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12 October 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **REGULATORY COMMITTEE** on Tuesday 18 October 2022 at 10.00 am, the following minutes that were omitted when the agenda was printed.

4 **MINUTES** (Pages 2 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 24 May 2022.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written in a cursive style.

Chief Executive

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 24 May 2022 at 11.00 am.

Present:

Chairman: Councillor N J Collor

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

Officers: Regulatory Lawyer
Licensing Manager
Licensing Enforcement Officer
Technical Support Officer - Licensing
Democratic Services Officer

Also Present: D Henchy (Minute No. 5)
J Brown (Minute No. 6)
N Waite (Minute No. 7)

1 APOLOGIES

There were no apologies for absence.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 19 April 2022 were approved as a correct record for signing by the Chairman.

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

The Committee considered the report of the Licensing Manager on an application by Ian Murray for a Street Furniture Permit to allow the placement of 3 tables and 6 chairs outside The Crispin Inn, 4 High Street, Sandwich. The furniture would be small round metal tables and small metal chairs placed at the rear of the premises, along the riverside, between 11:00 hrs and 23:00 hrs every day.

In respect of the application and the consultation process one representation was received and objected to the proposed location of the furniture due to it being a narrow public footpath that provided vehicular access to two private properties. The objection also stated that the siting of the furniture would encourage patrons to sit on the quayside wall and groups to stand on the public foot path and was therefore not suitable for al fresco dining. Kent Police had been consulted and requested

additional conditions if the licence were to be granted and were provided at appendix C of the report.

On behalf of the applicant Mr Dan Henchy was in attendance to answer any queries from Members. The Committee was advised that the furniture would only be put out for use would if the weather allowed and would be removed at the end of every day. It was also explained that it would be table service only and staff checking outside. By way of addressing the concerns of Members, Mr Henchy advised that the hours for the siting of the furniture could be amended to help to mitigate the potential for any late night anti-social behaviour for nearby residents.

The Committee withdrew to consider the application and upon resuming the Regulatory Lawyer advised that the Committee had considered the report of the Licensing Manager, the application from Mr Ian Murray, the representation made by Mr Jamieson and the conditions that had been pre-agreed by the applicant and Kent Police.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Mr Ian Murray of The Crispin Inn, 4 High Street, Sandwich for the siting of three tables and six chairs be GRANTED for use every day between 11:00 hrs and 21:00 hrs and subject to all conditions, including those agreed with Kent Police and as provided at appendix C of the report.

6 HIGHWAYS ACT 1980 - SECTION 115E - THE TOLL BRIDGE BAR AND RESTAURANT, 7 FISHERMANS WHARF, SANDWICH

The Committee considered the report of the Licensing Manager on an application by Sheena Brown for a Street Furniture permit to allow the placement of 3 tables and 6 chairs outside The Toll Bridge Bar and Restaurant, 7 Fisherman's Wharf, Sandwich. The furniture would be rattan effect matching tables and chairs and at the meeting the Licensing Manager corrected an error in the report and advised the application sought the placing of the furniture from 12:00 hrs to 23:00 hrs Tuesday to Sunday.

In respect of the application and the consultation process one representation was received and objected to the proposed location of the furniture due to it being a narrow public footpath that provided vehicular access to two private properties. The objection also stated that the siting of the furniture would encourage patrons to sit on the quayside wall and groups to stand on the public foot path and was therefore not suitable for al fresco dining. Kent Police had been consulted and requested additional conditions if the licence were to be granted and these were provided at appendix C of the report.

On behalf of the applicant Mr Jeremy Brown was in attendance to answer any queries from Members. Mr Brown advised the furniture was required to help recover from the recent Covid pandemic and to increase the revenue of the business by providing additional seating for customers of the restaurant. Members were advised that the last kitchen order was at 21:00 hrs and the outside tables and chairs were intended to be an area for customers to consume drinks and snacks beyond this time. Members made enquiries regarding the times with a view to 21:00 hrs - the applicant accepted that the times might be amended.

The Committee withdrew to consider the application and upon resuming the Regulatory Lawyer advised that the Committee had considered the report of the

Licensing Manager, the application from Sheena Brown, the representation objecting to the application and the conditions that had been pre-agreed by the applicant and Kent Police. In addition, Mr Brown was given the opportunity to amend the application to permit the siting of furniture every day, so as to include any bank holidays that he may choose to open the premises.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Sheena Brown of The Toll Bridge Bar and Restaurant, 7 Fisherman's Wharf, Sandwich for the siting of 3 tables and 6 chairs be GRANTED for use every day between 12:00 hrs and 21:00 hrs and subject to all conditions, including those agreed with Kent Police and as provided at appendix C of the report.

7 HIGHWAYS ACT 1980 - SECTION 115E - THE WAITING ROOM, CATTLE MARKET, SANDWICH

The Licensing Sub-Committee considered the report of the Licensing Manager on an application by Nicholas Waite of The Waiting Room, Cattle Market, Sandwich. The application was for a Street Furniture Permit to allow the placement of 7 tables and 14 chairs in two of the adjoining sides of the premises as per the plan provided within the report. The application was for the siting of the tables and chairs from 07:30 hrs to 22:30 hrs every day, all year round.

Nicholas Waite was in attendance at the meeting to present his application. The premises was the former East Kent Road Car Company building, built in 1922 and Mr Waite's family had owned the premises since 1993. It was a prominent building in the town centre that would offer further employment for five staff as well as being an attraction to the town.

Mr Waite advised Members that the street scene had been improved by restoring and renovating the building to make it suitable for trading and that to make the business viable, given the interior size of the building, the tables and chairs were required to make the business model work. Some of the tables and chairs would be segregated with café barriers to maintain adequate pavement space for passers-by and to maintain safety. Mr Waite further added that the furniture was heavy marble that would be securely closed off, possibly secured to the floor, and would remain in situ permanently rather than removed at the end of each day. Mr Waite confirmed that relevant clearances would be maintained and when Members made enquiries regarding the times with a view to 21:00 hrs, the applicant accepted that the times might be amended.

In respect of the application and the consultation process eleven representations were received and included comments from Kent Police who requested additional conditions to the licence and, Kent Highways who objected to the siting of tables and chairs in the location on the plans where there were cycle parking racks in situ. Kent Highways provided further comment and proposed that the five cycle parking racks could be relocated if all costs were met by the applicant and with the agreement of their location to be met with other local stakeholders. Mr Waite explained to the Sub-Committee that the cycle parking racks were installed by Kent County Council when the building was closed and had been installed in front of the building's fire escape doors. Mr Waite advised that a further eleven bike racks were within 100m of the premises and that it was his opinion that more racks could be added to those locations to accommodate the removal of the five racks in front of his premises if it were decided necessary. Mr Waite explained he was approaching

Dover District Council first and then he would progress with Kent County Council (and partners) regarding removal.

The Committee withdrew to consider the application and upon resuming the Regulatory Lawyer advised that the Committee had considered the report of the Licensing Manager, the application from Mr Nicholas Waite, the eleven representations, including the suggestion for the relocation of the racks provided by Kent Highways. The Regulatory Lawyer advised the applicant that if the furniture was to remain outside and not taken in at the end of each day, it was for him to resolve any required planning permissions.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Mr Nicholas Waite of The Waiting Room, Cattle Market, Sandwich for the siting of tables and chairs be GRANTED for use every day between 07:30 hrs and 21:00 hrs every day and all year round and subject to all conditions. Including those agreed with Kent Police, as follows:

- (a) That the 3 tables and 6 chairs (as noted to be 5, 6 and 7 on the plan within the application) be GRANTED.
- (b) That the 4 tables and 8 chairs (as noted to be 1,2,3 and 4 on the plan within the application) be GRANTED at such a time as if/when the 5 cycle parking racks currently situated there are removed/relocated. In the event that the cycle parking racks are removed in a piecemeal way, the Sub-Committee delegates authority to the Licensing Manager for the siting of 4 tables and 8 chairs (as they can be located in any available space).

The meeting ended at 11.56 am.