Councillor B W Butcher

Councillors: S C Manion
J M Smith
R J Thompson

Also Present: Mr J Down
Mr J Clark

Officers: Licensing Team Leader
Senior Solicitor
Team Leader – Democratic Support
Democratic Support Officer

* APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

* DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

* MINUTES

The consideration of the Minutes of the meeting held on 20 November 2012 was approved as a correct record and signed by the Chairman.

* LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLES OUTSIDE OF POLICY GUIDELINEES – MR D SAUNDERS

The Licensing Team Leader informed the Committee that the six month trial period for one of the two Private Hire Vehicle Licences for Smart 'fortwo' coupes carrying the logo 'Cabfor1' had expired and that the other was due to expire. A decision was required on whether to extend the approval for the licences to continue.

A trial period had been originally agreed because the vehicles were outside of policy guidelines by reason that:

- The engine capacity was less than 1500cc;
- The vehicles did not have at least four doors and were not of sufficient size to accommodate at least four passengers; and
- That the Council's current policy guidelines restricted operators from using the word 'cab' whether in singular or plural and whether they form part of another word or not, unless the vehicle was used as a licensed hackney carriage.

The Committee was advised that there had been no complaints or other problems relating to the operation of the two vehicles during the trial period.

The applicant, Mr D Saunders, had spoken with the Licensing Team Leader prior to the meeting was not present for this item.

RESOLVED: That, notwithstanding the Council's current policy guidelines, Mr D Saunders be granted a Private Hire Vehicle Licence in respect of two Smart 'Fortwo' coupes (EJ58 CHD and YF59 EZJ) for a period of twelve months.

* EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor S C Manion, 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 involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

* 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 Joint Hackney Carriage/Private Hire Drivers Licence where an Enhanced Disclosure from the Disclosure and Barring Service (formerly CRB) check had disclosed and confirmed a previous conviction that was relevant to the decision as to the applicant's suitability to hold a licence to drive a taxi in the Dover District. The matter had been brought before the Committee to determine whether the applicant was a fit and proper person to hold a licence.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions.

The Committee withdrew to consider its decision and upon resuming the meeting, the Senior Solicitor explained that she had advised Members of the policy guidelines relating to conviction as set out in Appendix B of the report and how this related to the duty to safeguard the public. In particular, she confirmed that she had advised Members in relation to the part of the policy which stated that in the case of dishonesty at least 3 years should normally have elapsed since the incident before an application would be considered, although each application was considered on its own merits.

The Chairman informed the meeting of the decision to refuse the application after careful consideration of these issues. In particular it was the view of the Committee that the application was made too soon after a criminal conviction.

The applicant was advised of his right to appeal to the Magistrates Court within twenty-one days in respect of the decision.

RESOLVED: That the application for a Joint Hackney Carriage/Private Hire Drivers Licence be refused on the basis that the applicant was not currently considered a fit and proper person to be

granted a licence under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 10.30 am.