

Public Document Pack

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Monday, 20 November 2023 at 10.00 am.

Present:

Chairman: Councillor G Cowan

Councillors: J P Loffman
P M Brivio
M P Porter (as substitute for Councillor D P Murphy)
O C de R Richardson

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

Also Present: Applicant (Minute No.24)
Supporting Person (Minute No.24)
Supporting Person (Minute No.24)

19 APOLOGIES

An apology for absence was received from Councillor D P Murphy.

20 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M P Porter was appointed substitute for Councillor D P Murphy.

21 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

22 MINUTES

The Minutes of the meetings of the Regulatory Committee held on 15 September and 19 September 2023 (as published as a supplement to the agenda) were approved as a correct record for signing by the Chairman.

23 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor P M Brivio, 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.

24 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 Driver's Licence. The Enhanced

Disclosure received from the Disclosure and Barring Service (DBS) had shown no convictions. The DBS check may not provide a complete picture of an individual's record where there had been periods living or working overseas and therefore, 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 length of time the applicant had lived in the UK and being unable to provide a certificate of good conduct from the relevant Embassy.

The Committee heard from the applicant and the proprietor of a Dover district taxi firm. The applicant explained the reasons for being unable to go to the relevant embassy for a certificate of good conduct. The applicant had taken the practical test and had passed, and the Licensing Manager confirmed that the Licensing team had seen the applicant's 2022 driving licence. It was explained that if the licence were to be granted the taxi firm, who had provided a character reference in the agenda papers, would add the applicant to its fleet insurance and although it would be expensive, they considered the applicant to be hard working and would not regret them being part of the team.

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 and in doing so would be exceptional and must be justified. The Lawyer advised that the Committee had regard to the references provided on the applicant's behalf and that the applicant's adult years had been spent in the UK and in respect of which, had a satisfactory DBS. The Committee had taken into account the statutory taxi and private hire vehicle standards 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.

25 RE-ADMITTANCE OF THE PRESS AND PUBLIC

It was moved by Councillor O C de R Richardson, duly seconded by Councillor J P Loffman and

RESOLVED: That the press and public be readmitted to the meeting for the remaining items of business.

26 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR STREET TRADING CONSENT

This item was withdrawn.

27 FEES AND CHARGES 2024 - 2025

The Committee received the Fees and Charges 2024/25 report of the Strategic Director (Corporate and Regulatory) which set out the fees and charges for the financial year 2024/25 relevant to the Regulatory Committee.

- RESOLVED:
- (a) That the Regulatory Committee approve the Fees and Charges for 2024/25 as set out in Appendix 3.3 and 3.4 of the report.
 - (b) That Members approve 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 approve the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
 - (d) That the Strategic Director (Corporate and Regulatory) is authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting Government guidance, and it has not been possible to set a fee level at this stage.
 - (e) That the Strategic Director (Corporate and Regulatory) be authorised in consultation with the Strategic Director (Finance and Housing) to make minor adjustments to the fees and charges as necessary.

The meeting ended at 10.28 am.