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Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 18 March 2016 at 2.04 pm.

Present:

Chairman: Councillor B W Butcher

Councillors: N Dixon
M R Eddy
P S Le Chevalier
S J Jones

Also present: Mr G Lahr (Minute No 36)
Applicant (Minute No 38)
Applicant's representative (Minute No 38)
Applicant (Minute No 39)
Applicant's representative (Minute No 39)

Officers: Contentious and Regulatory Lawyer
Licensing Team Leader
Democratic Support Officer

32 APOLOGIES

Apologies for absence were received from Councillors B Gardner and D P Murphy.

33 APPOINTMENT OF SUBSTITUTE MEMBERS

Councillors M R Eddy and N Dixon were appointed as substitutes for Councillors B Gardner and D P Murphy respectively.

34 DECLARATIONS OF INTEREST

Councillor P S Le Chevalier declared a Voluntary Announcement of Other Interests (VAOI) in Minute no 36 by reason that he knew the applicant and would voluntarily withdraw from the meeting for consideration of the item.

35 MINUTES

The Minutes of the meeting of the Committee held on 1 December 2015 were approved as a correct record and signed by the Chairman.

36 BLOODY MARY'S, 160 - 162 HIGH STREET, DEAL - HIGHWAYS ACT 1980 - SECTION 115E

The Committee considered the report of the Licensing Team Leader on an application by Mr Gary Lahr of Bloody Mary's, 160-162 High Street, Deal for the siting of 6 tables and 20 - 24 chairs on the highway immediately in front of the premises. Mr Lahr had held a permit to site 4 tables and 8 chairs outside the premises since 29 January 2015.

The Committee was advised that 3 representations had been received as well as a comment from Kent County Council (KCC) Highways requesting that if the

application were to be granted, a condition be included that a minimum of 1.2m of clear footway be achieved at all times. Following negotiations the applicant had agreed to reduce the amount of chairs on the application to 16 and as a result of the amendment, 2 of the representations were withdrawn.

A further comment had been received on the day of the hearing from Councillor B Gardner, ward councillor for North Deal, who having withdrawn his original representation had requested that if the application were to be granted that no chairs should be permitted to be moved to the opposite side of the High Street.

Mr Lahr presented his application to the Committee and addressed the issues raised in the report regarding street furniture outside the premises and the 3 complaints received since the original permit had been issued. He stated that he resided above the premise and that it was only open until 8pm and did not exercise his full licensable hours. Mr Lahr advised that signage was now in place asking that no stools or chairs were to be taken outside.

In accordance with the approved procedure the Committee and the Contentious and Regulatory Lawyer withdrew to consider the application and upon returning it was

RESOLVED: That having regard to Section 115E of the Highways Act 1980, the application by Mr Gary Lahr of Bloody Mary's, 160-162 High Street, Deal to place 6 tables and 16 chairs on the highway immediately outside the premises be approved subject to:

- (a) The furniture being removed from outside of the premises by 8.15pm each day;
- (b) Where the pavement narrows, on the south side of the present entrance/exit, where the two tables each with two chairs are to be located, a physical barrier is to be placed between the pedestrian highway and the seating area;
- (c) A minimum of 1.2 metres of pavement for pedestrians must be maintained at all times beyond the seating area in the High Street.

(Councillor P S Le Chevalier declared a Voluntary Announcement of Other Interests (VAOI) by reason that he knew the applicant and voluntarily withdrew from the meeting for the consideration of this item of business.)

37 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor B W Butcher, 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 involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

38 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S 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 where an Enhanced Disclosure from the Disclosure and Barring Service (DBS) had shown a number of previous convictions that were relevant to the decision as to the applicant's suitability as a fit and proper person to hold a licence to drive a taxi in the Dover District.

The applicant was last convicted of an offence in November 2013, relating to incidents which took place in January and February of the same year. The Committee had previously considered an application from the applicant in August 2015 and resolved that the licence be refused by reason that, at the time, less than 3 years had elapsed since the last incident and that there was not sufficient reason to depart from the Council's Policy. The applicant was re-applying as the offence committed was now over 3 years ago and a fresh DBS application had shown no further convictions.

In accordance with the approved procedure Members offered the applicant and the applicant's representative the opportunity to present evidence concerning the circumstances surrounding the convictions.

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 guidelines and Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 relating to the applicant's suitability as a fit and proper person.

RESOLVED: That having regard to the evidence, the Committee considered that the applicant was a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and that the application for a Joint Hackney Carriage and Private Hire Licence be granted for an initial period of six months; and

- (a) That the Licensing Team Leader will monitor and review the applicant's performance for the duration of this period and;
- (b) That providing there are no issues during the initial six months the licence will be granted for a further six months.

39 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S 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 where an Enhanced Disclosure from the Disclosure and Barring Service (DBS) had shown previous convictions that were relevant to the decision as to the applicant's suitability as a fit and proper person to hold a licence to drive a taxi in the Dover District.

In accordance with the approved procedure Members heard evidence from the applicant concerning the circumstances surrounding the conviction and from the applicant's representative who spoke to the applicant's suitability as a fit and proper person.

The Committee withdrew to consider its decision and upon returning the Contentious and Regulatory Lawyer explained that advice had been given to members in relation to Dover District Council's Policy and Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 relating to the applicant's suitability as a fit and proper person.

RESOLVED: That having regard to the evidence, the Committee considered that the applicant was a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and that the application for a Joint Hackney Carriage and Private Hire Licence be granted for an initial period of six months and;

- (a) That the Licencing Team Leader should monitor the applicant's performance for the duration of this period and;
- (b) That providing there are no issues during the initial six months the licence will be granted for a further six months.

The meeting ended at 3.09 pm.