

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 10 July 2018 at 10.03 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P M Brivio
B Gardner
P S Le Chevalier

Officers: Contentious and Regulatory Lawyer
Licensing Team Leader
Licensing Enforcement Officer
Democratic Services Officer

Also in attendance: Mrs D Maclean (Minute No. 5)
Applicant and representative (Minute No.7)
Applicant and representative (Minute No. 8)
Applicant and representative (Minute No.9)

1 APOLOGIES

An apology for absence was received from Councillor D P Murphy.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

3 DECLARATIONS OF INTEREST

Councillor P S Le Chevalier declared a Voluntary Announcement of Other Interests (VAOI) in Minute no 5 by reason that he was a member of The Astor Theatre's Friends Scheme.

4 MINUTES

The Minutes of the meeting of the Committee held on 15 May 2018 were approved as a correct record and signed by the Chairman.

5 HIGHWAYS ACT 1980 - SECTION 115E - ASTOR COMMUNITY THEATRE, STANHOPE ROAD, DEAL

The Committee considered the report of the Licensing Team Leader on an application by Mr James Tillit of the Astor Theatre, Stanhope Road, Deal. The application was for the siting of 4/5 tables and 8/10 chairs at the front of the premises. The furniture would be small folding tables and chairs and would be placed between 08.30hrs to 17.30hrs every day of the year.

In respect of the application two representations had been received during the consultation process. Both representors objected to the siting of the tables and chairs due to the narrowness of the pavement and the obstruction the furniture would cause to pedestrians. In addition they stated that people sat outside would create noise pollution for the residential properties nearby.

Mrs D Maclean, who ran the café within the Astor Theatre, was in attendance to answer any queries from Members and provided the Committee with additional photographs of the site where the tables and chairs were to be located. Members noted that the pavement was wider than some other areas where tables and chairs had been permitted. Mrs Maclean advised Members that the café was open Tuesday to Saturday from 9.00am to 3.00pm. The furniture would be placed out during these times and put away at the end of each day and the hours requested within the application would allow for some flexibility if and when it was required.

The Committee withdrew to consider the application and upon resuming the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the powers available to the Committee in relation to 115E of the Highways Act 1980.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Mr James Tillitt of the Astor Theatre, Stanhope Road, Deal be approved as follows:

- (a) That a maximum of 5 tables and 10 chairs be sited at the front of the premises; and
- (b) The furniture only be allowed between the hours of 08.30hrs and 17.30hrs every day of the year.

6 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor B Gardner, 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.

7 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE & PRIVATE HIRE 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. 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 and his representative the opportunity to present evidence concerning the circumstances surrounding the convictions.

The Committee then withdrew to consider its decision. Upon resuming the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the Council's policy on the relevance of convictions to applications and Sections 51 and 59 of the local Government (Miscellaneous Provisions) Act 1976 in so far as they related to the applicant's suitability as a fit and proper person.

- RESOLVED: (a) That, having regard to the evidence the Committee considered that the applicant was a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and that the application for a Joint Hackney Carriage and Private Hire Licence be granted for an initial period of six months; and
- (i) That, the Licensing Team Leader shall monitor and review the applicant's performance for the duration of this period and;
- (ii) That, providing there are no issues during the initial six months the licence will be granted for a further six months.

8 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE 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. 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 and his representative the opportunity to present evidence concerning the circumstances surrounding the convictions.

The Committee then withdrew to consider its decision. Upon resuming the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the Council's policy on the relevance of convictions to applications and Sections 51 and 59 of the local Government (Miscellaneous Provisions) Act 1976 in so far as they related to the applicant's suitability as a fit and proper person.

- RESOLVED: (a) That, having regard to the evidence the Committee considered that the applicant was a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and that the application for a Joint Hackney Carriage and Private Hire Licence be granted for an initial period of 11 months; and
- (b) That, the Licensing Team Leader shall monitor and review the applicant's performance and following an interview with the driver, providing there are no issues during the initial 11 months the Licensing Team Leader will grant the licence for the remainder of the application period and without the matter having to be brought back before the Committee.

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TO CONSIDER IF A LICENSED DRIVER REMAINS A FIT AND PROPER PERSON TO HOLD A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader in respect of a driver in possession of a Joint Hackney Carriage and Private Hire Driver's Licence and his suitability as a fit and proper person.

The driver and his representative were in attendance at the meeting and in accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the complaints, which had been made during the period since the licence was granted, which had been for a period of six months.

The Committee then withdrew to consider its decision. Upon resuming, the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the Council's policy on the relevance of the complaints received against the driver and that they were here to determine whether they considered him to be a fit and proper person to hold a taxi licence in the Dover district.

RESOLVED: That, having regard to the evidence, the Committee considered that the driver was not a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, and that they would therefore not grant him a Joint Hackney Carriage and Private Hire Driver's Licence.

The meeting ended at 12.11 pm.