

Public Document Pack



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10 April 2024

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **REGULATORY COMMITTEE** on Tuesday 16 April 2024 at 10.00 am, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 19 March 2024.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written in a cursive style with a long, sweeping underline that extends to the right.

Chief Executive

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 19 March 2024 at 10.00 am.

Present:

Chairman: Councillor G Cowan

Councillors: J P Loffman
P M Brivio
O C de R Richardson

Officers: Litigation Lawyer
Licensing Manager
Democratic Services Officer

Also Present: Travis Skelton (Minute No.40)
Applicant (Minute No.42)

36 APOLOGIES

There were no apologies for absence.

37 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

38 DECLARATIONS OF INTEREST

A Voluntary Announcement of Other Interests was made by Councillor O C de R Richardson in respect of Item 5 – Highways Act 1980 – Section 115E – The Art Club, 27 Market Square, Dover. For transparency he stated that his son owned the Elephant and Hind public house in the Market Square and that he (Cllr Richardson) had no financial interest in the business.

39 MINUTES

The Minutes of the meeting held on 20 February 2024 were approved as a correct record for signing by the Chairman.

40 HIGHWAYS ACT 1980 - SECTION 115E - THE ART CLUB, 27 MARKET SQUARE, DOVER

The Committee considered the report of the Licensing Manager on an application by Travis Skelton for a Street Furniture permit to allow the placement of 10 four-seater picnic style tables with bench seats and 5 tables and 20 chairs outside The Art Club, 27 Market Square, Dover. The application sought the placing of the furniture every day between 08.30 hrs to 23.00 hrs.

There had been seven representations received objecting to the application. In summary, these objections raised the following:

- Representations from Peter Wallace, Michelle Richards and Reginaldo Gattward raised concerns regarding noise, alcohol, anti-social behaviour and access to the entrance to the bins and the Roman Painted greens [lawns] would be blocked by the number of people using the tables.

- Representations from Dover Town Council and Dover District Council (Principal Valuer, Waste Services Officer and Strategic Place, Tourism and Town Centre Manager) raised concerns regarding the siting of benches on Market Square Street at the entrance to the Roman Painted Lawn and near an open bin store for commercial premises' waste. Their concerns included the safety of the people using the benches and the safety and security of the public attending events at the Roman Painted Lawns. Further concerns were raised regarding the benches hindering access to the Roman Painted Lawns which were used for events and community gatherings. Concerns were also raised regarding access for the commercial and household bins to be collected by the waste companies, as there would need to be enough room to be able to get the bins in and out of the area. The tables and chairs in front of the Art Club were not objected to.

The Committee heard from the applicant, Travis Skelton who was in attendance. Mr Skelton presented the Committee with new information, and this was accepted by the Committee. This included photographs of proposed plans, photographs of the current state of the area, crime mapping data for the area, customer reviews of The Art Club and a letter of support from Dover Pride.

Mr Skelton addressed the objections. He advised the Committee that the gate to the Roman Lawn was locked and was not publicly accessible unless there was an event. The issue of a queuing system into the Roman Lawn was raised although Mr Skelton was not aware of any previous events having used such a system. Mr Skelton would be happy for a condition on the licence to remove the tables and benches during events as required.

With regard to vehicle access to the Roman Lawn and bin store area in Market Street, Mr Scott advised that a vehicle width gap would remain between the tables positioned on either side. Mr Skelton had witnessed the bin lorries reversing up to (not beyond) the bollards in Market Street to collect from the commercial and residential bin stores and that these collections took place between 04.00 hrs and 07.00 hrs, with the latest collection witnessed at 08.54 hrs.

Mr Skelton described the Market Street area as very rundown and unwelcoming to visitors. He provided photos evidencing litter strewn across the road from the bin storage areas to support this. It was his intention to keep this area clean, tidy and welcoming to visitors – making the area feel and look more attractive. He provided the Committee with an artist's impression of a mural he hoped to commission at the entrance of Market Street.

Mr Skelton told the Committee that the application sought to encourage visitors to the town and that Dover town was in need of venues to remain financially stable. He further added that in line with the Council's Economic Growth Strategy, the application would help towards revitalising the town centre.

In accordance with the approved procedure, the Committee withdrew to consider the application along with the Litigation Lawyer who provided advice. It was reported that the Committee had taken into consideration the representations and appreciated the points raised however, it was the Committee's view that the benches would be on council land and directly in front of the Roman Painted Lawn

and that the space was needed for events which were due to increase due to ongoing plans.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Travis Skelton to allow the placement of 10 four-seater picnic style tables with bench seats, and 5 tables and 20 chairs outside The Art Club, 27 Market Square, Dover, be decided as follows:

- (a) The placement of 5 tables and 20 chairs outside The Art Club, Dover as shown on the plan at page 17 of the document pack be GRANTED subject to the 5 tables and 20 chairs being removed each day.
- (b) The placement of 10 four-seater picnic style tables with bench seats outside The Art Club, Dover as shown on the plan at page 17 of the documents pack be REFUSED.

41 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor J P Loffman, 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.

42 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, in light of the applicant's previous convictions.

In accordance with the approved procedure Members heard from the applicant in respect of the convictions and the circumstances that led to those convictions. The applicant explained their current personal circumstances and the reasons for wanting to be a licensed driver. They further explained they had previously held a licence with Dover and that during that time had received no complaints and if they were successful in being granted a licence, they had an offer of employment from a Dover district operator.

The Committee withdrew from the meeting along with the Litigation Lawyer for advice and to consider its decision. The Committee considered the Council's policy setting out its approach to convictions and other information received which might be relevant to the Fit and Proper Person test. The Committee noted the applicant's honest and open approach and the full explanations provided. The Committee also took into account the time that had subsequently passed since the convictions and that there had been no further convictions or cautions.

RESOLVED: That, having considered the circumstances surrounding the convictions, the Regulatory Committee considers that 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 1 year as applied for.

The meeting ended at 11.14 am.