

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 16 May 2017 at 10.02 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P S Le Chevalier  
B Gardner  
S J Jones  
D P Murphy

Officers: Contentious and Regulatory Lawyer  
Licensing Team Leader  
Democratic Support Officer

Also present: Ms D Champion – English Heritage (Minute No.31)  
Mr S Dumigan (Minute No.32)  
Mr D Saunders (Minute No.32)  
Applicant (Minute No.34)  
Applicant's representative (Minute No.34)

27 APOLOGIES

There were no apologies of absence received from Members.

28 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

29 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

30 MINUTES

The Minutes of the meeting of the Committee held on 17 January 2017 were approved as a correct record and signed by the Chairman.

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

The Committee considered an application by Mr Ben Palmer for permission to trade from a catering van on the grass that runs alongside Deal Promenade in front of Deal Castle. The application was to trade every day from 10.00am to 6.00pm and to

sell ice cream, hot and cold beverages, hot food and cold snacks including sausages and burgers, cakes, wrapped snacks, confectionery, crisps, fruit, etc. Ms Dawn Champion of English Heritage was in attendance on behalf of Mr Palmer.

The Licensing Team Leader advised the Committee that following the 28 day consultation period, 34 representations had been received - 33 objecting and 1 in favour of the application. Councillor R J Frost, who was not in attendance at the meeting and in accordance with Council Procedure Rule 24.2 (iii), used his right as ward member to make representation at the meeting by submitting a statement that was read out at the meeting.

In accordance with the approved procedure Ms Champion presented her application to the Committee and sought to address some of the concerns raised by the objectors. Ms Champion acknowledged that the application was misleading in that it had not accurately explained the actual nature of the business. Contrary to what was set out in the application, Ms Champion confirmed that there was no intention to sell hot dogs, burgers and fried onions from the van and that this was therefore being withdrawn from the application. The food would be a high quality English menu compiled by English Heritage's national catering team. There would be no deep fat fryer in the van although there would be a hot plate with a self-contained gas unit. Members were also advised that there would be no generator and that the only mechanical operational noise would be the van arriving and leaving the area.

English Heritage had considered different locations for the siting of the van within their grounds, including within the castle's car park. The intention of the facility was to raise funds for Deal Castle and promote the English Heritage brand. It was a facility for the public and not just visitors to the castle and that siting the van within the car park would restrict its visibility to the public. Careful consideration had taken place so as to not harm the characteristics of the castle and as part of this consultation had taken place with Historic England over the colour and branding of the van – which would be dark grey with the English Heritage logo.

Members queried the use of the Captain's Garden opposite which was within the ownership of English Heritage and that investment from Deal Town Council had previously been provided for a catering facility there. Ms Champion advised Members that it was not currently in use as it was not sustainably possible at this time.

Members were advised that the intention was for the van to be operational during the castle's opening hours and that regular litter picking by the castle's staff would take place hourly within the vicinity of the van and the castle's grounds.

Members accepted the application had altered, by way of the removal of the burgers, hot dogs and fried onions offer, and that those changes may have allayed some of the objectors concerns in respect of noise and food smells.

In accordance with the approved procedure the Committee and the Contentious and Regulatory Lawyer withdrew to consider the application and upon returning it was

**RESOLVED:** (a) That, having considered the application and taken into account the removal of the sale of burgers, hot dogs and fried onions from the application and the objections with regards to that offer, the application for street trading consent be GRANTED subject to:

- (i) A member of staff must complete a litter pick of the immediate and surrounding area hourly and the litter to be disposed of by English Heritage.

32 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR LIVERIED TAXI ADVERTISING

The Licensing Team Leader informed the Committee that Mr Scott Dumigan of Unity Cars had applied for permission to place different style signs onto his vehicles.

Mr Dumigan advised the Committee that the different styles of logo would allow for the customer to differentiate between the types of vehicle available to hire of which included; Unity VIP (an 8 seater), Unity Eco (hybrid vehicle) and Unity+ (wheelchair access vehicle). Members were advised that these signs would be consistent in style with the existing logo.

The Committee withdrew to consider the application. Upon reconvening the Contentious and Regulatory Lawyer stated that she had advised the Committee on the Council's policy regarding signage being the same across the fleet vehicles.

RESOLVED: That, notwithstanding the Council's current policy guidelines, Mr Scott Dumigan of Unity Cars be granted permission to place the different style signs as had been provided to the Committee onto his vehicles by reason that it would benefit customers to have that distinction.

33 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor B W Butcher, 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 paragraphs 1 of Part I of Schedule 12A of the Act.

34 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 a Joint Hackney Carriage and Private Hire Driver's Licence where an Enhanced Disclosure from the Disclosure and Barring Service had shown previous convictions that were relevant to the decision as to the applicant's suitability as a fit and proper person to hold a licence to drive a taxi in the Dover District.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the convictions and the applicant and applicant's representative answered Members' questions.

The Committee withdrew to consider its decision and upon resuming the meeting the Contentious and Regulatory Lawyer explained that she had reminded the Committee of the guidelines within the Council's policy and that they could grant a licence if they were satisfied the convictions were significantly spent and that the applicant was a fit and proper person in accordance with Dover District Council's policy.

RESOLVED: That having regard to the evidence and in accordance with the Council's policy, the applications for a Joint Hackney Carriage and Private Hire Licence be granted for 12 months; and

- (a) The Licensing Team Leader shall monitor and review the applicant's progress; and
- (b) Provided there are no issues during the initial 12 months the licence will be renewed with the approval of the Licensing Team Leader, without the requirement to return before the Regulatory Committee.

The meeting ended at 11.35 am.