

Regulatory Sub-Committee

Minutes of a Meeting of the Regulatory Sub-Committee held in Committee Room No.2, Civic Centre, Tannery Lane, Ashford on the **24th August 2023**.

Present:

Cllr. Walder (Chair);

Cllrs. McGeever, L Suddards.

Also Present:

Cllr. Leavey (Reserve)

Environmental Protection & Licensing Team Leader, Licensing Officer, Principal Litigator, Member Services Manager

Applicant, Applicant's Representative.

116 Election of Chair

Resolved:

That Councillor Walder be elected as Chair for this Meeting of the Regulatory Sub-Committee.

117 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on 18th July 2023 be approved and confirmed as a correct record.

118 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraphs 1 and 2 of Schedule 12A of the Act.

119 Review of Private Hire Drivers Licence.

The Councillors and Officers present were introduced. The Chair welcomed all present and explained the procedure to be followed. The Sub-Committee Members confirmed that they had received and read the agenda papers.

The Licensing Officer had submitted a report which outlined the case. She went through the case and the history of the Driver. She drew attention to the relevant parts of Guidance and Ashford Borough Council's Taxi Licensing Policy and outlined the options available to the Sub-Committee.

The Applicant then put his case to the Committee.

The Sub-Committee then asked questions of the Licensing Officer and the Applicant.

The Sub-Committee then retired to make its decision.

On the Sub-Committee's return, the Chair read out the 'Decision and Reasonings Statement' that had been prepared by the Regulatory Sub-Committee. A copy of this was given to the Applicant and would also be sent to all present, along with the Minutes and decision letter.

Resolved:

That the Private Hire Drivers Licenses be suspended with immediate effect, until the following conditions have been adhered to;

- i. That Applicant re-read the Council's Taxi Licensing Policy and confirm to the Council's Licensing Officer in writing that this had been read and understood.**
- ii. That the licensee provide the result of drug testing via a competent laboratory demonstrating that the licensee is free from the use of controlled substances including tetrahydrocannabinol (cannabis). That testing shall consist of hair follicle testing, taken from the licensee directly by the provider, and shall show a minimum of one month's history. (Which laboratory to be agreed with Ashford Borough Council in advance. Agreement will not be unreasonably withheld by Ashford Borough Council).**
- iii. That pursuant to Ashford Borough Council's Licensing Policy, and the penalty point tariff scheme, for the general breach namely "PH/HC Driver Failing to notify any arrest and release, charge, conviction, caution, or penalty notice within 14 days", 3 penalty points be placed on the licence.**