

Public Document Pack



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10 March 2016

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Friday 18 March 2016 at 2.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Jemma Duffield", written over a white background.

Chief Executive

Regulatory Committee Membership:

B W Butcher (Chairman)
P S Le Chevalier
B Gardner
S J Jones
D P Murphy

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 5 - 11)

To confirm the attached Minutes of the meeting of the Committee held on 1 December 2015.

PROCEDURE FOR HEARING (Pages 12 - 13)

The procedure for the Hearing is attached.

5 **BLOODY MARY'S, 160 - 162 HIGH STREET, DEAL - HIGHWAYS ACT 1980 - SECTION 115E** (Pages 14 - 27)

To consider the attached report of the Licensing Team Leader.

6 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 28)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

7 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 29 - 45)

To consider the attached report of the Licensing Team Leader.

8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE** (Pages 46 - 61)

To consider the attached report of the Licensing Team Leader.

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 will be published on our website as soon as

practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.

- 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 Jemma Duffield, Democratic Support Officer, telephone: (01304) 872305 or email: jemmaduffield@dover.gov.uk for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 1 December 2015 at 10.05 am.

Present:

Chairman: Councillor P S Le Chevalier

Councillors: B Gardner
S J Jones

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

Also present: Mr W Humphrey (Minute no 23)
Mr J Prendergast (Minute no 23)
Mr G Holmes (Minute no 25)
Mr N Stevens (Minute no 25)
Miss L Phillips (Minute no 26)
Ms L Jackson (Minute no 26)

18 APOLOGIES

An apology for absence was received from Councillor B W Butcher.

19 APPOINTMENT OF SUBSTITUTE MEMBERS

The Committee was advised that Councillor D P Murphy had been appointed as a replacement for Councillor S C Manion on the Regulatory committee by the full Council at its meeting held on 25 November 2015.

There were no substitute Members appointed.

20 DECLARATIONS OF INTEREST

In respect of Minute no 24, Councillor B Gardner advised that having withdrawn his objection to the application and notwithstanding legal advice, it was his intention to remain present for consideration of the item, but in his capacity as a Member representing a ward/parish affected by the matter under consideration.

Councillor P S Le Chevalier declared a Voluntary Announcement of Other Interests (VAOI) in Minute no 24 by reason that he knew the applicant and would voluntarily withdraw from the meeting for consideration of the item.

In respect of Minute no 31, Councillor P S Le Chevalier declared a VAOI by reason that the applicant was known to him in his previous occupation and had decided that he would withdraw from the meeting for the consideration of the item.

21 MINUTES

The Minutes of the meetings of the Committee held on 15 July and 18 August 2015 were approved as a correct record and signed by the Chairman.

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

The Committee considered an application by Mr Lamb of Relyon Transport who had applied for permission to licence a Ford Transit Minibus as a Private Hire Vehicle. The vehicle was outside of the current vehicle age policy, being registered on 19 June 2007, although it fell within the current mileage limit. The Licensing Team Leader advised the Committee that the 8 seated vehicle would be used to transport passengers to and from Dover Port/Cruise Terminal and the parking facilities operated by the company in Poulton Close, Dover.

The Committee adjourned to inspect the vehicle accompanied by the applicant's representative (Ms J Milner) and officers and upon reconvening it was

RESOLVED: That, notwithstanding the Council's current policy guidelines in respect of age of vehicles, Mr D Lamb of Relyon Transport be granted a Private Hire Vehicle Licence in respect of a Ford Transit minibus (GM07 ABO) by reason that the vehicle was in very good condition and had low mileage.

23 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR STREET TRADING CONSENT, DEAL SEAFRONT

The Committee considered an application by Mr William Humphrey of Will's Catering to trade from a converted vehicle on the Deal Promenade, north of Deal Pier, Beach Street, Deal. The application was to trade Monday to Sunday from 8.00am to 11.00pm and to sell French sticks, Burgers, Egg, Sausage, Bacon, Snack and hot and cold drinks.

The Licensing Team Leader advised the Committee that following the 28 day consultation period, 45 objections had been received including one from Kent County Council (KCC) Highways who would not approve the application by reason that the application location was the national cycle route 1 and was a pedestrianised high amenity footway.

In accordance with the approved procedure Mr Humphrey presented his case to the Committee and addressed some of the concerns raised by the objectors, which included: providing a spring loaded waste bin lid to prevent pests; purchasing a 60 decibel generator or less to prevent noise nuisance; and reducing opening hours to address anti-social behaviour concerns. If Members were minded to grant the application, the applicant would be willing to meet any other conditions they would deem necessary to approve the application.

With the consent of the Committee, Mr Humphrey presented photos of the proposed location and neighbouring businesses, including the shellfish stall. The applicant was of the opinion that it could not be assumed that his customers would park on the yellow lines which were located on the highway running alongside the proposed location and that once the trailer was in place there was 29 feet of pedestrian highway remaining which he believed was sufficient for pedestrians and wheelchairs.

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:
- (a) 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 trading consent be REFUSED by reason that there was not sufficient reason to depart from criteria (c), that is, that consent should not be granted if there is insufficient space and undue inconvenience and interference to pedestrians or road users will be caused or where to do so would be prejudicial to highway safety. The Kent County Council Highways concerns remained and had not been satisfied by the applicant's representation.
 - (b) That the Council's Licensing Team Leader should work with the applicant and Kent County Council Highways, in so far as she can assist to find a suitable location to run the business from.
 - (c) That a review of the Council's Street Trading Guidance Notes (Policy) document be carried out by February 2016.

24 HIGHWAYS ACT 1980 - SECTION 115E - BLOODY MARY'S, 160-162 HIGH STREET, DEAL

Given that Councillor P S Le Chevalier declared a Voluntary Announcement of Other Interests at the start of the meeting in respect of Minute no 7 and would leave the meeting for consideration of the item, the Head of Legal Services advised that the meeting would be inquorate in accordance with Council Procedure Rule 8 which required a quorum of at least three Members to consider an item.

Members were advised that the item would be considered at a future meeting of the Regulatory Committee to be held on a date to be arranged by the Licensing Team Leader.

25 HIGHWAYS ACT 1980 - SECTION 115E - ROUTE 1 (DEAL) LTD, BEACH STREET, DEAL

The Committee considered the report of the Licensing Team Leader on an application by Mr Nicholas Stevens of Route 1 (Deal) Ltd, Beach Street, Deal for the siting of 10 tables and 40 chairs on the highway immediately in front of the premises. The Committee was advised that 8 representations had been received including a comment from Kent County Council (KCC) Highways requesting that if the application were to be granted, a condition be added to the permission that the footway leading to and in front of the Royal Hotel be clear at all times. Members were advised by the applicant that the pathway on the seafront was not within their responsibility as the leaseholders.

The applicant advised the Committee that since the report had been written an amended plan had been submitted to the Planning Department which had reduced the number of tables and chairs to 7 and 28 respectively. The Committee was being asked to consider this amendment and a copy of the revised seating area plan was provided to the Committee.

Having adjourned to consider the application in accordance with the approved procedure, Members and the Head of Legal Services returned to the meeting to query the raised area which appeared to abut the sea wall on the revised plan and could potentially prevent public access. Having spoken with the architect, the applicant confirmed the area of the plan in question was part of the lease and therefore not public access although a ramp could be installed.

The Committee withdrew to consider the application and upon resuming the meeting the Head of Legal Services explained that she had advised the Committee in relation to the powers available to the Committee in relation to Section 115E of the Highways Act 1980.

- RESOLVED: (a) That, having regard to S115E of the Highways Act 1980 the application to site a maximum of 7 tables and 28 chairs on the highway by Route 1 (Deal) Ltd, Beach Street, Deal be approved subject to:
- (i) The tables, chairs and retractable rope and support posts being removed at the end of each trading day.
 - (ii) The gap between the sea wall and roped off area must be equidistant to a minimum of the distance between the sea wall and the south east corner of the building.

26 HIGHWAYS ACT 1980 - SECTION 115E - THE CLARENDON HOTEL, 51-53 BEACH STREET, DEAL

The Committee considered an application by Mr R Norris of The Clarendon Hotel, 51-53 High Street, Deal to place 6 tables and 12 chairs on the highway immediately in front of the premises. Six representations had been received including one representation made by Kent County Council (KCC) Highways requesting that if the application were to be granted, a condition be included that a minimum of 1.2m of clear footway be achieved at all times.

Members were advised by the applicants representatives (Miss L Phillips and Ms L Jackson), that the hours for the siting of the tables and chairs would be from 09.00hrs and the furniture would be secured to the walls at all times to prevent it encroaching into the 1.2m of clear footway.

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: (a) That having regard to Section 115E of the Highways Act 1980, the application by Mr R Norris of The Clarendon Hotel, 51-53 High Street, Deal to place 6 tables and 12 chairs on the highway immediately in front of the premises be approved, subject to:

- (i) All tables and chairs must be secured to the wall at all times.
- (ii) The tables and chairs must be placed outside no earlier than 09.00hrs and removed no later than 19.00hrs each day.
- (iii) A minimum of 1.2 metres of clear footway must be achieved at all times whilst the tables and chairs are in situ.

27 HIGHWAYS ACT 1980 - SECTION 115E - THE DUCHESS, 1 BENCH STREET, DOVER

The Committee considered an application by Funky Monkey Leisure Ltd for the siting of 6 tables and 18 chairs on the highway immediately in front of The Duchess, 1 Bench Street, Dover.

One representation had been received from Dover Town Council and Kent County Council (KCC) Highways had commented that a minimum of 2 metres width for pedestrians must remain in Bench Street, preferably divided by a barrier/roped off area between the tables and pedestrians. KCC Highways also recommended that no tables and chairs were to be sited in Queen Street.

RESOLVED: (a) That, having regard to Section 115E of the Highways Act 1980, the application by Funky Monkey Leisure Ltd to place 6 tables and 18 chairs on the highway immediately in front of The Duchess, 1 Bench Street, Dover be approved subject to:

- (i) A physical barrier being placed between the pedestrian highway and seating area to run across the width of the premises, but allowing for customer access to the premises.
- (ii) A minimum of 2 metres of pavement for pedestrians must remain beyond the seating area in Bench Street at all times.
- (iii) No tables and chairs to be placed in Queen Street at any time.

28 HIGHWAYS ACT 1980 - SECTION 115E - THE SEAGULL, 33 HIGH STREET, DEAL

The Committee considered an application by Ms P Mousley of The Seagull, 33 High Street, Deal for the siting of 4 tables and 12 chairs on the highway immediately in front of the premises.

One representation was received from Deal Town Council who objected to the application should the tables and chairs merge into the pedestrian area. Kent County Council (KCC) Highways had carried out a site visit and requested that the seating area would run from the pillar to the left of the building up to the rain water channel. The seating area should also be defined by a barrier and customers should not encroach any further onto the highway.

RESOLVED: (a) That, having regard to S115E of the Highways Act 1980, the application by Pamela Mousley of The Seagull, 33 High Street, Deal for the siting of 4 tables and 12 chairs on the highway immediately in front of the premises be approved and the seating area will be identified by a barrier on both sides which will run from the building up to the rain water channel.

29 FEES AND CHARGES 2016/17

The Committee received the report of the Head of Regulatory Services which set out the fees and charges for 2016/17 relevant to the Regulatory Committee.

Members were advised the majority of the proposed fees and charges remained the same with the exception of those outlined in appendix 6 of the report, which were due to changes in legislation and guidance.

- RESOLVED: (a) That the Fees and Charges for 2016/17 as set out in Appendix 4 be approved.
- (b) That Members approved the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.
- (c) That Members approved the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
- (d) That the Head of Regulatory Services be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting Government guidance and it has not been possible to set a fee level at this stage.
- (e) That the Head of Regulatory Services be authorised in consultation with the Director of Governance and the Director of Finance, Housing and Community to make minor adjustments to the fees and charges as necessary.

30 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor P S Le Chevalier, 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 involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act.

31 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - JOINT DRIVER'S LICENCE

Councillor P S Le Chevalier declared a Voluntary Announcement of Other Interests in the item to be considered and withdrew from the meeting whereupon the Head of

Legal Services advised that the meeting was inquorate in accordance with Council Procedure Rule 8 which required a quorum of at least three Members to be present.

The meeting ended at 12.54 pm.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS

1. Introduction of all present. Chairman
2. Purpose of hearing and procedure. Licensing Team Leader
3. Applicant asked to confirm receipt of agenda, Licensing Manager's report, Council's policy guidelines and procedure for hearing. Legal Adviser
4. Licensing Manager's report introduced and issues summarised Licensing Team Leader
5. Licensing Manager calls any witnesses. Licensing Team Leader
Each witness in turn :
 - (i) will give evidence
 - (ii) may be questioned by the applicant or applicant's representatives
 - (iii) may be questioned by the Committee
 - (iv) may, if necessary, be re-questioned by the Licensing Manager
6. Presentation of case and particular issues (including whether applicant accepts the facts presented or wishes to correct them) Applicant or his/her representative
7. Applicant or his/her representative may call any witnesses (including the Applicant him/herself). Each witness in turn:
 - (i) will give evidence
 - (ii) may be questioned by the Licensing Manager
 - (iii) may be questioned by the Committee
 - (iv) may, if necessary, be re-questioned by the applicant/applicant's representativeApplicant or his/her representative
8. Further questions may be asked of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification Committee
9. Final submission. Licensing Team Leader
10. Final submission. Applicant
11. Committee withdraws to consider in private. Clerk and Legal Adviser may be invited to assist the Committee.
12. If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the

whole of the proceedings must not take part in the decision making.

13. Committee reconvenes. Any legal advice given to the Committee in private will be summarised to the Applicant. Legal Adviser
14. The decision of the Committee is given to all parties. Chairman
In the event of a decision to refuse, suspend or revoke an application, the applicant is told that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

Subject:	Bloody Mary's, 160 – 162 High Street, Deal - Highways Act 1980 – Section 115E
Meeting and Date:	Regulatory Committee – 18 March 2016
Report of:	Licensing Team Leader
Classification:	Unrestricted

Purpose of the report:	Permission to site street furniture on the highway
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Recommendation:	That the Committee determine the application
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1. **Summary**

The regulation of the placing of tables and chairs on a highway is a statutory function of the Council under the Section 115E, of the Highways Act 1980.

2. **Introduction and Background**

2.1 Mr Gary Lahr has held a permit to site street furniture outside Bloody Mary's, 160 – 162 High Street, Deal, since 29 January 2015. The current permit is for 4 tables and 8 chairs.

2.2 Since this permit has been issued, there have been 3 complaints regarding the street furniture outside the premises, all relating to the same weekend. The complaints were all of the same nature – that on a particular weekend in June, the amount of chairs outside the premises was 22. The Licensing Enforcement Officer spoke to Mr Lahr, who stated that the reason for this was that patrons were carrying the indoor furniture outside. Advice was given on monitoring the area more vigilantly, and there have been no complaints received since.

2.3 Mr Lahr has now applied to increase this to allow the siting of 6 tables and 20 - 24 chairs on the highway immediately in front of the premises. The application states that these will be good quality steel chairs and tables. (Photograph provided). A copy of the application form is shown at **Appendix A**. A plan of the proposed siting of the street furniture is shown at **Appendix B**.

2.4 As part of the consultation process views have been sought from local businesses, Kent Highway Services and the Police. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.5 Three representations were received in respect of this application (see **Appendix C**), as follows:

Andy Maple (now withdrawn) – Suggests that a maximum of 18 chairs might be a more appropriate number for the space available. Mr Maple states that despite the best efforts of the proprietors to keep the pavement clear, there was an occasion when over 20 chairs and stools were outside on the pavement and caused congestion, impeding the free movement of pedestrians. Mr Maple feels that there may be safety issues if as many as 24 chairs are allowed.

Councillor Bill Gardner (now withdrawn) - submitted a representation stating that whilst there is room for more chairs, he suggested a half-way point between their current allowed number and their requested number. Councillor Gardner also

pointed out that there were occasions in the summer that they did not stick to the amount of chairs allowed, and that this caused problems.

Cynthia Horncastle – The pedestrian area is not wide enough to allow the safe passage of pedestrians with prams, pushchairs and wheelchair users. It is very intimidating to walk through a crowd of people congregated on the pavement who make no effort to move to allow pedestrians through. The increase in noise would be significant in this quiet residential area and residents would be unable to open their windows in the summer. It is noted that the hours have been reduced to 20:00, who will police the area to ensure that tables and chairs will be removed?

- 2.6 Following negotiations, the applicant agreed to reduce the amount of chairs on the application to 16. A new plan is attached at **Appendix B**. All 3 of the objectors were contacted, and Andy Maples and Councillor Gardner withdrew their representations based on this amendment to the application. Mrs Horncastle wishes for her representation to still stand, as she still feels that this is too many chairs and tables for the area.
- 2.6 Highways have commented (see **Appendix D**) to say that if this permit is granted, they would request a condition that an absolute minimum of 1.2m of clear footway is achieved at all times.

3 Options available

- (1) To allow the application as applied for
- (2) To allow the application as applied for but with additional conditions
- (3) To reject the application.

Appendices

Appendix A – Application form and supporting paperwork

Appendix B – Location plan

Appendix C – Revised plan following amendment to application showing proposed siting of street furniture

Appendix D - Representations

Appendix E – Comment from Highways

5 Background Papers

Contact Officer: Rebecca Battrick, Licensing Team Leader. Ext.2279



Highways Act 1980 - Section 115



Application for a Street Furniture Licence

1. Applicant

Full name

GARY CHARLES LAHIL

Date of birth

27 Feb 1959

Address including postcode

11, New St.
DEAL
KEWT CT14 6JY

Telephone number(s)

01304-371600

Mobile number

01947343407

Email address

BLINDILLUSIONS@HOTMAIL.CO.UK

2. Business

Name

BLOODY MARTY'S

Address including postcode

160-162 High St.
DEAL KEWT
CT14 6BQ

Telephone

01304-371305

3. Licence Required

From (month)

1st Sept 2015

To (month)

1st Sept 2016

Days

MONDAY TO SUNDAY

Between the times

9 AM

and

8 PM

Number of tables

6

Number of chairs

20-24

Brief description of type and quality of tables and chairs

Please also provide photos if possible

Good Quality (teak)
CHAIRS + tables.

4. Additional Information

Do you have toilets for customers to use?

Yes

No

If yes, please say how Many?

1 EACH

Have you sought the advice of the environmental health officer in respect of food hygiene and health and safety matters?

Yes

No

Have you ever been refused a street furniture Licence in this or any other areas?

Yes

No

If yes, please give details

**PLANNING PERMISSION MAY BE REQUIRED
PLEASE TELEPHONE 01304 872042.**

5. Declaration

I enclose

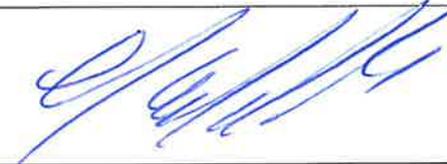
Plan showing dimensions of area of highway and proposed layout of street furniture

Copy of Public Liability Insurance

Fee: £75 Application Fee or £35 For Annual Renewal.

I declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct.

Signature



Date

6 AUGUST 2011

Notes

1. If any person makes a false statement or omits any material particular in giving the foregoing information knowingly he may be guilty of an offence and liable to prosecution. In addition the licence may be revoked forthwith.
2. Please complete this form on a computer or in block capital letters and return it to
Licensing
Dover District Council
White Cliffs Business Park
Dover CT16 3PJ

For Office Use Only

Date		Time		Officer	
Receipt number				Fee	£
Licence number				Issue date	



CDC

Insurance Specialists

130 High Street
Broadstairs
Kent
CT10 1JB

T : 01843 861251
F : 01843 860645
E : enquiries@cdc-insurance.co.uk
W : www.cdc-insurance.co.uk

Mr Gary Lahr
160 -162 High Street
Deal
Kent

Broker Ref: LAGX01SC03
Date: 24/06/2015

CT14 6BG

Dear Mr Lahr,

Bloody Mary's - Wine Bar Insurance

I refer to your telephone call to this office in connection with the above.

I am pleased to confirm current insurance effected with NIG Insurance under policy number SEC/005896385 which has Public Liability indemnity at £5,000,000(FIVE MILLION) automatically covering your responsibility for tables outside.

If you have any further queries please contact me.

Yours sincerely,

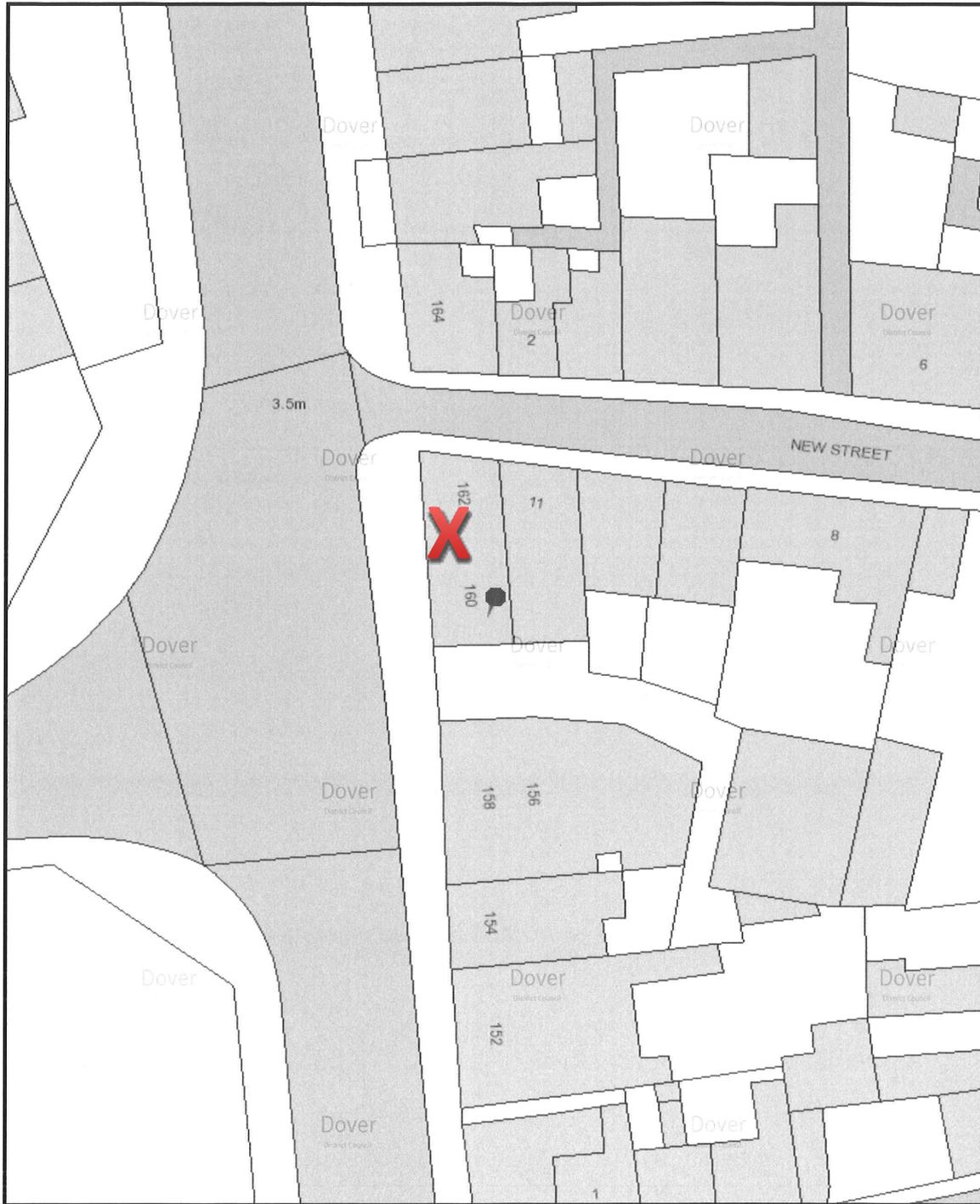


P I CLARKE ACII
Chartered Insurance Broker
Director

BLOODY MARY'S



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ

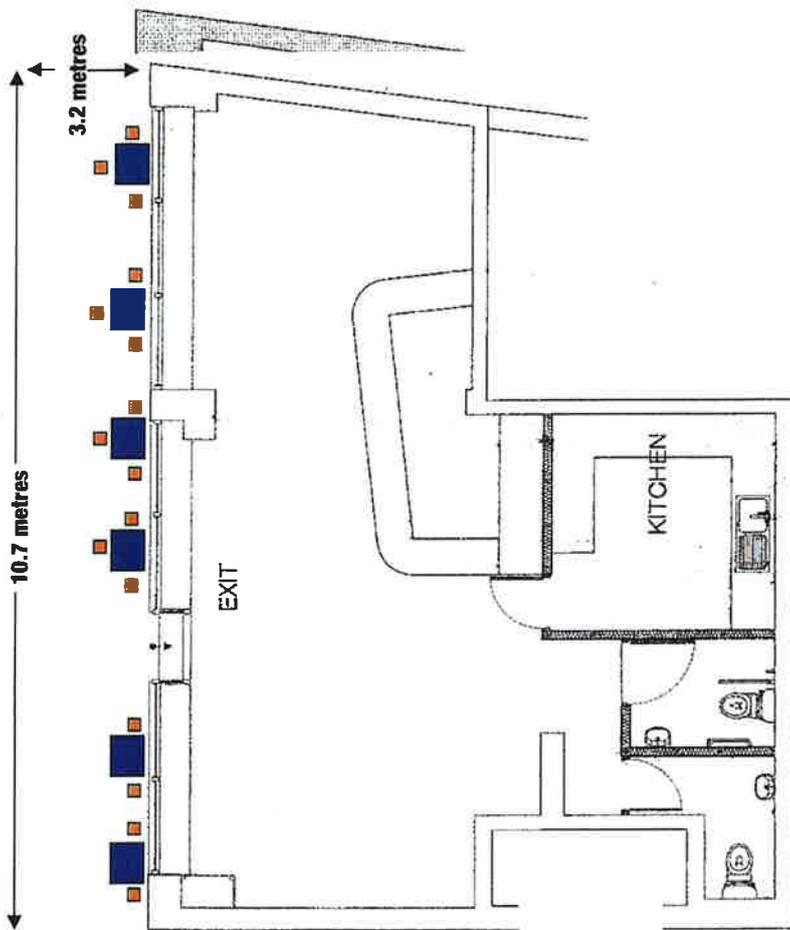


Scale 1:300

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Map Dated: 09/03/2016

HIGH STREET



Tables ■

Chairs ■

Blind Illusions - Deal - Kent	
DWG:	Ground_Floor
Date:	01.08.13
Scale:	1:100
Rev:	1

1:500

DDC Licuser

From:
Sent: 26 August 2015.14:35
To: DDC Licuser
Cc:
Subject: Bloody Mary's - 160-162 High Street, DEAL

Dear Sirs,

Application to place 6 Tables and 24 Chairs

Whilst generally minded to support the proposal for 6 tables I would suggest that a maximum of 18 chairs might be a more appropriate number for the space available.

Despite the best endeavours of the proprietors to keep the pavement clear, on one occasion when in excess of 20 chairs and stools appeared outside the premises there was congestion as customers spread outwards towards the kerb, impeding the free movement of pedestrians.

I feel therefore that there may be safety issues if as many as 24 chairs are allowed.

Yours faithfully,
Andrew Maple
166 High Street
DEAL
CT146BQ

-- This message has been scanned for viruses and dangerous content by the Invictanet MailScanner, and is believed to be clean.

From: cynthia horncastle <
Sent: 08 September 2015 11:53
To: DDC Licuser
Subject: Street Furniture Consent Application

5 Clarence Place
High Street
Deal
CT14 6 BJ

RE: Street Furniture Consent Application for

Furniture: 6 tables and 24 chairs
Timings: 0900-2000
Location: Bloody Mary's , 160-162 High Street, Deal CT14 6BG

* Not to be heard under delegated powers

I am writing to object to the above application on the following grounds:

1) Road safety- The pedestrian area is not wide enough to allow the safe passage of pedestrians, some with prams and pushchairs as well as wheelchair users with people

gathered on the pavement! Not everyone sits at the tables. (See attached photograph). Having to walk in the road to get past the group of people gathered on the pavement who make no attempt to move to allow pedestrians etc. through. Children including my 10 year old grandson have had to walk in the road in order to get past.

2) it is very intimidating to walk through the group of people congregated on the pavement..

3) the increase in noise is significant in this quiet residential area and disturbs the local residents. Unable to have our windows open in the summer due to the level of noise which is also heard quite clearly in our back gardens. Flouting the license agreement in the past has identified this significant impact on the local residents.

4) the sight lines from New Street into the High Street is obstructed by those who gather outside to smoke and drink at the aforesaid tables

1

5) It is noted that the hours have been reduced to 2000. Who will police the area to ensure that tables and chairs are removed?

If this goes to a hearing I nominate ²⁴ Bill Gardner to speak.

2



-----Original Message-----

From: Bill Gardner

Sent: 09 September 2015 16:41

To: Rebecca Pordage

Subject: Bloody Mary's, Deal High St.

As ward Cllr I wish to put in an objection to their application for an increase to the number of tables and chairs they already have outside their premises.

Last year they put in for a similar number and DTC planning committee objected,as I did as did several neighbours.Following negotiations with you as officers this was reduced to a more acceptable number. Regrettably they have not kept to this agreed number and this has resulted in neighbours in this mostly residential contacting me as their ward Cllr to complain.

There is room for a few more chairs and can I suggest that there is a sensible and reasonable solution,that is to settle for a half way point between their current allowed number and their requested number,if you can settle for that with them,then I will go for that,as long as they then stick to it.But as we have seen this summer they have pushed at the boundaries and this has caused problems.

I hope that there will not need to be a hearing if they will settle for the midpoint,if not I will be willing to appear at the hearing.

Cllr Bill Gardner,
Labour Councillor for North Deal.

From: Darren.Wadhams
Sent: 16 November 2015 14:47

Bloody Mary`s,

Happy For this as long as that an absolute minimum of 1.2m of clear footway is achieved at all times as a condition of the licence.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 18 MARCH 2016

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

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 involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Item No 7 – Local Government (Miscellaneous Provisions) Act 1976 – Application for a Driver’s Licence	1	Information relating to any individual
Item No 7 – Local Government (Miscellaneous Provisions) act 1976 – Application for a Driver’s Licence	1	Information relating to any individual

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item No 7

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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