

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 July 2021 at 10.00 am.

Present:

Chairman: Councillor N J Collor

Councillors: P M Brivio
S J Jones
R S Walkden

Officers: Contentious and Regulatory Lawyer
Licensing Manager
Licensing Enforcement Officer
Administration Assistant
Democratic Services Officer

Also Present: Mrs. Jennie Bartram (Minute No.19)
Driver (Minute No. 21)
Driver and Supporting Person (Minute No.22)

15 APOLOGIES

An apology for absence was received from Councillor O C de R Richardson.

16 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

17 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

18 MINUTES

The Minutes of the meeting held on 22 June 2021 were approved as a correct record for signing by the Chairman.

19 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR STREET TRADING CONSENT OUTSIDE ST GEORGE'S CHURCH, HIGH STREET, DEAL

The Committee considered the report of the Licensing Manager where an application for a Street Trading Consent had been applied for. The application, made by Mrs. Jennie Bartram, sought permission to sell seasonal fruit and vegetables from a 2.5 x 2.5m gazebo outside St George's Church, High Street, Deal from May to September each year from Wednesday to Saturday between 08.30 – 16.00 hrs.

Following a 28-day consultation period 14 representations were received objecting to the application. Many of the objectors stated there was already sufficient provision of fruit and vegetable outlets in the town and the additional provision would damage existing businesses. The location of the gazebo was a popular area for people in the town to gather at the benches located in front of the church. Bike

racks were also on this part of the pavement and the addition of a gazebo in this area would create congestion on the pavement forcing people into the road.

In accordance with the approved procedure the applicant had the opportunity to present their application to the Committee and address the objections. Mrs. Bartram and her family were experienced stall holders having traded from Whitefriars in Canterbury for 20 years and more recently a pop-up stall in Deal. The stalls sold local, seasonal produce only, at affordable prices.

During the recent restrictions, as a result of the Coronavirus, Mrs. Bartram had been selling locally sourced fruit and vegetables with the permission of the landlord from her existing business premises, a Florists, in St George's passage. With the easing of restrictions this permission had ceased. During this time Mrs. Bartram had also provided a produce delivery service which she said was invaluable to the more elderly residents.

Mrs. Bartram had liaised with Kent County Council (KCC) and the church to establish a suitable location for the gazebo and following advice from KCC the original siting of the gazebo was moved to the location being sought in the application. Discussion had also taken place with two of the existing fruit and vegetable shop owners who were supportive of the application. These businesses were located at the opposite end of the High Street.

Addressing the concerns of some Members Mrs. Bartram advised that the gazebo and table was small with no intention to increase its size and that it didn't obstruct the benches in that location and although there was a church noticeboard in the vicinity the church had not objected.

The Committee withdrew to consider the application, the concerns of the representations and Dover District Council's policy in regard to Street Consents. The Committee noted that Mrs. Bartram had been selling fruit and vegetables during the recent Coronavirus restrictions and therefore the siting of this stall would not be adding an additional outlet and it would be addressing the need for affordable, local produce. In addition, it noted that Kent County Council had stated the location of the gazebo would not be creating an obstruction.

RESOLVED: That, the application for Street Trading Consent outside St George's Church, High Street, Deal made by Mrs Jennie Bartram to trade from a 2.5 x 2.5m gazebo be GRANTED for a period of 12 months with permission to trade from 1 May – 30 September, Wednesday – Saturday between 08.30 – 16.30 hrs.

20 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.

21 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Committee considered the report of the Licensing Manager on a review of a Joint Hackney Carriage and Private Hire Driver's Licence where the licensed driver had disclosed a conviction for the breach of a Non-Molestation Order. In accordance with Dover District Council's Hackney Carriage and Private Hire Licensing Policy the matter was referred to the Regulatory Committee for a decision as to whether the driver remained a fit and proper person to hold a Licence within the Dover district.

In accordance with the approved procedure Members offered the driver the opportunity to explain the circumstances that led to the Non-Molestation Order being made (including that there was no finding of fact), the breach of the Order and the conviction itself. The licensed driver gave an account and also spoke to their general good character, their experience as a licensed driver and their current personal circumstances. The driver, during the Hearing disclosed a further potential breach of the Non-Molestation Order that was prior to the one for which he was convicted. The Committee noted that the driver also appeared to be unfamiliar with the full terms and duration of the Order.

The Committee withdrew from the meeting with the Contentious and Regulatory Lawyer to consider its decision and upon resuming it was

RESOLVED: That, having considered the circumstances that led to the breach and the Non-Molestation Order, the Regulatory Committee considered the driver was not a fit and proper person to hold a Joint Hackney Carriage and Private Hire Driver's Licence whilst the Order remained in place and that their licence be suspended until 11 September 2021 when the Order would have lapsed.

22 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Committee considered the report of the Licensing Manager on a review of a Joint Hackney Carriage and Private Hire Driver's Licence whereby the police had notified the Licensing Authority of a report made against a licensed driver in the Dover district. In addition to the police report, which later led to an arrest, the driver had also received two complaints regarding their conduct. The case was referred to the Regulatory Committee to determine whether the driver remained a fit and proper person to hold a Licence within the Dover district.

In accordance with the approved procedure Members offered the driver the opportunity to explain the circumstances that led to the arrest and complaints. The driver's employer was also in attendance and spoke to their good character and was satisfied the driver remained a fit and proper person to remain employed by the firm. The employer also stated that two of the three complainants who were customers, still sought to use their firm's services, although the firm was not responding to requests from the current complainant.

The Committee withdrew from the meeting with the Contentious and Regulatory Lawyer to consider its decision and upon resuming it was

RESOLVED: That having considered the complaints the Regulatory Committee were satisfied the driver remained a fit and proper person to hold a Joint Hackney Carriage and Private Hire Driver's Licence in the Dover district.

The meeting ended at 11.47 am.