

Public Document Pack



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8 July 2019

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Tuesday 16 July 2019 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Smith", written over a white background.

Chief Executive

Regulatory Committee Membership:

D P Murphy (Chairman)
J Rose (Vice-Chairman)
P M Brivio
S J Jones
R S Walkden

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES**

To confirm the attached Minutes of the meetings of the Committee held on 16 April and 18 June 2019 (to follow).

PROCEDURE FOR HEARING (Pages 5 - 10)

The procedures for the Hearings are attached.

5 **HIGHWAYS ACT 1980 - SECTION 115E - POMEGRANATE, 94 HIGH STREET, DEAL** (Pages 11 - 20)

To consider the attached report of the Licensing Team Leader.

6 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 21)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

7 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE** (Pages 22 - 41)

To consider the attached report of the Licensing Team Leader.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right

to gain access to information held by the Council please contact Jemma Duffield, Democratic Services Officer, telephone: (01304) 872305 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing
HEARING		
3	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • advises of the purpose of the hearing • presents the Licensing Officer's report • summarises any issues
4	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • Will give evidence • May be questioned by the applicant or applicant's representatives • May be questioned by the Committee • May, if necessary, be re-questioned by the Licensing Officer
5	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
6	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
7	Members	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
8	Licensing Officer	The Licensing Officer may give their final submission.
9	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
10	Members	The Committee withdraws to consider in private. The Legal Adviser and Clerk may be invited to assist the Committee.
11	Members	If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the whole of the proceedings must not take part in the decision making.
12	Legal Adviser	The Committee reconvenes. Any legal advice given to the Committee in private will be summarised to the Applicant.
13	Chairman	The decision of the Committee is given to all parties.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS LICENSING OF A DRIVER, VEHICLES AND OPERATORS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Chairman	The Chairman advises the applicant of the reason for the Hearing and the procedure.
3	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing • extract from the Rehabilitation of Offenders Act 1974
HEARING		
4	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • presents the Licensing Officer's report • summarises any issues
5	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the applicant or applicant's representatives • may be questioned by the Committee • may, if necessary, be re-questioned by the Licensing Officer
6	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
7	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
8	Members of the Committee	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
9	Licensing Officer	The Licensing Officer may give their final submission.
10	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
11	Committee members/Legal Adviser	The Committee will withdraw to consider its determination. The Legal Adviser may be requested by the Chairman to accompany the Committee.
12	Committee members	If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the whole of the proceedings must not take part in the decision making.
13	Legal Adviser	Any legal advice given to the Committee in private will be summarised to the Applicant.
14	Chairman	The decision of the Committee is given to all parties. In the event of a decision to refuse, suspend or revoke an application, the applicant is told that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

Subject:	Highways Act 1980 – Section 115E – Pomegranate, 94 High Street, Deal
Meeting and Date:	Regulatory Committee – 16 July 2019
Report of:	Licensing Team Leader
Classification:	Unrestricted

Purpose of the report: Permission to site street furniture on the highway

1. **Summary**

The regulation of the placing of tables and chairs on a highway is a statutory function of the Council under the Section 115E, of the Highways Act 1980.

2. **Introduction and Background**

2.1 Sarah Fisher has applied for a Street Furniture permit to allow the placement of 3 tables and 6 chairs at the front of the premises, Pomegranate, 94 High Street, Deal. The application states that the furniture will be bistro style tables. The applicant has requested they be placed between 09:00hrs to 21:00hrs every Tuesday – Saturday inclusive.

2.2 A copy of the application form is shown at **Appendix A**. A plan of the proposed siting of the street furniture is shown at **Appendix B**.

2.3 As part of the consultation process views have been sought from local businesses, Kent Highway Services and the Police. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontages.

2.4 One representation was received in respect of this application (see **Appendix C**), as follows:

Deal Town Council objected as they feel there is restricted access on the narrow path.

3 **Options available to the Committee:**

- (1) To allow the application as applied for
- (2) To allow the application but with additional conditions
- (3) To reject the application.

Appendices

Appendix A – Application form

Appendix B – Location plan

Appendix C – Representations

Contact Officer: Rebecca Pordage, Licensing Team Leader. Ext.2279



Application for a Street Furniture Licence

1. Applicant

Full name

Sarah Joan Fisher

Date of birth

[Empty box for date of birth]

Address including postcode

94 and 94a High Street
Deal
Kent
CT14 6EE

Telephone number(s)

[Empty box for telephone number(s)]

Mobile number

[Empty box for mobile number]

Email address

[Empty box for email address]

2. Business

Name

Pomegranate

Address including postcode

94 High Street
Deal
Kent
CT14 6EE

Telephone

07917 080019

3. Licence Required

From (month) To (month)

Days

Between the times and

Number of tables

Number of chairs

Brief description of type and quality of tables and chairs

Please also provide photos if possible

4. Additional Information

Do you have toilets for customers to use? Yes No

If yes, please say how Many?

Have you sought the advice of the environmental health officer in respect of food hygiene and health and safety matters? Yes No

Have you ever been refused a street furniture Licence in this or any other areas? Yes No

If yes, please give details

**PLANNING PERMISSION MAY BE REQUIRED
PLEASE TELEPHONE 01304 872042.**

5. Declaration

I enclose

- Plan showing dimensions of area of highway and proposed layout of street furniture
- Copy of Public Liability Insurance
- Fee: £75 Application Fee or £35 For Annual Renewal.
- I declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct.

Signature

Date

26th May 2019

Notes

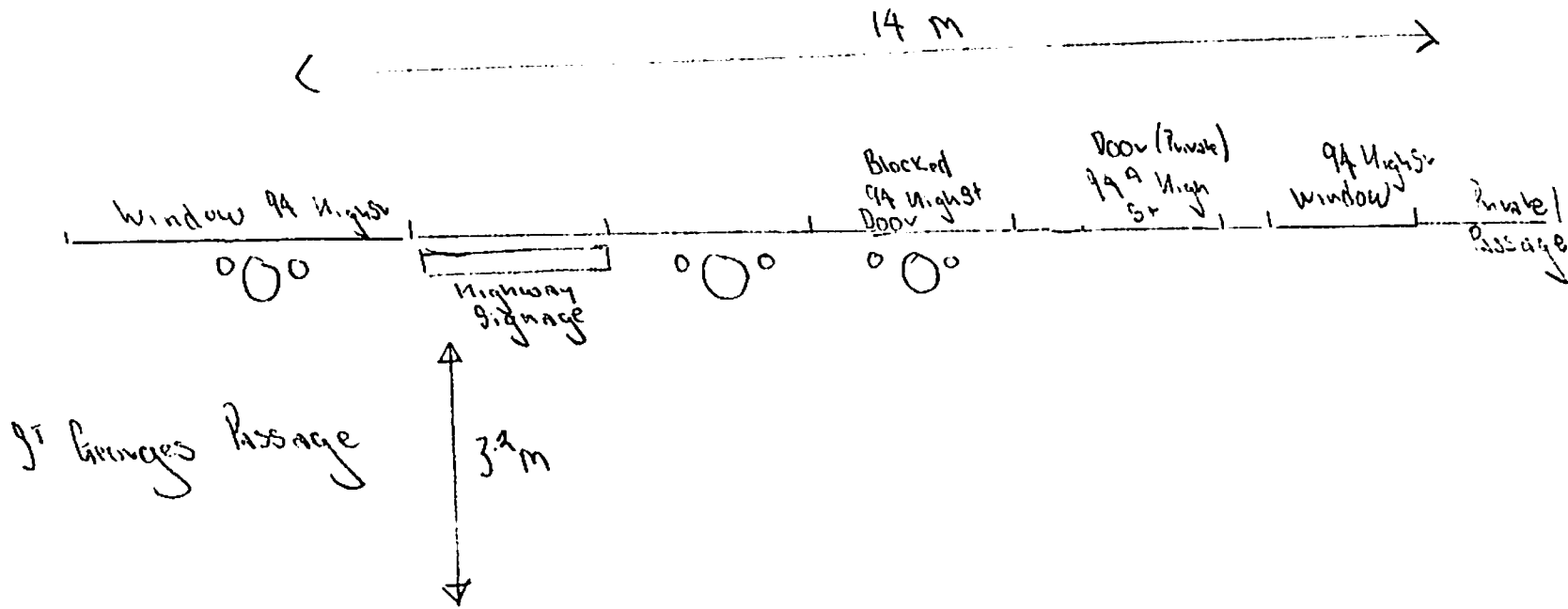
1. If any person makes a false statement or omits any material particular in giving the foregoing information knowingly he may be guilty of an offence and liable to prosecution. In addition the licence may be revoked forthwith.
2. Please complete this form on a computer or in block capital letters and return it to
 Licensing
 Dover District Council
 White Cliffs Business Park
 Dover CT16 3PJ

For Office Use Only			
Date	Time	Officer	
Receipt number		Fee	£
Licence number		Issue date	

Appendix B



Pomogranate - 9A + 9AA High St. Deal Kent.



NB:- 9AA High Street access
by 9A High St

600mm

From: [Kelly Lawrence](#)
To: [Laila Summers](#)
Subject: Street Furniture - Pomegranate, 94 High Street, Deal
Date: 27 June 2019 10:18:32
Attachments: [image003.png](#)
[image005.emz](#)
[image006.png](#)

Good morning Laila,

Please can you record Deal Town Council's recommendation as the following:

'Object to 3 x tables and 6 chairs due to restricted access on narrow path, however, would withdraw if application amended to 1 x table and 2 chairs'

Many thanks
 Kelly
 Planning Officer
 Deal Town Council

From: Kelly Lawrence
Sent: 10 June 2019 10:03
To: Laila Summers <Laila.Summers@DOVER.GOV.UK>
Subject: RE: Street Furniture - Pomegranate, 94 High Street, Deal

Hi Laila,

Are you able to send the attachment in a different format as unable to open?

Kind regards

Kelly Lawrence
 Planning Clerk & Finance Assistant

Deal Town Council
 Town Hall
 High Street
 Deal
 CT14 6TR

Tel: 01304 361999

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From: Laila Summers <Laila.Summers@DOVER.GOV.UK>
Sent: 30 May 2019 08:53
Subject: Street Furniture - Pomegranate, 94 High Street, Deal

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET FURNITURE CONSENT

DOVER DISTRICT COUNCIL in pursuance of the provisions of the Highways Act 1980, Section 115

**HEREBY GIVES NOTICE THAT AN APPLICATION TO PLACE TABLES & CHAIRS ON THE HIGHWAY AT THE LOCATION
 DETAILED BELOW HAS BEEN RECEIVED.**

Furniture: 3 tables and 6 chairs
Timings: 09:00 to 21:00
Location: Pomegranate, 94 High Street, Deal, CT14 6EE

Written representations are invited concerning this application for a period of 28 days from the date of this notice and should be made to:

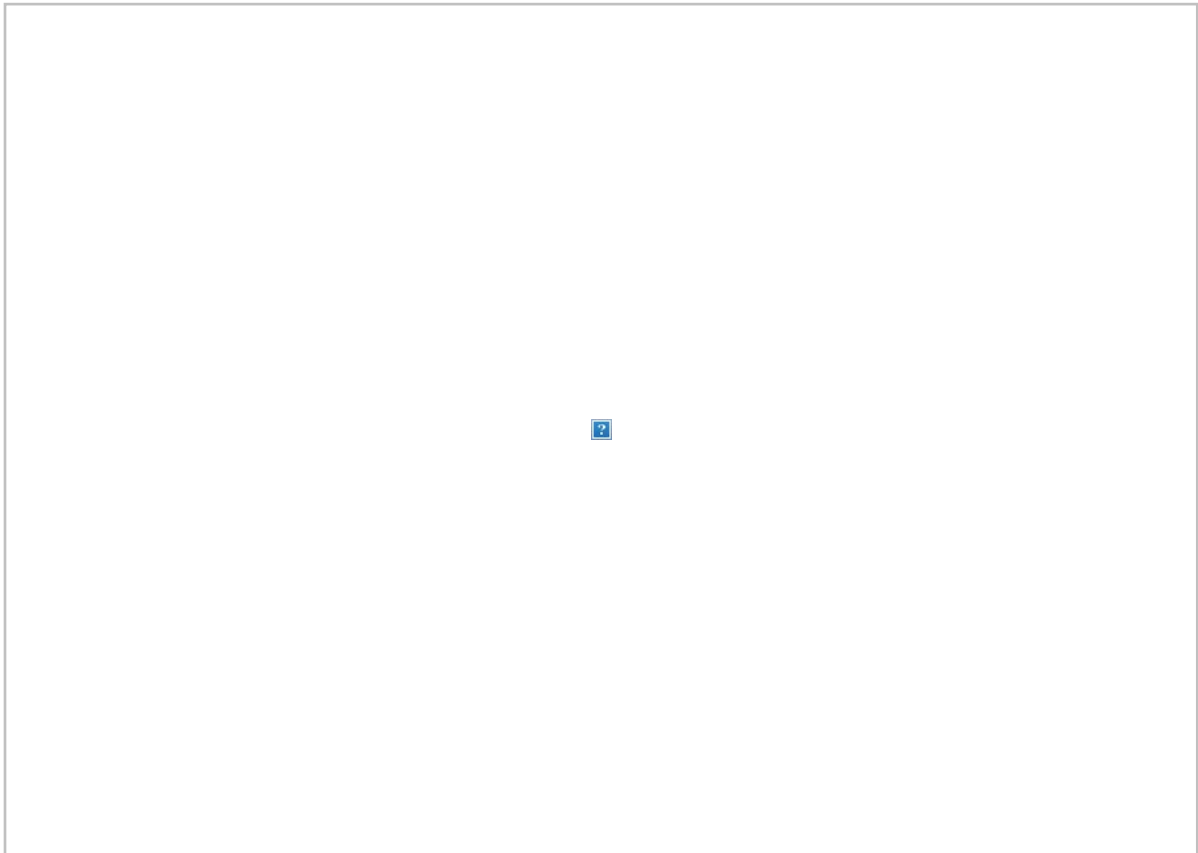
Licensing Section
 Dover District Council
 White Cliffs Business Park
 Dover
 Kent
 CT16 3PJ

Email: licensing@dover.gov.uk

DATED: 30/05/2019

LAST DATE FOR REPRESENTATIONS: 27/06/2019

Licensing Team Leader



Laila Summers
Technical Support Officer (Licensing)
Dover District Council
Council Offices, White Cliffs Business Park,
Whitfield, Dover CT16 3PJ
Tel: 01304 872295
Email: licensing@dover.gov.uk
Web: <http://dover.gov.uk/>



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DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 16 JULY 2019

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

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 set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
7 – Local Government (Miscellaneous Provisions) Act 1976 – Application for a Hackney Carriage and Private Hire Driver’s Licence.	1	Information relating to an individual.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item No 7

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

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