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2 July 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held as a Remote Meeting - Teams Live Event on Friday 10 July 2020 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 'Jemma Duffield', written over a white background.

Chief Executive

Regulatory Committee Membership:

D P Murphy (Chairman)
O C de R Richardson (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 3)

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

4 **MINUTES** (Pages 4 - 6)

To confirm the attached Minutes of the meeting of the Committee held on 17 March 2020.

5 **DELEGATIONS IN RESPECT OF PROPOSED PAVEMENT LICENCES** (Page 7)

To consider the attached report of the Head of Governance.

Access to Meetings and Information

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.
- 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.

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 17 March 2020 at 10.05 am.

Present:

Chairman: Councillor D P Murphy

Councillors: O C de R Richardson
P M Brivio
S J Jones

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

Also present: Mr M McNeil (Minute No.41)
Applicant (Minute No.43)
Supporting person (Minute No.43)

37 APOLOGIES

An apology for absence was received from Councillor R S Walkden.

38 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

39 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

40 MINUTES

The Minutes of the meeting of the Committee held on 21 January 2020 were approved as a correct record and signed by the Chairman.

41 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO RENEW A PRIVATE HIRE LICENCE THAT IS OUTSIDE OF POLICY GUIDELINES

The Licensing Team Leader presented the report to the Committee. An application from Mr Gary Gasking had been received for the renewal of a private hire vehicle licence for a Peugeot Partner (GF59 DYU) – a four passenger seat and wheelchair carrying vehicle. The vehicle fell outside of the current vehicle age policy, having been registered on 8 October 2009, and having delegated authority to do so, the Licensing Team Leader had granted the previous renewals of the licence in 2018 and 2019. The vehicle having now reached 11 years of age, was referred to the Committee for a decision.

Mr Martin McNeil was in attendance at the Hearing on behalf of the applicant and was the driver of the vehicle. The Committee, along with Mr McNeil and officers, withdrew to examine the vehicle. Having previously been inspected by the Licensing Enforcement Officer, the vehicle was found to be in average condition for a vehicle

of its age, high mileage and having some marks and scratches to the body work. The vehicle was regularly serviced every 6000 miles and no major faults were found in the last two years. Any minor faults were repaired in a timely manner by Mr Gasking (the applicant) who carried out services on the vehicle.

In accordance with the approved procedure, members of the Committee and the legal officer withdrew from the meeting to consider the application.

RESOLVED: That, due to the need for more wheelchair carrying vehicles, and notwithstanding the Council's current policy guidelines, Mr G Gasking be granted the renewal of a Private Hire Licence for a Peugeot Partner, registration plate GF59 DYU for one year.

42 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor S Jones, 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.

43 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVERS' 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. The application was referred to the committee as an Enhanced Disclosure from the Disclosure and Barring Service (DBS) showed a number of convictions that were relevant to the applicant's suitability as a fit and proper person to hold a taxi licence in the Dover district.

The applicant had been a licensed driver and voluntarily surrendered their badge following an arrest and charge in 2019. The disclosure from the DBS included this conviction as well another new conviction, and those that had already been considered by the Regulatory Committee when the driver was originally granted a licence. In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions and to present to the committee why they should be considered for a driver's licence. A supporting person was also in attendance and spoke to the applicant's good character and honesty and supported their application.

The Committee withdrew to consider its decision and 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: That, having considered the evidence provided by the applicant and their supporting person, the Committee was concerned that a serious offence had been committed as was reflected in the custodial sentence imposed by the Crown Court, albeit suspended. The Committee noted that alcohol played a part in the recent and

historical conviction. Furthermore, a second offence was committed which resulted in a community order. The Committee observed that both convictions fell within the Council's Policy guidelines on convictions and that both sentences were still in effect. The Committee concluded the applicant was not considered a fit and proper person to hold a driver's licence in the Dover district at this time.

The meeting ended at 11.11 am.

The Government has recently introduced the Business & Planning Bill, which is expected to get Royal Assent in early July 2020. This introduces a concept of Pavement Licences, which means a streamlined route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This is intended to support them to operate safely while social distancing measures remain in place. At present, the draft legislation makes no reference to whether this function is to be discharged by the Executive or the Council. In the absence of any specific statutory provision, Section 9D of the Local Government Act 2000 provides that it shall be an Executive function and therefore the Leader has been asked to delegate the functions to the necessary Officers. However, in the event that the Bill, when made law, includes such a provision which makes this a Council function, the Regulatory Committee are asked to make the following delegations to the listed officers, to ensure that these functions can be discharged in a timely way.

Delegation to: Head of Regulatory Services
 Public Protection Manager
 Licensing Team Leader

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/Limitations/Notes
Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	