

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Thursday, 13 June 2013 at 10.04 am.

Present:

Chairman: Councillor B W Butcher

Councillors: J M Smith
R J Thompson

Also Present: Vadims Kotovs (Minute No 58)
Irina Grzibovska (Minute No 58)
Builent Degirmenci (Minute No 58)
Mr D Saunders (Minute No 59)
Licence holder (Minute No 61)

Officers: Solicitor to the Council
Licensing Team Leader
Licensing Officer
Community Safety Unit Co-ordinator
Team Leader – Democratic Support
Democratic Support Officer

54 APOLOGIES

Apologies for absence were received from Councillors P S Le Chevalier and S C Manion.

55 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

56 DECLARATION OF INTEREST

There were no declarations of interest from Members.

57 MINUTES

The Minutes of the meeting of the Committee held on 16 April 2013 were approved as a correct record and signed by the Chairman.

58 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR STREET TRADING CONSENT - MR IGOR GRZIBOVSKIS

The Committee considered an application by Mr Igor Grzibovskis to trade from a mobile catering unit in Market Street, Dover. The application was to trade every day from 9.00 am to 4.00 pm. The Licensing Team Leader advised the Committee that he had been working with the applicant to find a suitable site. Notification of the application had been sent to local residents and businesses and six letters of objection had been received in response.

Mr Kotovs, representing Mr I Grzibovski in his absence, informed the Committee that the catering unit would primarily be for the sale of candyfloss, doughnuts and sweets and it would be a service that was not currently provided in the area.

The Committee heard representations from Mr B Degirmenci who was speaking on behalf of Mr Scott, owner of Goodfillas, who had objected to the application. It was his view that the site was unsuitable and could have an adverse impact on businesses within the vicinity. Although the applicant intended to only sell sweets, doughnuts and candyfloss, Mr Degirmenci was concerned that the venture would not be financially viable if the mobile was selling only sweets, doughnuts and candyfloss and that this would lead to the range of goods being extended to include hot drinks, hot dogs and other products in the future which would take business away from shops in the area. The Licensing Team Leader confirmed with the applicant's representative that the application was for the sale of products previously mentioned and not the additional items raised by the objector.

The Committee withdrew from the meeting to consider its decision. Upon resuming the meeting it was

RESOLVED: That the application for Street Trading Consent by Mr I Grzibovski be refused in accordance with the Council's Street Trading Guidance Notes for the reason that there already exists sufficient retail outlets in the area selling goods of a similar character to those proposed to be sold, namely food.

59 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLES OUTSIDE OF POLICY GUIDELINES - MR D SAUNDERS

The Licensing Team Leader advised the Committee that Mr D Saunders had applied to licence three Smart 'Fortwo' vehicles as private hire vehicles which he wished to bear the logo 'Cabfor1' as part of the branding of the company. Mr Saunders was intending to extend his current fleet which had previously been granted licences by the Committee at the meeting of 26 February 2013.

The vehicles and their signage were outside the Council's Hackney Carriage and Private Hire Licensing Policy 2013-2016 by reason that:

- The vehicles did not have at least four doors and were not of sufficient size to accommodate at least four passengers; and
- That the Council's current standard conditions of vehicle licence prohibited the proprietor of a private hire vehicle from displaying the word 'cab' on a private hire vehicle whether in singular or plural and whether they form part of another word or not,

Mr Saunders advised the Committee that he had been granted planning permission for new offices in Dour Street, Dover and that the yard at the site could accommodate 6 vehicles.

The Licensing Team Leader advised that there had been no complaints or other problems relating to the vehicles currently licensed.

RESOLVED: That, notwithstanding the Council's Hackney Carriage and Private Hire Licensing Policy 2013-2016, Mr D Saunders be granted private hire vehicle licences in respect of a further three Smart 'Fortwo' vehicles and that he be permitted to display signage on the vehicles which includes the logo 'Cabfor1'

60 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor R J Thompson, 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 business on the grounds that the item to be considered involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader on an application for the renewal of a Joint Hackney Carriage/Private Hire Drivers Licence where an Enhanced Disclosure from the Disclosure and Barring Services (DBS) had disclosed further details in respect of a previously notified police caution relating to an offence of battery that was relevant to the applicant's suitability as a fit and proper person to hold a licence.

The caution was recorded in August 2011. The Council's policy guidelines on the Relevance of Convictions to Applications for hackney carriage and private hire vehicle driver licences and private hire operator's licences would generally prevent the granting of a licence for a period of 2 years after the date of a caution for an offence involving violence.

The Licensing Team Leader informed the Committee that no request had been received from Kent Police for the applicant's licence to be suspended. The Community Safety Unit Co-ordinator was called by the Licensing Team Leader as a witness to provide further information in respect of the DBS disclosure.

In accordance with the approved procedure, the applicant was given the opportunity to present evidence concerning the circumstances surrounding the convictions. The applicant submitted a further letter to the Committee and called upon two witnesses to speak to his good character and suitability as a fit and proper person.

RESOLVED: That the application for the renewal of a Joint Hackney Carriage/Private Hire Driver's Licence be granted, notwithstanding the Council's policy guidelines on the relevance of convictions to applications as, upon a detailed consideration of the circumstances leading to the caution, the Committee was satisfied that the applicant was a fit and proper person to hold the licence.

The meeting ended at 12.00 pm.