

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 16 September 2014 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P S Le Chevalier
S C Manion
R J Thompson

Also present: Mrs K Lock
Mr G Lock
Driver

Officers: Senior Solicitor
Licensing Team Leader
Democratic Support Officer

7 APOLOGIES

An apology for absence was received from Councillor B Gardner.

8 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

9 DECLARATIONS OF INTEREST

Councillor P S Le Chevalier declared a Voluntary Announcement of Other Interests in Minute No 13 by reason that the applicant was known to him in his previous occupation and withdrew from the meeting for the consideration of this item.

10 MINUTES

The Minutes of the meetings of the Committee held on 28 February 2014, 28 March 2014 and 29 July 2014 were approved as a correct record and signed by the Chairman.

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

The Committee considered an application by Mrs Kim Lock of KB Trading to trade from a converted vehicle in New Bridge, Dover. The application was to sell speciality teas, coffees and pastries (locally sourced) Monday to Friday 09:30 to 15:00 hours. The Licensing Team Leader advised the Committee that a 28 day consultation was conducted with notices posted to properties in the vicinity of the proposed site and consultation with the statutory authorities and various internal Council departments. One representation was received from Best Western Plus Dover Marina Hotel and Spa, objecting to the application.

With the consent of the Committee, the applicant presented members with photos of the vehicle and additional comments from seven local businesses in support of the application. The applicant advised the Committee that a leaflet stand would be installed in the vehicle to display maps and local attractions and having lived in the

area all of her life, she would have the opportunity to share her local knowledge with tourists.

In accordance with the approved procedure the Committee withdrew from the meeting to consider its decision. Upon resuming the meeting it was

RESOLVED: (a) That the application by Mrs K Lock for Street Trading Consent to trade from a converted vehicle selling speciality teas, coffees and pastries, Monday to Friday 09:30 to 15:00 hours be approved for an initial period of six months and;

(b) That the Licensing Team monitor the business for that period and subject to there being no issues, the Licensing Team Leader be authorised to extend the licence for an additional six months.

12 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor S C Manion, 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 involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act.

13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader in which a review of a hackney carriage and private hire driver's licence was required in accordance with the Dover District Council Hackney Carriage and Private Hire Licensing Policy 2013-16 in order to determine the suitability of the driver as a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The review was necessary following the applicant's involvement in a number of road traffic incidents since the issue of his licence on 12 March 2014.

In accordance with the approved procedure Members offered the driver the opportunity to present evidence concerning the circumstances surrounding the incidents and a detailed account of each incident was given to Members.

The Committee withdrew to consider its decision and upon resuming the meeting the Senior Solicitor explained that she had advised the Committee in relation to the Local Government (Miscellaneous Provisions) Act 1976, in particular section 61 and the powers available to the Committee in relation to suspension or revocation of hackney carriage and private hire drivers' licence.

It was the view of the Committee, having given due regard to the evidence, that the number of incidents the driver had been involved in during such a short amount of time was a matter of concern as to his suitability as a fit and proper person and therefore:

- RESOLVED: (a) That, in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, the driver's hackney carriage and private hire licence be suspended on the grounds of "any other reasonable cause" pending the successful passing of the DSA test.
- (b) That, in the interests of public safety, the suspension shall have immediate effect in accordance with s.61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- (c) That the cost of the DSA test shall be met by the Local Authority on one occasion with the cost of any necessary re-takes being met by the driver.

(Councillor P S Le Chevalier, in accordance with his earlier declaration of a Voluntary Announcement of Other Interests, withdrew from the meeting for the consideration of this item.)

The meeting ended at 12.26 pm.