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Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 6 September 2016 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: M R Eddy  
B Gardner  
P S Le Chevalier  
D P Murphy

Officers: Head of Legal Services  
Licensing Enforcement Officer  
Administration Assistant  
Democratic Support Officer

## 6 APOLOGIES

An apology for absence was received from Councillor S J Jones.

## 7 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M R Eddy was appointed as a substitute for Councillor S J Jones.

## 8 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

## 9 MINUTES

The Minutes of the meeting of the Committee held on 12 July 2016 were approved as a correct record and signed by the Chairman.

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

The Licensing Enforcement Officer informed the Committee that Mr H Miller had applied for permission to licence a Vauxhall Zafira GJ60 WDL as a Private Hire Vehicle. The Committee was asked to consider the application as the vehicle was outside of the policy guidelines by reason that the vehicle was outside the current vehicle age policy, being registered on 24 September 2010.

The vehicle had a valid MOT certificate with no advisory notes and had been inspected by the Licensing Enforcement Officer on 18 August 2016 and found the vehicle to be in very good condition.

The Committee adjourned to examine the vehicle accompanied by the applicant and officers and in accordance with the approved procedure, members of the committee and the legal officer withdrew from the meeting to consider the application.

- RESOLVED:
- (a) That, notwithstanding the Council's current policy guidelines, Mr H Miller be granted a Private Hire Vehicle Licence in respect of a Vauxhall Zafira GJ60 WDL for a period of 12 months.
  - (b) That thereafter the licence shall be subject to routine renewal by the Licensing Team Leader, providing she remains satisfied as to the condition of the vehicle, without further reference to the Committee.

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WALMER CASTLE PUBLIC HOUSE, 4 SOUTH STREET, DEAL - HIGHWAYS ACT 1980 - SECTION 115E

The Committee considered the report of the Licensing Team Leader on an application by Mr B Carrick of the Walmer Castle Public House, 4 South Street, Deal CT14 7AW for the siting of 4 tables and 16 chairs at the front of the premises between the hours of 07.30hrs to 00.00hrs every day.

Kent County Council had objected to the application stating that the tables and chairs would cause conflict with the waiting passengers at the nearby bus stop. The applicant advised the Committee that the siting of the furniture would be on the recently widened pavement directly outside the premises in South Street. This would be approximately eleven metres from the bus stop and presented a photo to the Committee showing the widened pavement and the location of a bench on the pavement. The applicant would be willing to decrease the number of tables and chairs and place a physical barrier between the seating area and pedestrians if required.

With regard to a representation made by Deal Town Council, the applicant advised Members that the current licence allowed re-entry into the premises up until 01.00hrs and not 22.00hrs as stated in their representation.

In accordance with the approved procedure the Committee and the Head of Legal Services withdrew to consider the application and representations and upon returning it was

- RESOLVED: That having regard to Section 115E of the Highways Act 1980 and taking in to account the objection raised by Kent County Council Highways, the application by Mr B Carrick of Walmer Castle Public House, 4 South Street, Deal CT14 7AW be refused by reason that the pavement in the area is unsuitable and the siting of tables and chairs would cause a potential obstruction and hazard to those people using the bus services.

The Committee considered the report of the Licensing Team Leader on an application by Mr B Dezecot of Le Pinardier, 102 High Street, Deal CT14 6EE for a street furniture permit for the siting of 8 tables and 16 chairs on the pavement, across the road in an area opposite Le Pinardier from 09.00hrs to 23.00hrs, Monday to Sunday.

A detailed management plan was presented to the Committee by the applicant's representative, Ms P Owen. The furniture would be of sturdy construction and stored within the wine bar upon closure of the premises. There would be two members of staff on duty at all times, one member of staff dedicated to the bar and one to the outside area where there would be a table service only policy in place. Once seated orders would be taken by the member of staff and drinks would be carried across the road by the member of staff wearing a high visibility garment. Empty bottles and glasses would be cleared as soon as customers had finished and ashtrays would be available and emptied frequently. Whilst the application requested permission for the furniture to be outside from 09.00hrs to 23.00hrs, Monday to Sunday, the applicant would be willing to decrease the hours and undertake an initial trial period to demonstrate how the area would be managed and controlled.

In response to a concern from Councillor B Gardner, Ms Owen advised the Committee that although historically there had been problems with anti-social drinking in the garden of rest opposite Le Pinardier, they had not recently witnessed any problems and would contact the police if they did.

Members were advised that Mr B Dezecot and his partner had been running Le Pinadier since 2013 and had recently opened the Frog and Scot bistro within the town and that this was evidence that the outside seating area would be managed in a professional, sensitive, thoughtful and respectful manner.

In accordance with the approved procedure the Committee and the Head of Legal Services 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 B Dezecot of Le Pinardier, 102 High Street, Deal CT14 6EE for a street furniture permit be granted for a temporary period of six months (with effect from such time as all other relevant permissions are in place); and

- (a) That no more than 5 tables and 10 chairs be placed on the pavement between the hours of 09.00hrs and 21.00hrs.
- (b) That a barrier shall be in place on the south and east side to divide the seating area from the bike racks.
- (c) That the tables and chairs and barrier are to be removed each evening by 21.15hrs.

- (d) That the application be reviewed by the Regulatory Committee six months from the date the applicants start using the outside area (once all necessary permissions have been granted).

13      EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor B Gardner, 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 the paragraph of Part I of Schedule 12A of the Act.

14      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 previous conviction and a caution 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 offered the applicant the opportunity to present evidence concerning the conviction and the applicant answered Members' questions.

The Committee withdrew to consider its decision and upon resuming the meeting the Head of Legal Services explained that she had advised the Committee in relation to the provisions in Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and in relation to the Council's Hackney Carriage and Private Hire Policy.

RESOLVED: That having regard to the evidence and in line with the Council's Policy, the application for a Joint Hackney carriage and Private Hire Licence be granted for an initial period of six months; and

- (a) The Licensing Team Leader shall monitor and review the applicant's progress; and
- (b) Provided there are no issues during the initial six months the licence will be granted for a further six months.

The meeting ended at 12.39 pm.