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Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 18 October 2022 at 10.00 am.

Present:

Chairman: Councillor N J Collor

Councillors: O C de R Richardson
P M Brivio
S J Jones
R S Walkden

Officers: Principal Lawyer - Litigation and Regulatory
Licensing Manager
Licensing Enforcement Officer
Licensing Officer
Licensing Officer
Litigation Lawyer
Litigation Assistant
Democratic Services Officer

Also Present: Mr S Saber (Minute No.19)
Mr H Richardson (Minute No.20)
Applicant and Supporting Person (Minute No.22)
Applicant and Supporting Person (Minute No.23)

15 APOLOGIES

There were no apologies for absence.

16 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

17 DECLARATIONS OF INTEREST

Councillor O C de R Richardson declared an Other Significant Interest (OSI) in Minute No.20 by reason that his son was the applicant and would leave the meeting for consideration of the item.

18 MINUTES

The Minutes of the meetings held on 24 May 2022 and 19 July 2022 were approved as a correct record for signing by the Chairman.

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

The Licensing Manager presented the report to the Committee. Mr Sherwan Saber was seeking permission for grant of a licence for his Citroen C4 as a Private Hire vehicle. Due to the vehicle being registered in June 2014 it was outside the current vehicle age policy and was therefore referred to the Committee for its consideration.

The Committee withdrew to examine the vehicle, accompanied by Mr Saber and officers. Upon returning Mr Saber had the opportunity to answer questions from

Members about the condition and history of the vehicle. The vehicle, registration MW14 ZVK was a six-passenger seat vehicle to be used for private hire within the Dover district and beyond. The vehicle had previously been licensed with Dover Royal Cars for four years and had been taken off the road for vehicle repairs. With regard to the MOT advisories of 3 September 2022, Mr Saber advised that he had not had the tyres replaced as they were still within the legal limit. He had recently replaced one of the front tyres and if the Committee was minded to grant the licence he offered to replace the remaining three tyres.

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

- RESOLVED: (a) That, notwithstanding the Council's current policy guidelines, and subject to the MOT advisories as of 3 September 2022 being remedied, Mr S Saber be GRANTED a Private Hire Vehicle Licence for a Citroen C4, registration MW14 ZVK, for a period of 12 months.
- (b) That the vehicle is to be re-inspected, with the relevant documents to be provided, to the satisfaction of the Licensing Enforcement Officer to enable the grant to be effective.

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

The Committee considered the report of the Licensing Manager on an application by Harry Richardson to allow the placement of 13 tables, 28 chairs and 12 benches outside The Elephant and Hind, 18-19 Market Square, Dover. The furniture would consist of 6 long tables and benches, 4 bistro tables and chairs and 2 round tables and chairs and would be placed between 12 noon to 12 midnight every day.

The applicant, who currently had a licence for 6 tables and 12 benches between 10am and 10.30pm every day (with the furniture to be removed each day), was seeking for this to be superseded.

In respect of the application one representation was received from Dover Town Council regarding the proposed layout and that the plan did not allow for the required 2-metres of clear footway due to this being a busy location. The applicant was willing to move the 3 planters that were in his ownership at the perimeter of the space to allow for the 2-metres clear pedestrian footway.

Concerns from Members included the safety aspect of moving the planters as they provided a safety barrier between the seated customers and the traffic that was permitted to access the precinct. Members who were familiar with the pedestrianised precinct were aware that at times the precinct was heavily used by vehicles. Mr Richardson advised he would use the existing barriers (as shown in photographs in the report) as an alternative barrier as they would be visible to drivers although it was accepted these would not stop a car. Mr Richardson further

added that patrons were not permitted to wander in and out of the premises' boundary and that security were on duty to manage this.

The Committee withdrew to consider the application and upon returning the Principal Lawyer – Litigation and Regulatory advised that the Committee had considered the submission by Dover Town Council and that it accepted that the area was busy and required a minimum of 2-metre-wide clear footway. It was also observed by the Committee that the 6 tables and 12 benches under the current licence utilised the available space.

RESOLVED: That having regard to Section 115E of the Highways Act 1980 the application by Harry Richardson of The Elephant and Hind 18-19 Market Square for the siting of 13 tables 28 chairs and 12 benches between 12 noon and 12 midnight every day be REFUSED.

(Councillor O C de R Richardson declared an Other Significant Interest (OSI) in Minute No.20 by reason that his son was the applicant and left the meeting for consideration of the item.)

21 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor R S Walkden, 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.

22 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE

The Committee considered the report of the Licensing Manager on an application for a Joint Hackney Carriage and Private Hire Drivers' Licence. The application had been referred to the Committee for a decision due to the applicant's disclosure of previous convictions and caution. The Committee was required to determine the applicant's suitability as a Fit and Proper Person to hold a licence to drive a taxi in the Dover district.

The Committee heard from the applicant and their proposed employer who was present at the Hearing to support the application. The applicant explained the circumstances that led to the caution and convictions.

The Committee withdrew to consider its decision and upon resuming the Principal Lawyer – Litigation and Regulatory advised that the Committee had taken into account: the applicant's declaration of convictions and caution; the circumstances surrounding these; that in respect of the convictions the offending activities took place some time before they went before the court; the age of the applicant at the time of the offences; and the prospect of employment (and the support of the prospective employer) should the application for a licence be granted.

RESOLVED: That having considered the circumstances that led to the convictions and caution the Regulatory Committee considers the applicant is a Fit and Proper Person and GRANTS the

application for a Joint Hackney Carriage and Private Hire Driver's licence for the period of 1 year as sought.

23 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE

The Committee considered the report of the Licensing Manager on an application for a Joint Hackney Carriage and Private Hire Drivers' Licence. The application had been referred to the Committee for a decision due to a previous disqualification that was brought to the authority's attention following a routine check as part of the application process with the DVLA. The Committee was required to determine the applicant's suitability as a Fit and Proper Person to hold a licence to drive a taxi in the Dover district.

The Committee heard from the applicant and their supporting person. The applicant had the opportunity to explain the circumstances surrounding their driving history including, their own driving offences; the circumstances that led to the disqualification; and their reasons for failing to disclose this, which was supported by a previous employer.

The Committee withdrew to consider its decision and upon resuming the Principal Lawyer – Litigation and Regulatory advised that the Committee had taken into account: the council's policy surrounding minor traffic offences and the explanation given by the applicant which led to the disqualification.

RESOLVED: That, in the circumstances the Regulatory Committee considers the driver is a Fit and Proper Person and GRANTS the application for a Joint Hackney Carriage and Private Hire Drivers' Licence for the period of 1 year as applied for.

The meeting ended at 12.52 pm.