

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 12 March 2019 at 10.15 am.

Present:

Chairman: Councillor B W Butcher

Councillors: B Gardner  
M J Ovenden (as substitute for Councillor D P Murphy)

Officers: Contentious and Regulatory Lawyer  
Licensing Team Leader  
Technical Support Officer (Licensing)  
Democratic Services Officer

29 APOLOGIES

Apologies for absence were received from Councillors P M Brivio, P S Le Chevalier and D P Murphy.

30 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M J Ovenden was appointed as substitute for Councillor D P Murphy.

31 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

32 MINUTES

The Minutes of the meeting of the Committee held on 11 December 2018 were approved as a correct record and signed by the Chairman.

33 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES

This item was withdrawn from the agenda.

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

The Committee considered an application by Mr Jamie Smith for permission to trade from a 10 x 7ft food trailer in Biggin Street, Dover every day from 10:00 hrs to 18:00 hrs selling Thai food.

During the consultation period one representation was received objecting to the application from Price Less Furniture, 72-74 Biggin Street, Dover. The representation strongly disapproved of trading directly outside the shop for reasons that cooking smells would enter the shop and the trailer would cause an obstruction to the window display and prevent light from entering the shop.

At the hearing, Mr Smith explained that he was hoping to trade for a maximum of three days a week only, those being Thursdays, Fridays and Saturdays. Members referred to the photos and the map provided in the report. It was noted that the

trailer would be positioned one side of the shop's windows and the entry door and windows to the other side would remain unobstructed. Mr Smith had explored the possibility of moving the trailer further down the precinct but found it was not possible as it would be an obstruction for emergency vehicles.

Mr Smith had applied for three other locations in the town centre and having received objections from Kent County Council Highways withdrew the applications. There had been a burger van for approximately 20 years in the location he was now applying for and the permit for the van had lapsed. The Licensing Team Leader advised Members that the previous permit allowed trade every day from 09:00 hrs to 17:00 hrs. No complaints had been made regarding the burger van trading from that location.

Mr Smith was keen to work with the shop owners and to cause as little disruption as possible. It was his intention to eventually open a Thai restaurant in the town.

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, the application by Mr Jamie Smith for Street Trading Consent to trade from a 10 x 7ft food trailer in Biggin Street, Dover between 10:00 hrs and 18:00 hrs every Thursday, Friday and Saturday for a period of 6 months be APPROVED.

(b) That, providing there are no complaints made to the Licensing Team during the initial 6 month period the Licensing Team Leader be permitted to extend the licence.

### 35 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.

### 36 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. The Licensing Team Leader had discussed the convictions with the applicant.

In accordance with the approved procedure Members offered the applicant 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.

- RESOVLED: (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 Driver's Licence be granted for an initial period of 9 months; and
- (b) That, providing there are no issues during the initial 9 month period the Licensing Team Leader shall grant the licence for a further 3 months.

37 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. Members were advised that the application was for a Restricted Driver's Licence and not a Joint Hackney Carriage and Private Hire Driver's Licence as stated in the report. Following receipt of the application 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 in a restricted capacity in the Dover district. The Licensing Team Leader had discussed the convictions with the applicant.

In accordance with the approved procedure Members offered the applicant 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.

- RESOVLED: (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 Restricted Driver's Licence be granted for 1 year.

The meeting ended at 11.42 am.