

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 19 September 2023 at 10.02 am.

Present:

Chairman: Councillor G Cowan

Councillors: P M Brivio
M F Hibbert (as substitute for Councillor D P Murphy)
J P Loffman
M P Porter (as substitute for Councillor O C de R Richardson)

Officers: Principal Lawyer – Litigation & Regulatory
Licensing Enforcement Officer
Licensing Officer
Democratic Services Officer

Also Present: Mr R Hamza (Minute No.16)
Mr H Richardson (Minute No.17)
Mr A Laslett (Minute No.18)
Mr D Friend (Minute No.18)

13 APOLOGIES

Apologies for absence were received from Councillors D P Murphy and O C de R Richardson.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors M F Hibbert and M P Porter were appointed substitutes for Councillors D P Murphy and O C de R Richardson respectively.

15 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

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

The Licensing Enforcement Officer presented the report to the Committee. Mr Ramazan Hamza was seeking permission to renew a licence for his Skoda Octavia registration GN13 DXX as a Private Hire vehicle. Due to the vehicle being registered on 1 June 2013 it was outside the current vehicle age policy and was therefore referred to the Committee for its consideration.

The vehicle, a four-passenger seat vehicle had been used for private hire and was in the current fleet for Dover Cars. The last MOT was carried out on 14 July 2023 with no advisories identified. Upon officer inspection (22 August 2023) the exterior bodywork was noted to be in fair condition however, visible wear in the seam of the driver's seat and other fittings were noted.

The Committee withdrew to examine the vehicle, accompanied by Mr Hamza and officers and observed the vehicle to be in a good condition and well looked after.

Upon returning Mr Hamza had the opportunity to answer questions from Members about the condition and history of the vehicle.

Regarding general maintenance the Committee asked about the vehicle history and its service history. Mr Hamza explained that he cared about the car – cleaning, repairing and servicing. Mr Hamza had spent money to maintain its safety and he serviced the vehicle in between MOTs. Mr Hamza explained his intention to look for a replacement vehicle going forward but he had been looking after this vehicle and so would like a renewal at this time.

In accordance with the approved procedure, the Committee and the Principal Lawyer - Litigation and Regulatory withdrew from the meeting for the Committee to consider its decision.

RESOLVED: (a) That, notwithstanding the Council's current policy guidelines regarding age, Mr Ramazan Hamza be GRANTED a renewal for a Private Hire Vehicle Licence for a Skoda Octavia registration GN13 DXX for a period of 12 months.

17 HIGHWAYS ACT 1980 - SECTION 115E - THE ELEPHANT AND HIND, 18- 19 MARKET SQUARE, DOVER

The Licensing Enforcement Officer presented the report to the Committee on an application by Harry Richardson for a Street Furniture permit to allow the placement of 9 tables, 12 benches and 12 chairs outside The Elephant and Hind, 18 – 19 Market Square, Dover, CT16 1NX. The furniture would be 6 long tables with 12 matching benches and 3 bistro tables with 12 chairs. It was also requested to extend the hours the furniture could be placed outside. The applicant Mr Harry Richardson started to make his submissions however, when considering the plan (as set out in the agenda pack) the applicant informed the Committee that he had decided he would bring a fresh application as he required further changes to the application as sought. The Principal Lawyer - Litigation & Regulatory clarified if the applicant sought to pursue either elements of the variation application (i.e. hours or plan); it was confirmed that the applicant Mr Harry Richardson withdrew the application.

18 HIGHWAYS ACT 1980 - SECTION 115E - THE SANDWICH SHOP, 15A CATTLE MARKET, SANDWICH

The Committee considered the report of the Licensing Manager, presented by the Licensing Enforcement Officer, on an application by Mr Andrew Laslett for a Street Furniture permit to allow the placement of 12 tables and 38 chairs outside The Sandwich Shop, 15A Cattle Market, Sandwich, CT13 9AP. The furniture would be metal tables and chairs. The application sought the placing of the furniture every day between 08:00 hours to 17:00 hours.

There was currently a permit for 12 tables and 38 chairs between 09:00 hours – 18:00 hours every day which had been in place since 13 January 2020. The permit was not transferrable and the name of the permit holder was to change therefore this application was made.

As part of the consultation process for the current tables and chairs application views were sought from local businesses, Kent Highway Services, Police, Town Council, Fire Service, Planning and other internal departments within Dover District

Council. One representation, objecting to the number of tables and chairs was received from Sandwich Town Council. The representation suggested an alternative number of 8 tables and 32 chairs. Five representations were received supporting the application. Additionally, Dan Friend (on behalf of Sandwich Chamber of Commerce) attended with the applicant in support of the application as part of the transformation of the forecourt to embrace café culture.

Mr Laslett explained to the Committee that it was a family business, that he had personally been running for 6 years, and there had been a slight restructure and hence the application. Traditionally there were 6 – 8 tables and accompanying chairs in the forecourt, however, he would like to renew the current numbers to support visitors to events and for busier times. The refurbishment of the forecourt had also resulted in a loss of public seating. There was no change of footprint for the siting of the tables and chairs; there was a slight change of hours but this was to embrace events and look after the market.

The Committee withdrew to consider the application and upon resuming the Principal Lawyer - Litigation and Regulatory advised that the Committee had considered the report of the Licensing Manager, the application from Mr Laslett, the representations – those in writing and in person today on behalf of Mr Laslett.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Mr Laslett of The Sandwich Shop, 15A Cattle Market, Sandwich, CT13 9AP for the placing of 12 tables and 38 chairs for use every day between 08:00 hours and 17:00 hours be GRANTED.

The meeting ended at 11.26 am.