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Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 18 July 2017 at 10.02 am.

Present:

Chairman: Councillor B W Butcher

Councillors: B Gardner
S J Jones
D P Murphy

Officers: Head of Legal Services
Licensing Team Leader
Democratic Support Officer

1 APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

3 DECLARATIONS OF INTEREST

Councillor B Gardner declared a Voluntary Announcement of Other Interests (VAOI) in Minute no 5 by reason that he used to be a customer at the ice cream van.

4 MINUTES

The Minutes of the meeting of the Committee held on 16 May 2017 were approved as a correct record and signed by the Chairman.

5 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR STREET TRADING CONSENT

The Committee considered an application by Mr M Nobbs for permission to trade from an ice cream van on Deal Promenade (north east corner of Marine Road, Deal) every day from 11:00hrs to 18:00hrs between 1 March to 31 October each year. The application was for the sale of soft ice cream, frozen lollies and chilled drinks.

The Licensing Team Leader advised the Committee that following the 28 day consultation period one representation was received objecting to the application. Members were advised that attempts had been made by the Licensing Team to contact the representor to attempt mediation however it had not been possible to

speak with them. In accordance with the approved procedure, Mr Nobbs presented his application to the Committee and addressed the concerns raised by the objector. He was an experienced trader having been trading for more than thirty years and served high quality fresh ice cream, the variety which he believed was not sold elsewhere in the vicinity of the proposed location. The siting of the van would be approximately half a mile away from the Beach Parlour which also sold ice cream and was the nearest competitive outlet of half a dozen ice cream shops in the town. Whilst most of the products sold from the van were consumable, Mr Nobbs was committed to keeping the area around his van clean and tidy and would provide a bin for customers' use as well as collecting litter in the area 2 – 3 times a day. Mr Nobbs believed the ice cream van would add to the atmosphere of the area and that it would add to the coastal charm and in his experience the ice cream van was regularly visited by walkers and cyclists.

RESOLVED: That the application by Mr M Nobbs for Street Trading Consent to trade from an ice cream van on Deal Promenade (north east corner of Marine Road, Deal) every day from 11:00hrs to 18:00hrs between 1 March to 31 October each year be APPROVED for a period not exceeding 12 months.

6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR STREET TRADING CONSENT

The Committee considered an application by Mr Taha Sadiq for permission to trade from a towable catering trailer in Beaconsfield Road, Dover between the hours of 11:00hrs to 21:00hrs Monday to Saturday. The application was to sell burgers, shawarma, chips, falafel, drinks, rice and sauces.

The Licensing Team Leader advised that three representations had been received objecting to the application during the consultation period. There were concerns from those making representation that there were many empty shops in the vicinity and it would be unfair to trade from a catering trailer. Other concerns included cooking smells, noise and the congregation of customers obstructing the pavement to pedestrians.

In accordance with the approved procedure the applicant's representative presented the application to the Committee and sought to address some of the concerns raised by the objectors. Members were advised that it was a static trailer that would not be moved. There would be very little cooking smell produced as there was no high fat food being cooked and customers would be served quickly and would not have reason to congregate at the trailer which would also help to alleviate the concerns regarding noise. In addition, Members were advised that a generator was not required to power the trailer as the only power required was to power a hot plate. The applicant advised that it was not viable to occupy one of the empty shops due to their budget. With the consent of the Committee a photo on the applicant's phone of the trailer was shown to the Committee.

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 considered the application, the objections and the legal advice in relation to the Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4, paragraph 7 and the

Council's Policy Guidelines in relation to Street Trading Consents, the application for Street Training Consent be REFUSED by reason that there was not sufficient reason to depart from criteria (b) as there was already sufficient food outlets and criteria (c), that there was insufficient space on the pavement on London Road and there would be undue inconvenience and interference caused to pedestrians.

7 HIGHWAYS ACT 1980 - SECTION 115E - PORT OF CALL, MARKET SQUARE, DOVER

The Committee considered the report of the Licensing Team Leader on an application by Mr Robin Norris of the Port of Call, 18-19 Market Square, Dover for a Street Furniture permit to allow the placement of 22 tables and 88 chairs at the front of the premises. The tables and chairs would be cast iron and placed between 10:00hrs to 22:00hrs every day between 1 April to 1 October.

Following the 28 day consultation period two representations had been received objecting to the placing of the tables and chairs and stated that the furniture would be unsafe for pedestrians as it would encroach onto the pedestrianised area. In his absence, the Licensing Team Leader read out a statement submitted by the applicant which addressed the concerns of the representations. The applicant clarified the siting of the furniture and that there would be a clear thoroughfare for pedestrians by way of a pathway between the bollards and permanent flower beds in the vicinity of the proposed area and pedestrians would unlikely cause issues for passing traffic which had restricted access to the pedestrian zone.

In addition, the applicant believed that alfresco dining in the Market Square benefitted the area and helped to deter some of the anti-social activities taking place and in turn would enhance the tourist experience and benefit trade as a whole. Councillor B Gardner queried the siting of the tables and chairs in relation to the corner of 19 Market Square and required some clarity of the plans which had been provided by the applicant. The Licensing Team Leader was unable to answer Councillor Gardner's queries.

In accordance with the approved procedure the Committee and the Head of Legal Services withdrew to consider the application. Upon reconvening the Head of Legal Services advised that due to insufficient information and the non-attendance of the applicant, a number of questions remained unanswered and that there was insufficient information to make a decision. The Committee would defer the consideration of the application to the next scheduled meeting of the Regulatory Committee in September.

8 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed 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 involved the

likely disclosure of exempt information as defined in paragraphs 1 of Part I of Schedule 12A of the Act.

9 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE 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 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 offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions.

The Committee withdrew to consider its decision and upon resuming the Head of Legal Services explained that she had advised the Committee in relation to the Council's Policy guidelines and Sections 51 and 59 of Local Government (Miscellaneous Provisions) Act 1976 in so far as they related 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.

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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.

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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.

The meeting ended at 12.07 pm.