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Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 27 March 2018 at 10.03 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P S Le Chevalier
B Gardner
S J Jones
D P Murphy

Also present: Mr T West

Officers: Contentious and Regulatory Lawyer
Licensing Team Leader
Licensing Enforcement Officer
Democratic Services Officer

22 APOLOGIES

It was noted that there were no apologies for absence.

23 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

24 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

25 MINUTES

The minutes of the meeting of the Committee held on 21 November 2017 were approved as a correct record and signed by the Chairman.

26 HIGHWAYS ACT 1980 - SECTION 115E - CRISPIN INN, 4 HIGH STREET, SANDWICH

The Committee considered the report of the Licensing Team Leader on an application by Mr Terry West of the Crispin Inn, 4 High Street, Sandwich to renew a permit to site street furniture on the highway, on the same terms as previously granted. The Licensing Team Leader advised that the Committee had granted permission in November 2016 for the siting of three tables and six chairs along the quay wall between 1 April and 31 October each year. The furniture was allowed between 10.00 and 21.00 hrs every day for 7 days per week. The Committee had also resolved that it should consider any application to renew the permit. It was confirmed that no complaints had been received during the permit period.

The applicant advised that the tables were sited on the patio at the rear of the premises. Their siting here was designed to prevent customers from sitting on the quay wall. Whilst one person had objected to the original application, she had since indicated her satisfaction with the arrangements as conditions were being adhered to.

The Committee withdrew to consider the application. Upon the resumption of the meeting, the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the powers available to it under Section 115E of the Highways Act 1980.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Mr Terry West of the Crispin Inn, 4 High Street, Sandwich CT13 9EA for the siting of three tables and six chairs, to be located along the quay wall, be approved subject to:

- (a) The furniture only to be allowed from 1 April to 31 October;
- (b) The furniture only to be allowed between the hours of 10.00 and 21.00 each day, 7 days per week during the above period;
- (c) The furniture to be removed and cleared away by 21.00 hrs each day.

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

28 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. 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.

Having adjourned to consider the application in accordance with the approved procedure, Members and the Contentious and Regulatory Lawyer returned to the meeting to seek clarification from the applicant on a number of matters. He provided this information.

The Committee then withdrew to consider its decision. Upon resuming, the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the Council's policy on the relevance of convictions to applications and Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 in so far as they related to the applicant's suitability as a fit and proper person.

RESOLVED: (a) 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;

(b) That the Licensing Team Leader will monitor and review the applicant's performance for the duration of this period; and

(c) That, providing there are no issues during the initial six months, the licence will be granted for a further six months.

29 ORDER OF BUSINESS

The Chairman proposed that the order of business be varied to allow Agenda Item 9 to be considered before Agenda Item 8.

RESOLVED: That, in accordance with Council Procedure Rule 14, the order of business be varied in order to consider Agenda Item 9 before Agenda Item 8.

30 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TO CONSIDER THE SUITABILITY OF A LICENSED DRIVER AS A FIT AND PROPER PERSON

The Committee considered the report of the Licensing Team Leader in respect of a driver in possession of a Hackney Carriage and Private Hire Driver's Licence and his suitability as a fit and proper person.

In accordance with the approved procedure, Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions.

The Committee then withdrew to consider its decision. Upon resuming, the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the Council's policy on the relevance of convictions to applications and Sections 51 and 59 of the 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 his Hackney Carriage and Private Hire Driver's Licence would, therefore, continue.

31 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TO CONSIDER THE SUITABILITY OF A LICENSED DRIVER AS A FIT AND PROPER PERSON

The Committee considered the report of the Licensing Team Leader in respect of a driver in possession of a Hackney Carriage and Private Hire Driver's Licence and his suitability as a fit and proper person.

The driver was not present at the meeting and did not send a representative.

The Committee withdrew to consider its decision. Upon resuming, the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the Council's policy on the relevance of convictions to applications and Sections 51 and 59 of the 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 not a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, and that his Joint Hackney Carriage and Private Hire Licence should therefore be revoked.

The meeting ended at 11.18 am.