

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 15 September 2023 at 10.00 am.

Present:

Chairman: Councillor G Cowan

Councillors: P M Brivio
M F Hibbert (as substitute for Councillor D P Murphy)
J P Loffman

Officers: Litigation Lawyer
Licensing Manager
Licensing Officer
Democratic Services Officer

Also Present: Mr S E Sedat (Minute No. 11)
Mr G C Franklin (Minute No.12)
Mr G Hopkins (Minute No.12)

7 APOLOGIES

Apologies for absence were received from Councillors D P Murphy and O C de R Richardson.

8 APPOINTMENT OF SUBSTITUTE MEMBERS

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

9 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

10 MINUTES

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

11 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES

The Committee considered the report of the Licensing Manager whereby the Committee was asked to consider an application from Mr Sayed Ehsan Sadat for the grant of a licence for his Hyundai i40 SE Nav Crdi Blue Drive, NL65 VMG, as a Private Hire vehicle. Due to the vehicle being first registered on 30 September 2015 it was outside the current vehicle age policy and was therefore referred to the Committee for its consideration.

The Committee withdrew to examine the vehicle, accompanied by Mr Sadat and officers. Upon returning Mr Sadat had the opportunity to answer questions from Members about the condition of the vehicle. The Committee heard from the applicant, Mr Sadat who explained that he had recently moved to Deal with his family and due to the expenses incurred to relocate, he did not have enough money to get a new car. Mr Sadat explained that his vehicle was in good condition with a

valid MOT. The offside view mirror had been fixed, the brake fluid had been refilled. Regarding the brake pads, he was advised by the mechanic that he could still drive 5000 miles before they needed to be replaced and that he should monitor them. Mr Sadat explained that he made the necessary checks on the vehicle every morning to ensure him, and the members of the public were safe. Mr Sadat explained that it was his intention to replace his vehicle with a new vehicle.

The vehicle, a four-passenger seat vehicle to be used for private hire within the Dover district and beyond, was currently licensed with another authority although Mr Sadat stated in his application that this licence would be surrendered if a vehicle licence was granted by Dover.

The Committee, along with the Litigation Lawyer, withdrew to consider its decision and

- RESOLVED:
- (a) That, notwithstanding the Council's current policy guidelines regarding age and out of area licensing and, upon the out of area licence being surrendered, Mr Sadat be GRANTED a Private Hire Vehicle Licence for a Hyundai i40 SE Nav Crdi Blue Drive, registration NL65 VMG, for a period of 12 months.
 - (b) Regarding the surrender, that documentation be provided, to the satisfaction of the Licensing Enforcement Officer, to enable the grant to be effective.

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

The Committee considered the report of the Licensing Manager on an application by George Charles Franklin for permission to trade from a 9ft x 6ft trailer in the layby in Court Road, Deal Monday to Saturday between 08:00 – 14:00 hours. The application was to sell hot and cold food and drinks to take away. The applicant, Mr Franklin was accompanied by Mr Gareth Hopkins for support. The applicant explained that he and Mr Hopkins would be working together.

Following receipt of the application, a 28 day consultation exercise was conducted and two representations were received objecting to the application on the basis that there would be: an increased amount of litter in the area, an increased number of cars using the layby which would create traffic hazards, noise and fast food smells for 6 hours a day which were unpleasant for the environment and for the residents, noise from any generator or other device used to power the food premises.

No representations were received from Highways Authority, Deal Town Council, Deal and Walmer Chamber of Trade, Kent Fire and Rescue Service, Kent Police or internal council departments that had been notified of the application.

The Committee heard from the Licensing Manager who presented the report. The Licencing Manager explained that there had been a mobile food vendor at Court Road, Deal for a substantial number of years and the licence lapsed in March 2023.

The Committee heard from the applicant and from Mr Hopkins. Mr Franklin explained that he and Mr Hopkins wanted to come off benefits, therefore Mr Franklin

used his savings to purchase the trailer and got it up and running to standard. Mr Franklin explained that they were aiming to give back to the community by way of donations each year. Mr Hopkins explained that he used to run a café for his parents and he was very conscious of rubbish and that the surrounding areas need to be kept clean. He also explained that initially they would be using a generator to power the fridges, however their intention was to move to solar to power the fridges. The applicant confirmed the generator ran on petrol and it was protected from the public. The applicant also confirmed that there were no other retailers in the area, the nearest one was 750 yards away. The applicant's attention was drawn to the standard conditions applicable to the street trading consent and most specifically condition 14, at page 40 of the document pack.

The Committee, along with the Litigation Lawyer, withdrew to consider its decision and

RESOLVED: That, the application for Street Trading Consent in the layby in Court Road, Deal made by George Charles Franklin to trade from a 9ft x 6ft trailer be GRANTED for a period of 12 months with permission to trade Mondays to Saturdays between 08:00 – 14:00 hours.

The meeting ended at 11.25 am.