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Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 February 2024 at 10.00 am.

Present:

Chairman: Councillor G Cowan

Councillors: J P Loffman
P M Brivio

Officers: Licensing Manager
Licensing Officer
Licensing Officer
Democratic Services Officer

Also Present: Applicant (Minute No.34)
Supporting Person (Minute No.34)
Supporting Person (Minute No.34)
Licensed Driver (Minute No.35)

28 APOLOGIES

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

29 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

30 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

31 MINUTES

The Minutes of the meeting held on 20 November 2023 were approved as a correct record for signing by the Chairman.

32 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.

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

This item was withdrawn.

34 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 a Fit and Proper person to hold such a licence within the Dover district. The applicant had previously held a licence within the district.

The Committee heard from the Licensing Enforcement Officer who had been called as a witness by the Licensing Manager and the applicant's supporting persons present at the meeting who were the proprietors of a Dover district taxi firm. The proprietors expressed their support for the applicant and explained that they were looking at implementing safeguarding measures and policies in the firm and that if the applicant's licence was granted a camera would be installed immediately in their vehicle.

The Committee heard from the applicant. They told the Committee they had the support of the community and that they were helpful to their customers. They described their family circumstances, commitment to their job and believed they were a Fit and Proper person to hold a licence.

The Committee withdrew to consider its decision and upon resuming the Litigation Lawyer explained that the Committee had considered the taxi and private hire vehicle standards, the safeguarding of the public and that its decision was made on the balance of probability.

RESOLVED: That, the Committee is satisfied that the applicant is a Fit and Proper person and the licence for a Joint Hackney Carriage and Private Hire Drivers' Licence be GRANTED for one year.

35 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCE

The Committee considered the report of the Licensing Manager on a review of a Joint Hackney Carriage and Private Hire Drivers' Licence whereby the Committee was required to determine whether the licensee remained a Fit and Proper person to hold a licence within the Dover district following an incident and three complaints regarding the driver.

In accordance with the approved procedure Members heard from the licensee in respect of the complaints received. It was the driver's belief that the customers were lying to create trouble for the driver and that due to their looks they might come across as intimidating, although they were trying to make changes.

The Committee withdrew to consider its decision along with the Litigation Lawyer who provided advice. Upon returning the Litigation Lawyer explained the considerations of the Committee as to whether the driver remained a Fit and Proper person. The Committee was advised that multiple offences or a series of offences over a period of time were likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour and this had been taken into account. When determining the safety and suitability of the driver the Committee was entitled to take into account all matters concerning the driver and not only the behaviour of the driver whilst working in the hackney carriage and private hire trade - this could also include the individual's attitude and temperament.

In reaching its decision, the Committee considered Appendix J and M of the Council's Policy which referred to the Code of Good Conduct and more specifically paragraph 1(c) and 5(b) and Penalty Points Scheme as well as the driver's conduct history as a licence holder, and that in particular, between July 2021 and January 2024 there had been four incidents. The driver had been awarded 6 penalty points following incidents in January and June 2023. The Committee were particularly concerned by the incident in January 2024 and also considered the incident set out in the supplementary papers dated 15 February 2024.

RESOLVED: The Committee has determined that the driver is no longer a Fit and Proper person to hold a Joint Hackney Carriage and Private Hire Driver's Licence. This amounts to a reasonable cause to REVOKE the licence with immediate effect pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 1.21 pm.