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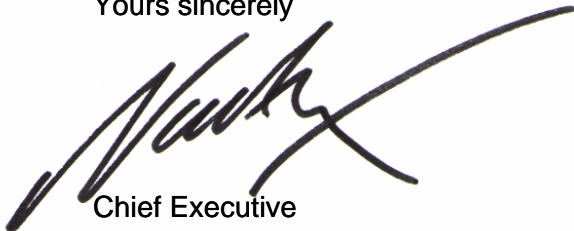
20 April 2011

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY** Committee will be held in the Council Chamber at these Offices on Thursday 28 April 2011 at 5.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Pauline Hodding on (01304) 872305 or by e-mail at paulinehodding@dover.gov.uk.

Yours sincerely



Chief Executive

Regulatory Committee Membership:

| | |
|-----------------------------|-----------------|
| Councillor P S Le Chevalier | (Chairman) |
| Councillor B W Butcher | (Vice-Chairman) |
| Councillor A R Smith | |
| Councillor J M Smith | |
| Councillor R S Walkden | |

AGENDA

1. **APOLOGIES**
2. **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointment of Substitute Members.
3. **DECLARATIONS OF INTEREST**

Members are required to disclose the existence and nature of a personal interest under this item of business or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

4. **MINUTES** (Pages 3-4)

To confirm the attached Minutes of the meeting of the Committee held on 12 April 2011.

5. **AMENDMENTS TO PART 3 OF THE COUNCIL'S CONSTITUTION – RESPONSIBILITY FOR FUNCTIONS**

In order to achieve a smooth transition in line with the new organisational structure, several of the functions set out in Part 3 of the Council's Constitution need to be re-delegated. This will avoid delegations sitting with officers who are no longer responsible for the delivery of the service and any challenge to the Council in respect of officers acting outside the scheme of officer delegations. The amended Part 3, which includes those functions relevant to the Environmental Enforcement and Protection Manager and the Licensing Team Leader has been bound separately and will be distributed at the meeting.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Pauline Hodding, Senior Democratic Support Officer, telephone: (01304) 872305 or email: paulinehodding@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Minutes of the meeting of the **REGULATORY** Committee held at the Council Offices, Whitfield on Tuesday 12 April 2011 at 9.45 am.

Present:

Chairman: Councillor B W Butcher (Vice-Chairman in the Chair)

Councillors C E Kirby
A R Smith
J M Smith

Officers: Licensing Manager
Senior Solicitor
Team Leader Democratic Support

Also present: PSE Conolly Kent Police
PC S Alexander Kent Police
Mr S Barber
Mr M Oatridge (Minute No 542 only)

Apologies for absence were received from Councillors P S Le Chevalier and R S Walkden.

543 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor C E Kirby had been appointed as substitute for Councillor P S Le Chevalier.

544 APPLICATION FOR A PERMIT TO PLACE TABLES AND CHAIRS ON THE HIGHWAY – MCDONALD'S, BIGGIN STREET, DOVER: SECTION 115E HIGHWAYS ACT 1980

Committee considered the report of the Licensing Manager on an application by the franchisee of McDonald's in Biggin Street Dover to place tables and chairs outside the restaurant and heard from the Crime Prevention Officer Kent Police about concerns over the potential impact on local residents, shoppers and visitors to Dover. Police resources were likely to be affected as evidence listed the number of calls previously made to the police in respect of the premises and also by staff at the McDonald's restaurant itself. Mr Barber, the franchisee, confirmed that he was open to negotiations.

RESOLVED: That consideration of this matter be adjourned for at least 15 minutes in order to allow all parties concerned to find a solution to the concerns raised by Kent Police.

545 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE A NON-STANDARD VEHICLE FIAT DOBLO MULTIJET 1.3

The Committee considered an application by Mr Oatridge for grant of a Private Hire Vehicle Licence in respect of a 7 seater, diesel Fiat Doblo 1.3 Multijet to replace a vehicle of the same make and specification. The first such vehicle had been granted a licence by Committee in 2008 as an exception to the Council's policy that no vehicle with an engine capacity under 1500cc would be licensed.

In accordance with the approved procedure the applicant and officers withdrew from the meeting to permit the Committee to consider its decision. Upon resuming the meeting it was

- RESOLVED: (a) That, notwithstanding the Council's policy on the engine capacity of vehicles, the application by Mr Oatridge to license the Fiat Doblo 1.3 Multijet registration RJ57 XFK for Private Hire be approved for the reasons that the previous vehicle of the same make and engine size had not been the subject of any complaints, had proved fit for purpose and that improvements had been made in engine technology since the Council's policy had been approved.
- (b) That a review of the policy on vehicle engine capacity be undertaken during the forthcoming Council year.

546 APPLICATION FOR A PERMIT TO PLACE TABLES AND CHAIRS ON THE HIGHWAY – MCDONALD'S, BIGGIN STREET, DOVER: SECTION 115E HIGHWAYS ACT 1980

The Committee resumed consideration of the matter and was advised that Kent Police and the franchisee had reached agreement on measures to address concerns about anti-social behaviour outside the restaurant in respect of removing the street furniture overnight, CCTV coverage and staff training to deal with conflict resolution. Mr Barber further confirmed that the outside area would be kept as clean and tidy as the indoor dining area.

RESOLVED: That, subject to the following conditions, the application to place tables and chairs on the highway outside McDonald's, Biggin Street, Dover be approved:

- (a) The four tables and 12 chairs are to be placed on the highway between the hours of 08:00 and 17:00 only each day and to be removed to storage at 17:00 hours.
- (b) The existing dining area staff are to be trained in conflict resolution by six weeks from the date of grant of the permit; all new dining area staff to undertake conflict resolution training before starting employment and to undertake customer care training within three months of the date of their appointment.
- (c) The existing CCTV is to be upgraded to a digital system with coverage of the outside seating area by the end of July 2011.

The meeting ended at 10.35 am.