

Public Document Pack



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23 December 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 Tuesday 10 January 2017 at 10.00 am 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 (Vice-Chairman)
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 - 7)

To confirm the attached Minutes of the meeting of the Committee held on 1 November 2016.

PROCEDURE FOR HEARING (Pages 8 - 13)

The procedure for the Hearing is attached.

5 **HIGHWAYS ACT 1980 - SECTION 115E - HOPE AND LANE, 92A HIGH STREET, DEAL** (Pages 14 - 26)

To consider the attached report of the Licensing Team Leader.

6 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 27)

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 28 - 51)

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 November 2016 at 10.04 am.

Present:

Chairman: Councillor B W Butcher

Councillors: B Gardner
S J Jones
D P Murphy

Officers: Contentious and Regulatory Lawyer
Public Protection Manager
Licensing Team Leader
Democratic Support Officer

Also present: Mr T West
Ms P Griffiths

15 APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

16 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

17 DECLARATIONS OF INTEREST

There were no declarations of interest made Members.

18 MINUTES

The Minutes of the meeting of the Committee held on 6 September 2016 were approved as a correct record and signed by the Chairman.

19 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 CT13 9EA. The application was for the siting of five tables and ten chairs that would be wooden folding furniture, at the front of the premises between the hours of 10.00hrs to 23.00hrs every day. In respect of the application four representations had been received during the consultation process.

At the meeting the Committee was advised of a variation to the application to reduce the number of tables and chairs to three tables and six chairs. These would be sited along the quay wall and not in front of the patio area of the public house. With the consent of the Committee, the applicant presented photos of the proposed location for the furniture, the surrounding buildings and various parked vehicles within the vicinity.

Various issues raised by the representors contained within the report were addressed by the applicant. With regard to access to the surrounding properties and businesses, although vehicles did park on the site and unload goods, they were not designated car parking spaces and deliveries would still be possible. There would be room for an emergency vehicle or delivery van, and for pedestrians to pass with the tables and chairs in place. The applicant advised that the bus stop referred to was outside The Bell Hotel, adjacent to the public house, and not at the site for the tables and chairs. The bin collections from the surrounding premises also took place from outside The Bell Hotel.

The applicant advised Members that the tables and chairs would encourage customers to sit at the tables and not on the quay wall. Ash trays would be placed on the tables and bins would be on the patio area. The applicant would not be using umbrellas and all furniture would be put away in storage at the end of the day.

Having adjourned to consider the application in accordance with the approved procedure, Members and the Contentious and Regulatory Lawyer returned to the meeting to query the ownership of land where the tables and chairs were to be sited. The Licensing Team Leader confirmed that the area was owned by Kent County Council (KCC) Highways.

The Committee withdrew to consider the application and upon resuming the meeting the Contentious and Regulatory Lawyer 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: 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 be allowed from 1 April - 31 October;
- (b) The furniture only be allowed between the hours of 10.00 and 21.00 hrs each day, 7 days per week in the above period;
- (c) The furniture being removed and cleared away by 21.00 hrs each day;
- (d) Upon renewal of the application the application must come back before the Regulatory Committee for its consideration.

The Committee received the report of the Head of Regulatory Services which set out the fees and charges for 2017/18 relevant to the Regulatory Committee.

A full analysis of each Hackney Carriage and Private Hire license application type had been undertaken and had resulted in the various changes outlined in the report. The Committee was advised that talks were in place for the responsibility of Street Trading Consent for Tables and Chairs permits to be reverted to Kent County Council in the near future. In light of this it had not been re-assessed and the fee remained the same.

- RESOLVED:
- (a) That the Fees and Charges for 2017/18 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.

The meeting ended at 11.21 am.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing
HEARING		
3	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • advises of the purpose of the hearing • presents the Licensing Officer's report • summarises any issues
4	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • Will give evidence • May be questioned by the applicant or applicant's representatives • May be questioned by the Committee • May, if necessary, be re-questioned by the Licensing Officer
5	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
6	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
7	Members	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
8	Licensing Officer	The Licensing Officer may give their final submission.
9	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
10	Members	The Committee withdraws to consider in private. The Legal Adviser and Clerk may be invited to assist the Committee.
11	Members	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.
12	Legal Adviser	The Committee reconvenes. Any legal advice given to the Committee in private will be summarised to the Applicant.
13	Chairman	The decision of the Committee is given to all parties.

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.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS LICENSING OF A DRIVER, VEHICLES AND OPERATORS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Chairman	The Chairman advises the applicant of the reason for the Hearing and the procedure.
3	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing • extract from the Rehabilitation of Offenders Act 1974
HEARING		
3	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • presents the Licensing Officer's report • summarises any issues
4	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the applicant or applicant's representatives • may be questioned by the Committee • may, if necessary, be re-questioned by the Licensing Officer
5	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
6	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
7	Members of the Committee	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
8	Licensing Officer	The Licensing Officer may give their final submission.
9	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
10	Committee members/Legal Adviser	The Committee will withdraw to consider its determination. The Legal Adviser may be requested by the Chairman to accompany the Committee.
10	Committee members	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.
11	Legal Adviser	Any legal advice given to the Committee in private will be summarised to the Applicant.
12	Chairman	The decision of the Committee is given to all parties. 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:	Highways Act 1980 – Section 115E – Hope and Lane, 92A High Street, Deal
Meeting and Date:	Regulatory Committee – 10 January 2017
Report of:	Licensing Team Leader
Classification:	Unrestricted
Purpose of the report:	Permission to site street furniture on the highway
Recommendation:	That the Committee determine the application

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 Sean Humphreys has applied for a Street Furniture permit to permit the placement of 5 tables and 10 chairs, 3 tables and 6 chairs at the side of the premises (in St Georges Passage) and 2 tables and 4 chairs at the front of the premises. The application states that the furniture will be metal bistro tables and slated chairs. Mr Humphreys has requested they be placed between 08:30hrs to 17:00hrs every day.

2.2 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**.

2.3 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.

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

PC Stephen Noddings (on behalf of Kent Police) objected to the placing of tables and chairs at the front of the property, stating that the location of the premises is on the side of the High Street that is busy with pedestrians who are accessing shops within the town centre. PC Noddings felt that the placement of tables and chairs to the front of the premises is not suitable as it will increase the risk to pedestrians who are attempting to walk past the premises and force them to walk near the kerb near to moving or parked vehicles. PC Noddings added that he had no objection to the siting of tables and chairs being located at the side of the premises as these are within a pedestrian area where there is a reduced risk and more available space.

Deal Town Council objected to the application as the proposed seating on the pavement at the front of the café and up St Georges Passage will obstruct the movement of pedestrians, prams and wheelchairs.

Councillor Bill Gardner objects on the grounds that the pavement at the front is far too narrow for the 2 tables and 4 chairs that are proposed. They are forcing parents

with pushchairs and buggies to cross over the road or at least go into the road to get down the High Street because they cannot pass these obstructions on what is supposed to be a pavement. Also, Deal has a lot of elderly people who use mobility buggies to get around and these people have exactly the same problem.

- 2.5 These comments were passed to the applicant, who made the decision to remove the request to site 2 tables and 4 chairs at the front of the property, and seek permission to site 3 tables and 6 chairs in St Georges Passage only. This amendment was discussed with those who had made representations in respect of this application. PC Steve Noddings withdrew his representation. Deal Town Council and Councillor Bill Gardner amended their representations, as follows:

Deal Town Council object to the application to place tables and chairs on the highway up St Georges Passage as it will obstruct the movement of pedestrians, prams and wheelchairs.

Councillor Bill Gardner objects to the placing of street furniture in St Georges Passage, as it will cause problems to people trying to visit the shops in this busy little extra part of the High Street.

3 Options available

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

Appendices

Appendix A – Application form and supporting paperwork

Appendix B – Location plan

Appendix C – Representations

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



Highways Act 1980 - Section 115

Application for a Street Furniture Licence

1. Applicant

Full name

SEAN HENDREYS

Date of birth

16.07.1963

Address including postcode

27 THE STRAND (HOLE & LANG)
WALMER (MARINE PARADE)
CT14 6EG

Telephone number(s)

Mobile number

Email address

2. Business

Name

HOLE & LANG

Address including postcode

92A HIGH STREET
DEAL
KENT CT14 6EG

Telephone

3. Licence Required

From (month) To (month)

Days

Between the times and

Number of tables

Number of chairs

Brief description of type and quality of tables and chairs
Please also provide photos if possible

METAL BISTRO, TABLES
& SLATTED CHAIRS

4. Additional Information

Do you have toilets for customers to use? Yes No

If yes, please say how Many?

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

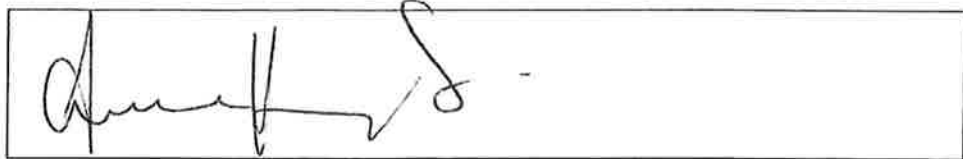
SEE ATTACHED

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

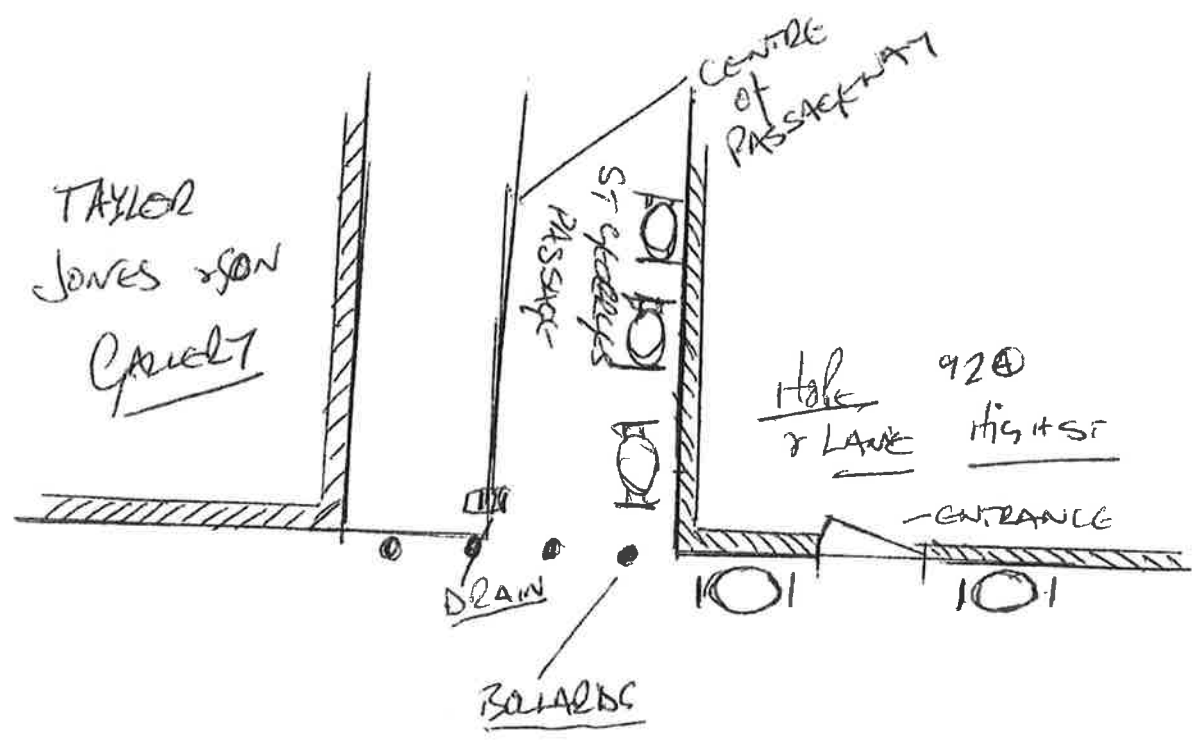


Notes

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	



ST GEORGE'S CHURCH ↓
HIGH ST



© Crown copyright and database rights 2016 Ordnance Survey 100019780

Title: Dover District Council

Author: Dover District Council

Scale 1:500

Map Dated: 21/12/2016





Dover District Council
Licensing Section
24 NOV 2016

Please read the guidance notes on page 6 before completing this form.

<p>1. Your details:</p> <p>Name: Police Constable 8492 Stephen Noddings</p> <p>Address: C/O Community Safety Unit , Dover District Council , Whitfield , Dover</p> <p>Telephone number: Home: N/A Work: Mobile: 00 000</p> <p>Email address:</p>										
<p>2. Name of the premises and applicant applying for a licence:</p> <p>Hope & Lane</p>										
<p>3. Address of the premises applying for a licence:</p> <p>92A High Street, Deal, Kent Police CT14 6EG</p>										
<p>4. Which category of objector are you? (See Guidance Notes) (Please specify paragraph number eg "3(a)".)</p> <table> <thead> <tr> <th></th> <th style="text-align: right;">Please ✓</th> </tr> </thead> <tbody> <tr> <td>(a) a person living in the vicinity of the premises</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>(b) a body representing persons who live in that vicinity*</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>(c) a person involved in a business in that vicinity</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>(d) a body representing persons involved in such businesses</td> <td style="text-align: right;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>		Please ✓	(a) a person living in the vicinity of the premises	<input type="checkbox"/>	(b) a body representing persons who live in that vicinity*	<input type="checkbox"/>	(c) a person involved in a business in that vicinity	<input type="checkbox"/>	(d) a body representing persons involved in such businesses	<input checked="" type="checkbox"/>
	Please ✓									
(a) a person living in the vicinity of the premises	<input type="checkbox"/>									
(b) a body representing persons who live in that vicinity*	<input type="checkbox"/>									
(c) a person involved in a business in that vicinity	<input type="checkbox"/>									
(d) a body representing persons involved in such businesses	<input checked="" type="checkbox"/>									

5. **Please indicate in relation to which of the four Licensing Objectives your representation is made:**

	Please ✓
Prevention of Crime and Disorder	<input type="checkbox"/>
Prevention of Nuisance	<input type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

6. (a) **If you are representing someone else (categories 3(b) and 3(d)), please give the names and addresses of all persons or business that you represent together with which category such persons or businesses fall into.**

Kent Police – Responsible Authority

(b) **Please give details of the nature of your objection to the application.**

Kent Police are objecting to the placement of tables and chairs to the front of the premises on the basis that the pavement has insufficient width to cater for the placement of tables and chairs and the ability of the public to use the available pavement in a safe manner.

7. **What evidence do you rely on in support of your objection?**

On the evening of Wednesday 23rd November 2016 I attended the location and found that there were two tables and four chairs already outside the front of the premises.

I measured the pavement and found it to be 1.87 metres wide from the edge of the building to the edge of the pavement. The tables and chairs occupied 0.8m of the pavement without having any members of the public utilising the seating.

This left just over 1 metre of available space for pedestrians and others to pass by the premises.

The location of the premises is directly adjacent to a limited waiting parking area which limits vehicles to be parked within the parking bays for an hour before requiring them to move so there are regular vehicle movements within the area.

Whilst considering the application I must be mindful of the rights of Disabled persons. When I consider mobility issues where a person may require the use of a mobility scooter. The average width of a mobility scooter is between 750 mm and 1000 mm. (pathsforall.org). Therefore if there was a larger mobility scooter

attempting to pass the tables and chairs they would have extreme difficulty as there would only be about 70 mm of available space (and this is prior to anyone sitting on the chairs.

For the visually impaired within the Government paper titled "Inclusive Mobility" the minimum width requirement for a blind person who requires the use of an assistance dog is 1100 mm.

The location of the premises is on the side of the High Street that is busy with pedestrians who are accessing shops within the town centre and also the shops to the northern side of Deal town centre where there has been a great amount of effort to promote those shops not within the centre.

Therefore with all of the above factors the placement of tables and chairs to the front of the premises is not suitable as it will increase the risk to pedestrians who are attempting to walk past the premises and force them to walk near the kerb near to moving or parked vehicles. There is insufficient pavement to allow tables and chairs to be placed and for the safe movement of pedestrians of all ages and abilities to be able to pass.

I have no objections to the tables and chairs being located to the side of the premises as these are within a pedestrian area where there is a reduced risk and more available space.

8. In your opinion can this objection be overcome by conditioning the licence or negotiation with the applicant?

NO

There are no conditions that could be applied that would prevent this incident from re-occurring.

9. If you answered YES to question 8, please give details of what condition(s) should be imposed to overcome your objection or what negotiation should be undertaken.

N/A

I understand that, if accepted as relevant, my representation will form part of the documentation disclosed to all parties to the Hearing before the Licensing sub-committee.

SIGNATURE..........

DATE.....24-11-18.....

From: deal.town.council

Sent: 29 November 2016 11:20

To:

Subject: Street Furniture Application - Hope and Lane 92a High Street, Deal, CT14 6EG

Good Morning Katy,

Deal Town Council **object** to the application from Hope and Lane, 92a High Street to place tables and chairs on the highway as the proposed seating on the pavement at the front of the café and up St Georges Passage will obstruct the movement of pedestrians, prams and wheelchairs.

Kind regards

Kelly

Planning Clerk

Deal Town Council

From: Bill Gardner **Sent:** 29 November 2016 09:51

Subject: Re: Street Furniture Application - Hope and Lane 92a High Street, Deal, CT14 6EG

As ward Cllr for North Deal, which includes the whole of Deal High St,

I wish to object to this application for a number of reasons.

Firstly, the pavement at the front is far too narrow for the 2 tables and 4 chairs that they are planning to put there.

Indeed they have been putting these out without a license and without planning permission for a while. They are forcing parents with pushchairs and buggies to cross over the road or at least go into the road to get down the High St because they cannot pass these obstructions on what is supposed to be a pavement.

Secondly, and this is in a way part of the same point, Deal has a lot of elderly people that use mobility buggies to get around and these people have exactly the same problem as mentioned in point one.

I understand that the application has been altered following the Police objections so that these two tables and four chairs no longer are part of the application.

I trust that the committee will still consider this part of the application and decide that this area of pavement is not suitable for tables and chairs. The reason I state this is because Hope and Lane when they first applied for a license had already put the tables and chairs out before they even applied, and again this time round, they put the extra tables and chairs out on the pavement without remission, so I would ask the committee to clearly state when they consider the revised application that they would not have allowed the tables and chairs on the pavement. This is because having seen past history, Hope and Lane have tried it on before and have obviously got form for pushing at and breaking the boundaries.

Thirdly, I wish to object to extra tables and chairs in St Georges alleyway, the ones they currently have are more than enough, and cause problems to people trying to visit the shops in this busy little extra part of the High St.

What they already have is more than enough.

Cllr Bill Gardner.

DDC Cllr for North Deal ward.

From: Bill Gardner

Sent: 29 November 2016 10:07

To: Louise Bentley

Subject: Re: Street Furniture Application - Hope and Lane 92a High Street, Deal, CT14 6EG

Sorry, they have had benches and trestle tables out in the alleyway at the side of the shop for 3 or 4 years at least, and I honestly thought that they had permission for these to be there.

If they have not got permission previously for these benches and tables, how have they been able to get away with this breach for so long without DDC taking any action.

I seriously assumed that these 2 tables and benches were legal and that they were going for an increase, not finally putting in an application to put right a long running

situation where they have been allowed to break the rules for ages.

So your quick reply and this further email can all be counted as part of my objection,

Bill Gardner.

Sent from my iPad

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 10 JANUARY 2017

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

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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of the Local Government Act 1972.

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