

Public Document Pack



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10 October 2022

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 18 October 2022 at 10.00 am when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'N. J. Collor', written over a white background.

Chief Executive

Regulatory Committee Membership:

N J Collor (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 4)

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

4 **MINUTES** (Pages 5 - 6)

To confirm the attached Minutes of the meeting of the Committee held on 19 July 2022.

PROCEDURE FOR HEARING (Pages 7 - 11)

The procedures for the Hearings are attached.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES** (Pages 12 - 29)

To consider the attached report of the Licensing Manager.

6 **HIGHWAYS ACT 1980 - SECTION 115E - THE ELEPHANT AND HIND, 18-19 MARKET SQUARE, DOVER** (Pages 30 - 39)

To consider the attached report of the Licensing Manager.

7 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 40)

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

8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 41 - 55)

To consider the attached report of the Licensing Manager.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 56 - 85)

To consider the attached report of the Licensing Manager.

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 step free access via the Council Chamber entrance and an accessible 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.
- Members of the Regulatory Committee may receive confidential information relating to criminal offence personal data as part of an exempt or confidential item of business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

For further information about how this information should be processed, please view the Council's Data Protection Policy and Appropriate Policy Document at www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf

- 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 Democratic Services, democraticservices@dover.gov.uk, 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, 19 July 2022 at 10.00 am.

Present:

Chairman: Councillor N J Collor

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

Officers: Principal Lawyer - Litigation and Regulatory
Litigation Lawyer
Licensing Manager
Licensing Officer
Democratic Services Officer

Also Present: Applicant (Minute No.13)

8 APOLOGIES

There were no apologies for absence.

9 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

10 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

11 MINUTES

The minutes of the meeting held on 19 April 2022 were incorrectly included on the agenda as they had been approved by the Committee on 24 May 2022.

12 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor S J 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.

13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A RESTRICTED PRIVATE HIRE DRIVERS LICENCE

The Committee considered the report of the Licensing Manager on an application for a Restricted Private Hire Drivers Licence whereby the applicant had disclosed convictions during the application process. The application was referred to the Committee to determine whether the applicant was a fit and proper person to hold a Licence within the Dover district.

In accordance with the approved procedure Members offered the applicant the opportunity to explain the circumstances that led to the disclosed convictions. Members heard from the applicant regarding the convictions themselves, the applicant's employment history, family circumstances and the reasons for wanting the Restricted Private Hire Drivers licence.

The Committee withdrew from the meeting with the Principal Lawyer – Litigation and Regulatory to consider its decision. Upon returning it was reported that Members had noted the upfront declaration of the applicant's convictions. Having considered the matter the Committee was satisfied the applicant was a fit and proper person to hold a Restricted Private Hire Drivers Licence.

RESOLVED: That the applicant be granted a Restricted Private Hire Drivers Licence in the Dover district for a period of 3 years.

14 SCRAP METAL DEALERS ACT 2013 - REVOCATION OF A SCRAP METAL SITE LICENCE

Due to travel disruptions and with the consent of all parties, this item of business was postponed to a future meeting.

The meeting ended at 10.25 am.

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.

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.

Subject:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES
Meeting and Date:	Regulatory Committee – 18 October 2022
Report of:	Licensing Manager
Classification:	Unrestricted

Purpose of the report:	To consider an application to grant a licence for a private hire vehicle outside of policy guidelines
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Recommendation:	That the Committee consider the report
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1. Summary

Mr Sherwan Saber, has submitted an application to the licensing authority asking for permission to grant the licence on his Citroen C4 as a Private Hire vehicle. This vehicle falls outside of the current vehicle age policy, being registered in June 2014. The vehicle reg MW14 ZVK has 6 passenger seats and is intended to be used for private hire within the district and beyond.

2. Introduction and Background

2.1 The regulation of Hackney Carriage & Private Hire Vehicles is a statutory duty of the Council under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2.2 The Dover District Council Hackney Carriage and Private Hire Policy states in paragraph 4.4 that:

4.4 Maximum Age of Vehicles

4.4.1 No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when initial application is made, exceeds 5 years of age.

4.4.2 No application for the renewal of a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 8 years of age.

4.4.3 No application for the renewal of a hackney carriage or private hire vehicle licence purpose built for the carrying of wheelchair dependant passengers, or a type licensed by the Public Carriage Office as a London Cab will be granted if the vehicle, when application is made, exceeds 12 years of age.

4.4.4 No application for the renewal of a hackney carriage or private hire vehicle licence which is fully electric or hybrid in nature will be granted if the vehicle, when application is made, exceeds 12 years of age.

4.4.5 No application for a temporary transfer will be granted if the vehicle, when the application is made, exceeds 5 years of age.

4.4.6 The Licensing Manager has delegated authority to extend the time limits set out at 4.4.1 – 4.4.5 for exceptionally well-maintained vehicles by a maximum of two further years. Applicants who fail to obtain approval from the Licensing Manager for an extension or who may wish to seek permission to extend beyond the two extra years may ask to be referred to the Regulatory Committee for consideration.

4.4.7 Applications for vehicles that fall outside of the policy guidelines or the provisions of 4.4.6 will be referred to the Regulatory Committee for consideration.

2.3 Applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from the agreed policy.

2.4 As this vehicle is 8 years old, it has been referred to the Regulatory Committee. The application can be found at **Appendix A**. The vehicle has been inspected by the Licensing Enforcement Officer and the details of the inspection are shown at **Appendix B**. The mileage at the time of inspection was 121,552 miles. This vehicle was previously licensed as a private hire vehicle with Dover District Council, but was taken off the road for vehicle repairs. Photographs of the vehicle were taken by the Licensing Enforcement Officer at the time of inspection, and these are shown within his report. The owner has been requested to physically present the vehicle for inspection on the day of the hearing.

2.5 Hackney carriage and private hire vehicle licences are normally issued for a period of 12 months.

3 **Identification of Options**

Options:

- (a) To allow the application for the grant of the Hackney Carriage Vehicle licence notwithstanding that this would be a deviation from existing policy.
- (b) To reject the application as there are insufficient reasons to justify a deviation from existing policy.

4 **Evaluation of Options**

Options:

- (a) The vehicle is over the age defined in the policy for the grant of a licence. However, the applicant is requesting that the Committee consider whether the vehicle could be licensed as the applicant states it is in good condition.
- (b) If such a deviation from policy were allowed, for a 12 month period or any lesser period, then it would be necessary to make clear that this was an exceptional circumstance.
- (c) If the Committee felt that there were insufficient reasons to deviate from the Policy, then the application should be refused.

5 **Resource Implications**

There are no resource implications arising from this report.

6 **Appendices**

Appendix A – Application form and supporting papers submitted by Mr Saber

Appendix B – Licensing Enforcement Officer's report and photographs of the vehicle following inspection.

Background Papers

Hackney Carriage & Private Hire Licensing Policy

Local Government (Miscellaneous Provisions) Act 1976.

Contact Officers: Rebecca Pordage, Licensing Manager. 01304 872279



PLATE NUMBER	
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DOVER DISTRICT COUNCIL

APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE

 GRANT RENEWAL TRANSFER TEMPORARY TRANSFER

TITLE	MR <input checked="" type="checkbox"/>	MRS <input type="checkbox"/>	MS <input type="checkbox"/>	MISS <input type="checkbox"/>	
SURNAME	SABER		FORENAME/S	SHERWAN	
ADDRESS (including postcode)	321 LONDON ROAD DOVER KENT CT17 0SX				
HOME PHONE	[REDACTED]		MOBILE	[REDACTED]	
EMAIL	[REDACTED]				
If a firm or partnership, the names of all proprietors or partners or any other person concerned in the keeping, employing or letting on hire of the vehicle.					
Name and Address of Operator					
VEHICLE DETAILS					
Make:	CITROEN	Model:	C4	Colour:	GREY
Date of first registration	16/06/2014		C.C.	1560	
REGISTRATION NUMBER	MW14ZVK		Fuel Type:	Petrol <input type="checkbox"/> Diesel <input checked="" type="checkbox"/> Hybrid <input type="checkbox"/>	
Is the vehicle adapted as wheelchair accessible?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Number of seats excluding the driver	6		
Is a meter fitted	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If so please attach the tariff card			

INSURANCE DETAILS

Is the vehicle insured for the carriage of passengers for hire Or reward

YES



NO



Name of insurance company

ERS

Policy number:



Date insurance expires

03/02/2023

If changing vehicle, please give details of existing vehicle



Are you requesting an exemption from displaying private hire plates on the vehicle?



Is the vehicle a prestige vehicle?
(A prestige vehicle is defined as any vehicle currently licensed with the Dover District Council as a Hackney Carriage or Private Hire Vehicle. The residual value of which if sold privately exceeds £5,000, 6 years after the date of its first registration)



If so, is the vehicle used exclusively for the provision of prestige chauffeur services?

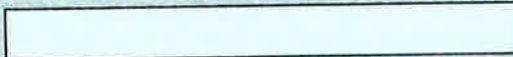


Check list for applicant use

Please tick the appropriate boxes of which you have completed for this application.

Grant/Renewal £259.00 Transfer £54.00 Temporary Transfer £34.00 Change of Owner £21.00

Receipt Number



Completed Application form



Copy of MOT



Proof of Tax



Copy of Insurance



Declaration:

I apply for a licence for the private hire vehicle stated and enclose the relevant fee

I confirm that I have read and understand the notes supplied to me with this form and declare that the particulars I have supplied are correct to the best of my knowledge and belief.

I understand that Dover District Council may share this information with other agencies for the prevention and detection of crime.

SIGNATURE		DATE	06/10/2022
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NOTE: Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976: "If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this Section he/she shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.00."

We may share the personal data we collect with other agencies for the prevention and detection of crime and will rely on a data protection exemption to do so. We may also process and share your personal data with other agencies to comply with a legal obligation.

Fee	£
Receipt Number	
Insurance Received	
Proof of Tax	
Mot Received	
MOT next Due	
Comp Check	
Signed by officer	
Date received	

DOVER DISTRICT COUNCIL
NOTES OF PRIVATE HIRE VEHICLE LICENCE

1. It is an offence to operate a vehicle for private hire unless a valid private hire vehicle licence is held by the owner of such vehicle and a licensed private hire vehicle may only be used as such when in the charge of and driven by a person holding a current private hire driver's licence.

2. **ACCOMPANYING DOCUMENTS**

The applicant is required to submit for examination:

- (a) a valid Certificate of Insurance for Hire and Reward
- (b) a valid Department of Transport Vehicle Test Certificate (not more than 14 days old) or a pre-delivery inspection report in lieu of MOT for new vehicles
- (c) a Vehicle Excise Act 1971 Registration Document
- (d) proof of vehicle tax

All vehicles shall also be presented to the Licensing Officer for additional inspection. Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory and the engine and full chassis steam cleaned.

Please note that in accordance with the Hackney Carriage and Private Hire Licensing Policy, you are required to present **evidence that the vehicle is taxed**, along with the application form, V5, insurance, MOT and fee.

3. **VEHICLE TESTS**

The Authority needs to be satisfied that licensed vehicles operating within its area are safe.

All hackney carriage and private hire vehicles shall be subject to the current MOT standard test at licence renewal. The vehicle must pass a further MOT test at 6 monthly intervals once the vehicle is over three years old. The Licensing Team Leader has delegated authority to require further, more frequent testing up to a maximum of 3 tests per year where concerns over safety standards have been identified.

Licensed vehicles that fail an inspection and/or MOT test and are deemed unsuitable for use as a passenger vehicle by the vehicle examiner or Licensing Officer, will result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Once the defects have been satisfactorily remedied then the proprietor may seek the lifting of the suspension notice by the Licensing Officer.

When a licensed vehicle sustains serious accident damage it shall be subjected to a further satisfactory MOT test prior to it being presented back into service.

4. **VEHICLE EXAMINATION**

Any authorised officer of the Council or any constable has the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any private hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the private hire vehicle or as to accuracy of its taximeter he may by notice in writing require the proprietor of a private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

5. **TAXIMETERS**

Private Hire Vehicles do not have to be fitted with a 'Taximeter' but if one is fitted it must be checked and, where possible, sealed by the Council prior to use.

Private Hire Vehicles that are fitted with Taximeters must also display a Tariff Card and provide a copy to the Licensing Authority for reference.

If at anytime after the grant of a licence a different type of tyre is fitted to the vehicle, and/or any alterations are carried out to the vehicle which might affect the reading on the face of the taximeter, and/or the seal of the taximeter is broken, whether accidentally or otherwise, the vehicle must be submitted for re-examination and/or sealing of the taximeter.

6. **ACCIDENT DAMAGE**

The proprietor of a private hire vehicle must report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein.

7. **DISPLAY OF PLATE**

The proprietor of a private hire vehicle shall fix to the vehicle licence identification plates of size, colour, design and type supplied by the Authority.

The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the private hire vehicle in the vicinity of the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence is clearly visible by daylight from the highway. It shall be fixed on a

platform kit as supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.

The proprietor shall ensure that an approved holder displaying a private hire driver badge and a vehicle licence identification card as supplied by the council is displayed, in a position for all passengers to clearly see.

The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the council, and the said plate shall be displayed only on the vehicle to which it relates.

The licence plates shall remain the property of the council and shall be returned to them within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the private hire vehicle licence ceasing to be in force in respect of the vehicle.

Private hire vehicles must display door signs in prominent positions on both rear doors of the vehicle indicating that they must be booked in advance and separate signs on the front doors indicating details of the operator

8. RESTRICTION ON SIGNS, NOTICES & ADVERTISING, ETC

Vehicles shall not be allowed to display any printed, written or other material on the windows of the vehicle except in respect of the following:-

- No eating or drinking;
- Public health and safety campaigns;
- Permits for private ranks;
- Trade organisation membership;
- No smoking; and
- Vehicle Excise Licence

Vehicle proprietors shall not display or allow to be displayed in or on their vehicle any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of these conditions.

Applications for approval of advertisements must be made in writing on the approved form to the Licensing Team Leader. The form must be accompanied by a copy of the proposed advertisement in full colour.

Permitted advertisements may be displayed in the interior of vehicles on the underside of tip-up seats and these must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

9. COMPANY SIGNS

Cars

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs). The maximum size shall be 770mm x 260mm.

A sign may be displayed on the rear of the vehicle advertising the company but it shall not exceed 100mm in height and the telephone number should not exceed 75mm in height.

A copy of any proposed company sign shall be forwarded to the Licensing Section for approval.

MPV's

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs) of private hire vehicles. Signs may be displayed on the rear of the vehicle advertising the company (but not the window). A copy of any proposed company signage shall be forwarded to the Licensing Section for who shall approve by vehicle make and model, signage parameters in proportion to the design of each vehicle.

Other (Large) Vehicles

The Authority shall approve, by vehicle make and model, signage parameters in proportion to the design of each vehicle. Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Council signs).

All company signs shall be the same for each vehicle.

The words "For Hire", "Cab" or "Taxi" must not be included even if the name of the firm includes such words.

10. PERIOD OF LICENCE

A licence shall be in force from the time it is taken out until the expiration of the period of twelve months beginning with the first day of the month in which it is taken out.

11. LICENCE RESTRICTION

A private hire vehicle licence is issued in respect of the vehicle the registration number of which is shown on the licence and cannot in any circumstances be an authority for the use of any other vehicle as a private hire vehicle.

12. TRANSFER OF LICENCE

The proprietor of a private hire vehicle must notify the Council in writing of the name and address of a person to whom the vehicle is sold or transferred within 14 days of the transfer.

Applications for the transfer of a licence during the currency thereof will be considered and, subject to compliance with the necessary conditions, will be granted.

13. WARNING

Any false statement or information given to the questions set out in the application form may result in cancellation of the licence.

14. RIGHT OF APPEAL

Any person aggrieved by the refusal of the Council to grant a private hire vehicle licence may appeal to a Magistrates' Court.

Dover District Council is a data controller under General Data Protection Regulation (GDPR), we process your personal data securely and in compliance with data protection legislation. For more information on your privacy and rights please view our Corporate and Service Specific Privacy Notices on our website at <https://www.dover.gov.uk/privacy>.

Applications for private hire licences should be made to the Licensing Section, White Cliffs Business Park, Dover, Kent CT16 3PJ (Telephone: Dover (01304) 872295).

A Registration number

MW14 ZVK

[A.1] K

B: Date of first registration 16 06 2014

[B.1]: Date of first registration in the UK 16 06 2014

D.1: Make CITROEN

D.2: Type 3

Variant 3A9HC*

Version 3A9HC8

Euro status

Real driving emissions

D.3: Model C4 GR PICASSO EXCL ADREAM EHD1

D.5: Body type MPV

[X]: Taxation class DIESEL CAR

[D.6]: Suspension type

[Y]: Revenue weight

P.1: Cylinder capacity (cc) 1560 CC

V.7: CO₂ (g/km) 105 G/KM

P.3: Type of fuel HEAVY OIL

S.1: Number of seats, including driver 7

S.2: Number of standing places (where appropriate)

[D.4]: Wheelplan 2-AXLE-RIGID BODY

J: Vehicle category M1

K: Type approval number e2*2007/46*0356*03

P.2: Max. net power (kW) 85

E: VIN/Chassis/Frame No. VF73A9HC8EJ613823

P.5: Engine number JBEY3050249

F.1: Max. permissible mass (exc. m/c) 2150

G: Mass in service 1395

Q: Power/Weight ratio (kW/kg) (only for motorcycles)

R: Colour GREY

O: Technical permissible maximum towable mass of trailer

O.1: braked (kg) 1500

O.2: unbraked (kg) 695

U: Sound level

U.1: stationary (dB(A)) 72

U.2: engine speed (min-1) 2700

U.3: drive-by (dB(A)) 69

V: Exhaust Emissions

V.1: CO (g/km or g/kWh) 0.341

V.2: HC (g/km or g/kWh)

V.3: NOx (g/km or g/kWh) 0.113

V.4: HC+NOx (g/km) 0.155

V.5: particulates (g/km or g/kWh)

1 Change my vehicle details – Only fill in details to be corrected or changed

H

By submitting this form you are declaring that the information provided is correct. If you have made changes to your vehicle or if the information above is incorrect, you must

tell us by filling in the relevant box(es) below and send whole V5C to DVLA, Swansea, SA99 1BA. Use black ink and CAPITALS.

Registration number

MW14 ZVK

K

Document reference number

0336 848 2521

Wheelplan / Body type:

VIN / Chassis / Frame number:

New revenue weight:

Date of change:

Cylinder capacity (cc):

No. of seats inc. driver: No. of standing places:

Type of fuel:

Engine number:

New colour:

Date of change:

CLR

Tax class:

Y

For information on how to change your tax class go to gov.uk/change-vehicle-tax-class

2 Selling or transferring my vehicle to a new keeper (not a trader)

W

By submitting this form you are declaring that the information provided is correct.

You must tell us immediately if you have sold or transferred your vehicle. It's quick and simple to tell us online. If you don't receive an acknowledgment or tax refund, if applicable, go to gov.uk/contact-the-dvla as you may still be liable.

If you want to keep the registration number you must do this before you sell or transfer it. To tell us go to gov.uk/keep-registration-number

You can use this form to tell us if you have:

- Sold your vehicle privately – fill in the boxes below and the date of sale on section 6 over the page. Use black ink and CAPITALS. Tear off section 6 (green slip) give it to the new keeper. Return the rest of the V5C to DVLA, Swansea, SA99 1BA.
- Sold, transferred or part exchanged your vehicle to a motor trader – go to section 4 (yellow section) on the next page.

Registration number

MW14 ZVK

K

Document reference number

0336 848 2521

Title: Mr: Mrs: Miss:

Or other title or business / company name:

New keeper's first and middle names written in full:

Surname:

DVLA fleet number for companies only:

Date of birth: (optional)

Current UK address (house number, street name, town / city):

Foreign address? For information go to: gov.uk/taking-vehicles-out-of-uk

Postcode:

Date of sale: (mandatory)

Mileage: (optional)

K

Contact number of the new keeper: (optional)

Email address of the new keeper: (optional)

Driving licence number of the new keeper: (optional)

Official use only. Do not write in this space.

0336 848 2521

02 12 20

783 / 1025708008 / 03716

31



3 Change my name and / or address – Enter full details for all changes

W

By submitting this form you are declaring that the information provided is correct.

If your personal details are wrong or have changed, you must tell us by filling in the box(es) below giving us your full name and/or address. Use black ink and CAPITALS. Send the whole V5C to DVLA, Swansea, SA99 1BA.

Registration number **MW14 ZVK** K

SHERWAN SABER
T/A DOVER ROYAL TAXIS
321 LONDON ROAD
DOVER
CT17 0SX

Document reference number **0336 848 2521**

Title: Mr: Mrs: Miss:

Or other title or business / company name:

First and middle names written in full:

Surname:

New UK address (house number, street name, town / city):

Postcode:

0336 848 2521 02 12 20
783 / 1025708008 / 03716 31

Contact number: (optional)

Email address: (optional)

4 Selling, transferring or part exchanging this vehicle to a motor trader

By submitting this form you are declaring that the information provided is correct.

A motor trader can be:

motor dealer, motor auctioneer, vehicle dismantler, salvage dealer, finance and leasing company, insurance company, or car buying service.

If you want to keep the registration number you must do this before you sell or transfer it. To tell us go to: gov.uk/keep-registration-number

You must tell us immediately if you have sold or transferred your vehicle. It's quick and simple to tell us online. If you don't receive an acknowledgment or tax refund, if applicable, go to gov.uk/contact-the-dvla as you may still be liable.

Or you can also use this form to tell us by filling in the boxes below. Use black ink and CAPITALS. Tear along the red perforated line and send the whole section to DVLA, Swansea, SA99 1BA.

Give the rest of the document to the motor trader.

Registration number **MW14 ZVK** K

Document reference number **0336 848 2521**

05 Date of sale: (mandatory)

Mileage: (optional)

Name and address of motor trader:

VAT number:

Postcode:

5 Permanently exporting this vehicle for more than 12 months

By submitting this form you are declaring that the information provided is correct.

If you are taking the vehicle out of the country for 12 months or more (a permanent export) you must fill in the boxes below. Use black ink and CAPITALS. Tear along the red perforated line and send the whole section to DVLA, Swansea, SA99 1BA.

You must keep the rest of your V5C – you will need this to register your vehicle abroad.

If you're selling the vehicle to a new keeper with a foreign address go to: gov.uk/taking-vehicles-out-of-uk

Registration number **MW14 ZVK** K

Document reference number **0336 848 2521**

Date of export: 12 20 11

Which country are you exporting the vehicle to?

6 New keeper slip – must be given to the new keeper

V5C-0119

Do not send this slip to DVLA on its own – you won't get a V5C.

You, the new keeper, must ensure the vehicle is taxed before you drive it.

You will be fined if our records show that the vehicle is not taxed, insured or no Statutory Off Road Notification (SORN) has been made.

It's quick and simple to tax online at: gov.uk/vehicle-tax or tax at a Post Office® using this slip.

Declare the vehicle off road online at: gov.uk/make-a-sorn

You should receive your new V5C within 4 weeks of the registered keeper giving us your details.

If you do not receive your V5C, you'll need to fill in a V62 form to apply for a new one. Send it, with this slip, to DVLA, Swansea, SA99 1DD. Make sure the date of sale/transfer box is filled in.

For more details on this vehicle go to: gov.uk/get-vehicle-information-from-dvla

For data protection information go to: gov.uk/dvla/privacy-policy

Registration number **MW14 ZVK** K

Document reference number (use this to tax online) **40336 848 2521**

Date of sale / transfer:

40336 848 2521 02 12 20
783 / 1025708008 / 03716 31

Make CITROEN

Model C4 GR PICASSO EXCL ADREAM EHDI

Colour GREY

Engine size 1560 CC

Suspension type

Tax class DIESEL CAR

No. of seats 7

Official use only. Do not write in this space.



Certificate of Motor Insurance



1. Description of vehicle(s)

Any motor vehicle the property of, or on hire or loan or lease to the policyholder.

2. Name of policyholder

Sherwan Saber & Saber Fazula

3. Effective date and time of the commencement of insurance for the purpose of the relevant law

04 February 2022 00:01

4. Date of expiry of insurance

03 February 2023

5. Persons or classes of persons entitled to drive

Any person who is driving on the order or with the permission of the policyholder.

Providing that the person driving has a licence to drive the vehicle or has held and is not disqualified from or prohibited by law from holding or obtaining such a licence.

6. Limitations as to use

A. Use for the business of the policyholder for public hire and private hire and the carriage of passengers and goods for hire or reward

B. Use for social, domestic and pleasure purposes.

Unless specified under section 6 of this certificate of insurance, this policy does not cover: use for hiring, the letting on hire, the carriage of passengers and goods for hire or reward, racing, pacemaking, use in any contest, reliability or speed trial or the use for any purpose in connection with the motor trade.

I hereby certify that the policy to which this certificate of insurance relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, Isle of Man and the Islands of Guernsey, Jersey and Alderney.

For and on behalf of the Underwriter subscribing ERS, 21 Lombard Street, London, EC3V 9AH

Authorised Insurer

A handwritten signature in black ink, appearing to read 'Martin Hall'.

Martin Hall
Active Underwriter

Advice to third parties - Nothing contained in this certificate of insurance affects your rights as a third party to make a claim.

Note: For full details of the insurance cover reference should be made to the policy document, which can be obtained from your broker or via our website at www.ers.com

MOT test certificate

① Vehicle identification number

VF73A9HC8EJ613823

② Registration number

MW14ZVK

③ Country of registration

GB

Make and model

CITROEN C4

⑤ Vehicle category

M1

④ Mileage

120,987 miles

Mileage history

112,302 miles 18.10.2021

103,464 miles 25.06.2021

98,240 miles 29.10.2020



Driver & Vehicle
Standards
Agency

⑦ Pass

Monitor and repair if necessary (advisories)

- Tyre worn close to legal limit/worn on edge Offside Rear [5.2.3 (e)]
- Tyre worn close to legal limit/worn on edge Nearside Rear [5.2.3 (e)]
- Offside Front (Inner wheel arch slightly loose.)
- Nearside Front (Inner wheel arch slightly loose.)

③b Date of the test

03.09.2022

⑧ Expiry date

02.09.2023

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 03.08.2023.

③a Location of the test

3 PARK ROAD, CHERITON, FOLKESTONE, CT19 4DG

⑨ Testing organisation and inspector name

**87165 MUSTANG MOTORS
M. D. Tatnell**

MOT test number

6610 2059 6782

Duplicate certificate issued by M. D. Tatnell on 05 September 2022

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvsa.gov.uk or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.



DOVER ROYAL CARS TARIFF CARD

TARIFF 1

FOR HIRING COMMENCED BETWEEN 06.00 HRS AND 12.00 MIDNIGHT EACH DAY
FOR THE FIRST 320 YARDS OR 1 MINUTE AND 10 SECONDS

£3.80

FOR EACH SUCCEEDING 85 YARDS OR 20 SECONDS **£0.10**
THEREAFTER OR A COMBINATION OF BOTH

TARIFF 2

FOR HIRING COMMENCED BETWEEN 12.00 MIDNIGHT 06.00 HRS AND EACH DAY
FOR THE FIRST 320 YARDS OR 1 MINUTE AND 10 SECONDS

£5.40

FOR EACH SUCCEEDING 85 YARDS OR 20 SECONDS **£0.10**
THEREAFTER OR A COMBINATION OF BOTH

TARIFF (3) MPV FOR EACH DAY AND SUNDAY AFTER MIDNIGHT CAR

FOR HIRING COMMENCED BETWEEN 06.00 HRS AND 12.00 MIDNIGHT EACH DAY AND
SUNDAY AFTER MIDNIGHT

FOR THE FIRST 320 YARDS OR 1 MINUTE AND 10 SECONDS

£6.00

FOR EACH SUCCEEDING 85 YARDS OR 20 SECONDS **£0.15**
THEREAFTER OR A COMBINATION OF BOTH

TARIFF(4) MPV 12:00 MIDNIGHT TO 6:00 / AND FOR SUNDAY FOR MPV

FOR HIRING COMMENCED BETWEEN 12.00 MIDNIGHT 06.00 HRS AND EACH DAY
FOR THE FIRST 320 YARDS OR 1 MINUTE AND 10 SECONDS

£7.50

FOR EACH SUCCEEDING 85 YARDS OR 20 SECONDS **£0.15**
THEREAFTER OR A COMBINATION OF BOTH

TARIFF 5 SUNDAY

FOR HIRING COMMENCED BETWEEN 06:00 HRS AND 12.:00 MIDNIGHT SUNDAY
FOR THE FIRST 320 YARDS OR 1 MINUTE AND 10 SECONDS

£4.50

FOR EACH SUCCEEDING 85 YARDS OR 20 SECONDS **£0.15**
THEREAFTER OR A COMBINATION OF BOTH

**- For hiring commenced between 18:00 hrs Christmas Eve and 06:00 hrs 27
December and between 18:00hrs New Years' seven and 06:00hrs 2 January.**

TARIFF 6 Christmas

FOR HIRING COMMENCED BETWEEN 12.00 MIDNIGHT 06.00 HRS AND EACH DAY
FOR THE FIRST 320 YARDS OR 1 MINUTE AND 10 SECONDS

£7.60

FOR EACH SUCCEEDING 85 YARDS OR 20 SECONDS **£0.20**
THEREAFTER OR A COMBINATION OF BOTH.

TARIFF 7 Christmas

FOR HIRING COMMENCED BETWEEN 12.00 MIDNIGHT 06.00 HRS AND EACH DAY
FOR THE FIRST 320 YARDS OR 1 MINUTE AND 10 SECONDS

£12.00

FOR EACH SUCCEEDING 85 YARDS OR 20 SECONDS **£0.30**
THEREAFTER OR A COMBINATION OF BOTH

ADVERSE WEATHER CONDITIONS

During adverse weather conditions, defined as when Stagecoach Bus Company withdraw their services due to weather conditions, the tariffs relating to distance and waiting time

SOILING CHARGE

- To cover cleaning and loss of income, where the interior of the vehicle is soiled (at the drivers discretion) not exceeding £80.00

Overage report Citroen Picasso MW14 ZVK

Vehicle presented by Mr Saber (owner and operator of Dover Royal). Inspected by PJ 06/10/2022 at Whitfield offices,

The vehicle was presented for inspection by the owner as it is older than the 5 years stated in the hackney carriage and private hire policy so cannot automatically be granted a licence.

The car was first registered in June 2014 making it 8 years and 4 months old.

The vehicle had covered 121,552 miles at the time of inspection and has recently undergone an MOT test (September 2022).

The exterior paintwork was clean, in good condition without any obvious signs of damage or inconsistencies.

The seats and interior were found to be clean and in good condition. There would be 6 licensable passenger seats available in this MPV style car.

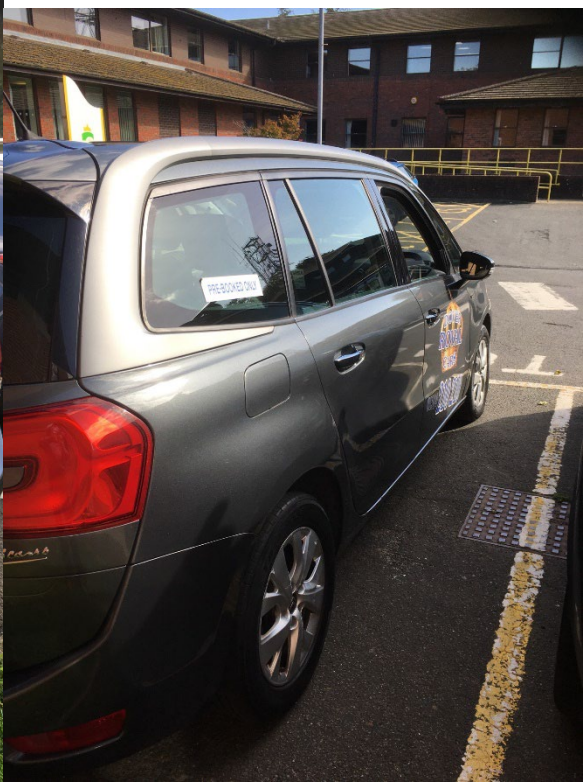
This vehicle was previously registered as a licensed vehicle of the Dover taxi fleet but has spent an extended time off the road for mechanical work so the plate was transferred onto another vehicle.

Mr Saber would like to return the vehicle to the fleet as the mechanical issues have now been fixed.

Please see photos below taken during the inspection 06-10-22. I can send larger images through if required.

PJ







Subject:	Highways Act 1980 – Section 115E – The Elephant and Hind, 18-19 Market Square, Dover
Meeting and Date:	Regulatory Committee – 18 October 2022
Report of:	Rebecca Pordage, Licensing Manager
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 Harry Richardson has applied for a Street Furniture permit to allow the placement of 13 tables, 28 chairs and 12 benches outside The Elephant and Hind, 18-19 Market Square, Dover. The application states that the furniture will be 6 long tables and benches, 4 bistro tables and chairs, and 2 round tables and chairs. The applicant has requested they be placed between 12 noon to 12 midnight pm every day.

2.2 A copy of the application form and plan is shown at **Appendix A**. A map of the area can be found at **Appendix B**.

2.3 There is currently a permit for 6 tables and 12 benches at the Elephant and Hind between 10 am to 10.30 pm every day. This permit has been in place since 1 July 2019, as shown at **Appendix C**. As these permits are not transferable, and there have been development works in Market Square, Mr Richardson has submitted a new application to supersede the current permit.

2.4 As part of the consultation process views have been sought from local businesses, Kent Highway Services, Police, Town Council, Fire Service, Planning, and other internal departments within Dover District Council as appropriate, and none have made representation, The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

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

Dover Town Council object as they say that the plan does not allow for the required 2m of clear footway. They state that in general they are supportive of outside seating at hospitality venues but this must be balanced with safe pedestrian passage.

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 – Map of the area

Appendix C – Current Street Furniture Permit

Appendix D - Representation

Contact Officer: Rebecca Pordage, Licensing Manager. Ext.2279

DOVER DISTRICT COUNCIL
HIGHWAYS ACT 1980 - SECTION 115
APPLICATION FOR STREET FURNITURE LICENCE

APPLICANT:

SURNAME: Richardson	
FORENAME (S) in full: Harry	
PERMANENT ADDRESS: [REDACTED]	
COUNTY: [REDACTED]	POST CODE [REDACTED]
TELEPHONE NO: [REDACTED]	Code [REDACTED]
DATE OF BIRTH: [REDACTED]	

TRADING DETAILS:

NAME OF BUSINESS: The Elephant and Hind	
ADDRESS: 18-19 Market Square	
COUNTY: Kent	POST CODE CT16 1NX
TELEPHONE NO: [REDACTED]	Code [REDACTED]

LICENCE REQUIRED:

PERIOD FROM TO (MONTHS)	August 22 - August 23	
DAYS:	365	
BETWEEN THE TIMES:	Midday	AND Midnight
NO. OF TABLES:	13	
NO. OF CHAIRS:	[REDACTED]	28
NO. OF BENCHES:	12	
BRIEF DESCRIPTION OF TYPE AND QUALITY OF TABLES AND CHAIRS:		
Please also provide photos if		

ADDITIONAL INFORMATION

DO YOU HAVE TOILETS FOR CUSTOMERS TO USE?	<input checked="" type="radio"/> YES <input type="radio"/> NO
IF YES, PLEASE SAY HOW MANY?	6
HAVE YOU SOUGHT THE ADVICE OF THE ENVIRONMENTAL HEALTH OFFICER IN RESPECT OF FOOD HYGIENE AND HEALTH AND SAFETY MATTERS	<input checked="" type="radio"/> YES <input type="radio"/> NO

HAVE YOU EVER BEEN REFUSED A STREET FURNITURE LICENCE IN THIS OR ANY OTHER AREAS?

YES NO

IF YES, PLEASE GIVE DETAILS

PLEASE BE ADVISED PLANNING PERMISSION MAY BE REQUIRED, PLEASE TELEPHONE 01304 872042.

ENCLOSED:

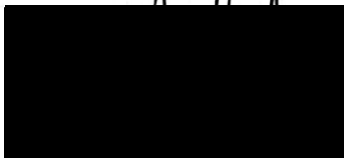
Plan showing dimensions of area of highway and proposed layout of street furniture

Copy of Public Liability Insurance

Fee: £75.00 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.

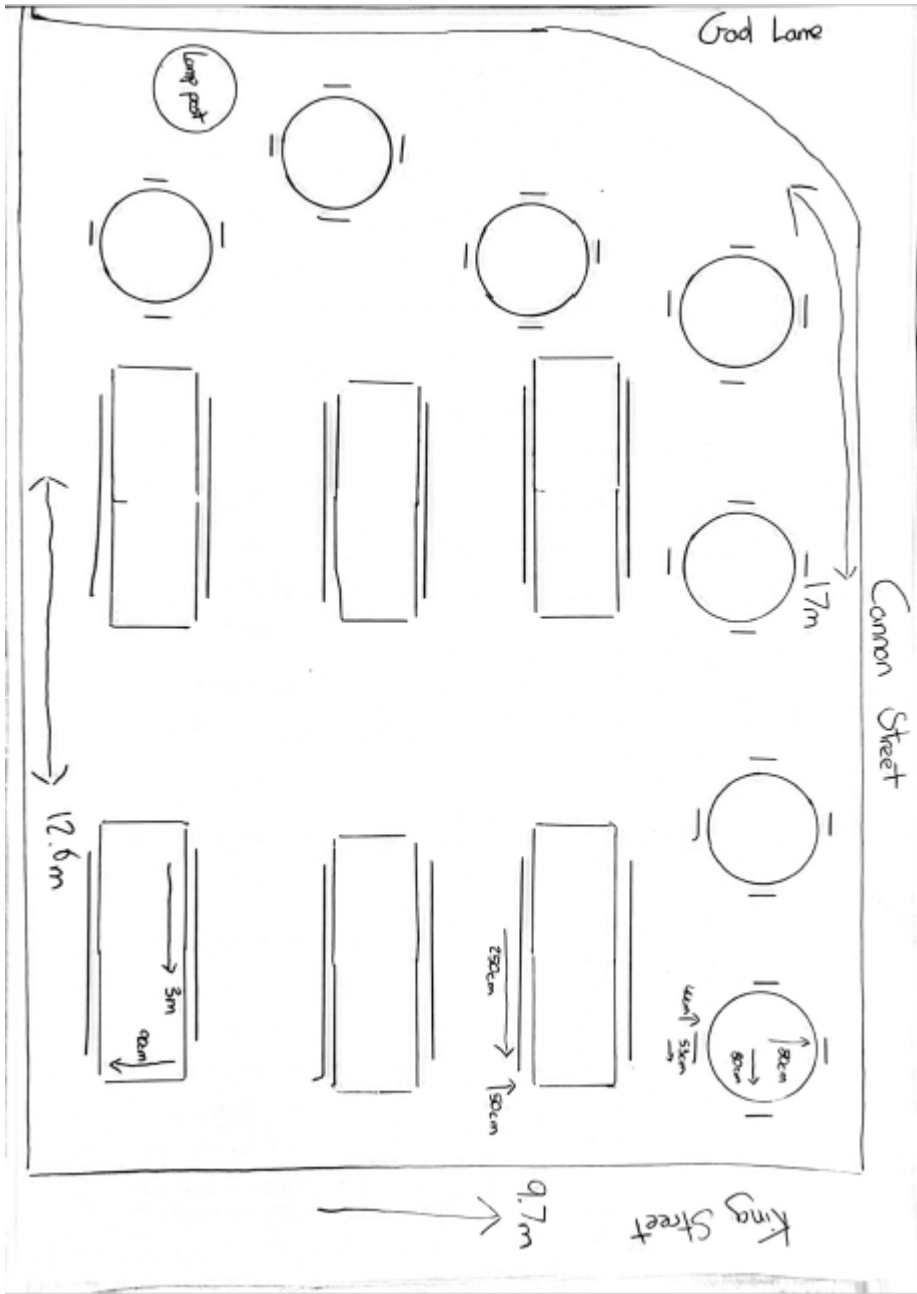
Signed:



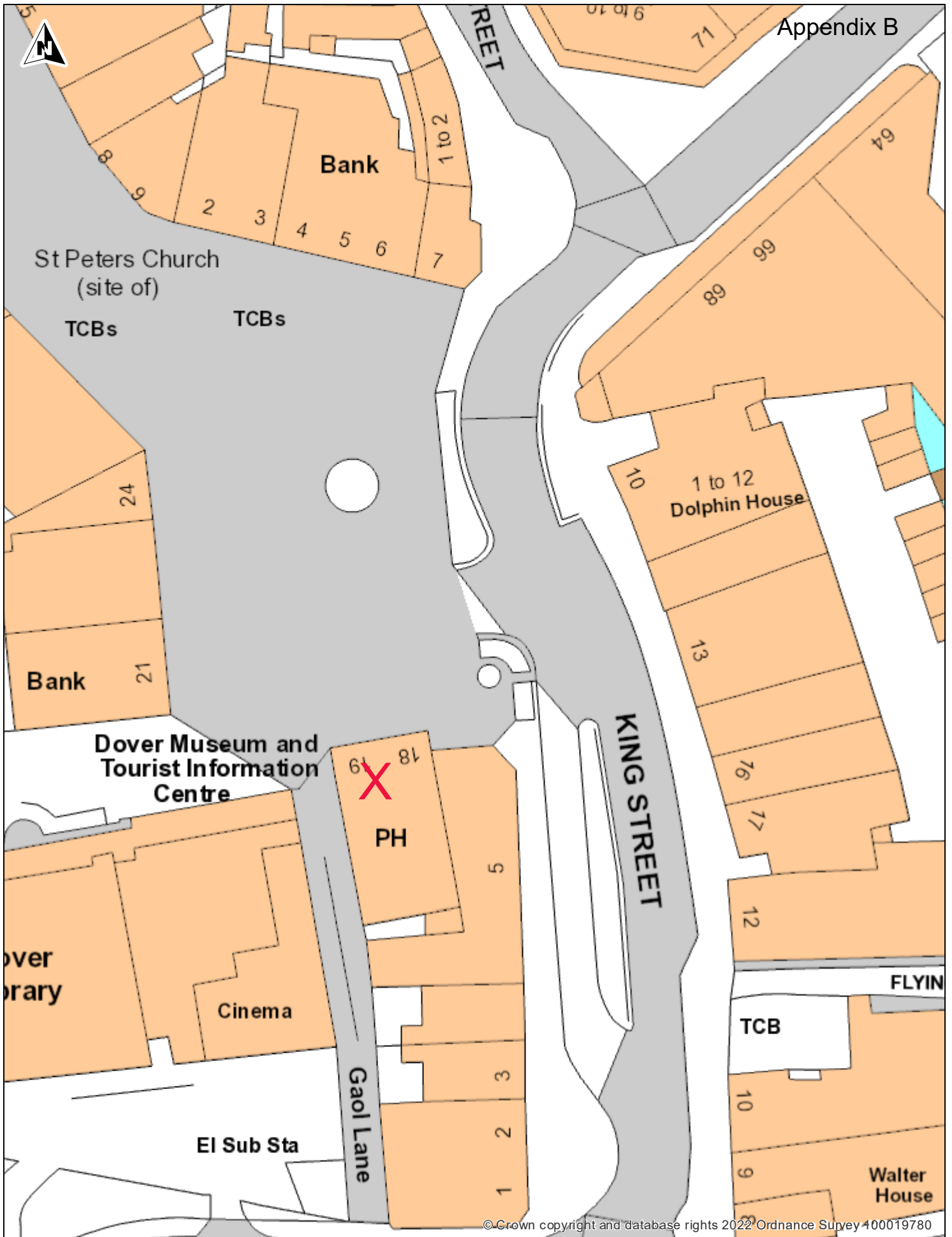
Date:

26th August 22

NOTE:







Title: Dover District Council

Author: Dover District Council

Scale 1:500

Map Dated: 05/10/2022

Dover District Council
 Honeywood Close
 White Cliffs Business Park
 Whitfield
 DOVER
 CT16 3PJ





DOVER DISTRICT COUNCIL

PERMISSION TO PLACE OBJECTS OR STRUCTURES ON A HIGHWAY

PART VIIA HIGHWAYS ACT 1980

To: **Henry Richardson** ("the permit holder")

IN PURSUANCE of the provisions of Section 115E of the Highways Act 1980, **DOVER DISTRICT COUNCIL HEREBY** grants the permit holder permission to place objects or structures, namely **6 TABLES** and **12 BENCHES** on the highway fronting **The Elephant & Hind, 18-19 Market Square, Dover, Kent, CT16 1NX**, for the purpose of providing refreshment for the benefit of the public ("the permitted purpose") upon the following conditions:-

- (1) No object or structure shall be placed on any part of the highway outside the permitted area.
- (2) This permit shall remain in force for one year. In the event that there is any breach of or failure to observe these conditions the Council may revoke the permission forthwith without notice.
- (3) The objects or structures may be placed on the permitted area from 1st July 2022 until 30th June 2023 annually.
- (4) The objects or structures may be used within the permitted area only between the hours of **10AM** and **10.30PM** ("the permitted period") when the street furniture must be removed from the highway.
- (5) The objects or structures shall not be used for any other purpose than the permitted purpose.
- (6) The permit holder shall ensure that all persons using the permitted area are seated at all times on the seats provided.
- (7) The permitted purpose shall be carried on in a proper and regular manner and shall not cause any nuisance or annoyance to any adjoining premises.
- (8) The objects or structures shall be of good and sufficient quality and shall be kept in a good and sufficient state of repair.
- (9) The permitted area shall be kept clean and tidy and shall be cleansed and

washed if necessary on each occasion at the end of the permitted period.

- (10) In the event of the permit holder failing to keep the permitted area clean and tidy and cleansed and washed in accordance with Condition (10) hereof the Council shall be at liberty without notice to carry out such works in default and recharge the full cost thereof to the permit holder.
- (11) The permit holder shall be responsible for all accidents claims damages injuries loss or liability occasioned by reason of (a) the placing of the objects or structures on the highway or any defects therein or (b) the acts or defaults of the permit holder or his servants contractors agents or workmen arising out of the grant of this permit (c) the causing of any nuisance.
- (12) The permit holder shall indemnify and save harmless to the Council and its officers and servants from and against any claim in respect of injury damage or loss arising out of the grant of this permit (unless the injury damage or loss is attributable to the negligence of the Council or its officers or servants) and for this purpose shall take out at his own expense a policy of insurance in the joint names of the permit holder and the Council in the sum of £5 million (five million pounds) at least and shall produce to the Licensing Manager or other proper officer for the time being of the Council the receipt for the current premium whenever called upon to do so.
- (13) In the event of emergency the Council may ask the permit holder to remove the objects or structures or may itself remove the objects or structures from the permitted area for such period or periods as it deems necessary without liability for any injury damage or loss arising therefrom.
- (14) The permit holder shall pay to the Council the full cost for the grant of this permit.

Additional Conditions

- 1) All table and chairs are to be removed and placed in a secure compound at the end of each day's trading, if not secured to the floor ensuring they are able to be removed as either stolen or used as weapons.
- 2) All tables and chairs are to remain within the designated clearly marked area and not allowed to encroach on to the public footway

THIS PERMIT DOES NOT CONVEY APPROVAL TO PLACE ANY OTHER OBJECT OR STRUCTURE ON THE HIGHWAY OR OBVIATE THE NECESSITY TO OBTAIN ANY PLANNING PERMISSION OR STREET TRADING CONSENT OR ANY OTHER STATUTORY APPROVAL.



Signed: _____

Date: **5th October 2022**

Dear Sirs

I write to object on behalf of Dover Town Council to the proposed arrangements for outside tables and chairs by the Elephant and Hind in Market Sq. Dover.

The sketch does not allow for the required 2m of clear footway on two sides as this is a busy location – I refer to the KCC conditions of licence for tables and chairs, although powers in Dover have been delegated to Dover.

The tables and chairs appear to already be in place and actually take up the entire width of the footway forcing pedestrians to use the roadway.

In general we are supportive of outdoor seating at hospitality venues but this must be balanced with safe pedestrian passage – particularly as DDC does not undertake or ensure any enforcement of the traffic Order restricting vehicular access to Market Square, Cannon Street, Biggin Street etc. DDC officer Jayne Miles recently reported a vehicle illegally using Market Sq every 2 minutes.

Regards

Allison Burton



Allison Burton - M.A. Hons, CiLCA
Town Clerk

Dover Town Council,
Maison Dieu House,
Biggin Street, Dover, Kent CT16 1DW
Telephone: [REDACTED]
Email: [REDACTED]
Website: www.dovertowncouncil.gov.uk

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 18 OCTOBER 2022

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>
8 – Local Government (Miscellaneous Provisions) Act 1976 – Application for a Driver’s Licence	1	Contains information relating to an individual
9 – Local Government (Miscellaneous Provisions) Act 1976 – Application for a Driver’s Licence	1	Contains 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 8

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Agenda Item No 9

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