

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 22 June 2021 at 10.07 am.

Present:

Chairman: Councillor T A Bond (as substitute for Councillor N J Collor)

Councillors: D G Beaney (as substitute for Councillor O C de R Richardson)
P M Brivio
R S Walkden

Officers: Contentious and Regulatory Lawyer
Head of Regulatory Services
Licensing Manager
Technical Support Officer - Licensing
Democratic Services Officer

Also Present: Mr A Howe (Minute No. 13)

6 ELECTION OF A CHAIRMAN

In the absence of the Chairman and Vice-Chairman, the Democratic Services Officer called for nominations for the Chairman. It was proposed by Councillor D G Beaney and duly seconded, and

RESOLVED: That Councillor T A Bond be elected as Chairman for the duration of the meeting.

7 APOLOGIES

There were apologies for absence received from Councillors N J Collor, S J Jones and O C de R Richardson.

8 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors D G Beaney and T A Bond were appointed as substitute members for Councillors O C de R Richardson and N J Collor respectively.

9 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

10 MINUTES

The Minutes of the meeting held on 25 May 2021 were approved as a correct record to be signed by the Chairman.

11 VARIATION TO THE ORDER OF BUSINESS

In the absence of any dissent it was agreed to vary the order of business to take agenda item 7 (Highways Act 1980 Section 115E – Arno & Co, 94 High Street, Deal) before agenda item 6 (Highways Act 1980 Section 115E – Aspendos, Quarter Deck, 41-45 Beach Street, Deal) in the absence of the applicant for agenda item 6.

12 MOBILE HOMES AMENDING FEE POLICY (REQUIREMENT FOR MANAGER OF SITE TO BE A FIT AND PROPER PERSON)

The Head of Regulatory Services presented the Mobile Homes Amending Fee Policy to the committee. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person (England) Regulations 2020 would take effect from 1 July 2021. Local authorities were required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless exempt under the regulations. Members were asked to consider the approval of the fee policy to enable the recovery of the costs in the application process of undertaking a fit and proper person test. At the meeting Members were provided with a corrected fee policy to replace appendix 1 in the agenda report papers.

RESOLVED: That the Regulatory Committee

- (i) Notes the new requirement for a 'fit and proper person test' for relevant protected sites in accordance with regulations.
- (ii) Approves the fee policy for protected site that enables recovery of the costs in the application process of undertaking a fit and proper person test.

13 HIGHWAYS ACT 1980 SECTION 115E - ARNO & CO, 94 HIGH STREET, DEAL

The Committee considered the report of the Licensing Manager on an application by Philippus Arnoldus Karsten of Arno & Co, 94 High Street, Deal. Mr Karsten was not in attendance and Mr Andrew Howe was present to address the Committee on his behalf.

The application was for a Street Furniture permit for the placement of 3 benches and 4 side/occasional tables along the property wall of 94 High Street, Deal in St George's Passage. The applicant was seeking permission to site the furniture between 09:00 hrs to 20:00 hrs every day.

One representation was received in respect of the application from Mr Gerald Evans, who objected to the siting of the furniture on the narrow Deal High Street and the obstruction it would cause on the corner of St George's Passageway as the coffee shop opposite already had permission for tables and chairs in that location. Mr Howe clarified that the application was not seeking for permission to site the furniture on the High Street. There were no representations from the police or Kent Highways regarding the application

The Licensing Manager advised Members that the premises opposite, Hope and Lane, had a Street Furniture permit to site 5 tables and 10 chairs in St George's Passage. Mr Howe informed Members that the previous occupants of their premises had had permission to site 3 tables and 6 chairs in the same position.

There were discussions about the dimensions of the passageway and how furniture could be accommodated. The benches were described as in keeping with the look and feel of the premises and were between 90 – 110cm long and would be located against the wall of the premises. The tables had not yet been sourced and would be situated between the benches, against the wall, acting as side tables. There would remain a sufficient 1.5 metre gap down the centre of the passageway. Members asked whether a heavier type of furniture could be considered or whether the furniture could be attached to the wall to prevent furniture being moved thus

obstructing the passageway. Mr Howe advised this would not be practical as the furniture would be taken inside at the end of every day.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Mr P A Karsten of Arno & Co, 94 high Street, Deal for the siting of 3 benches (90- 110 cm) and 3 tables between 09:00 hrs to 20:00 hrs in St George's Passage be GRANTED and that the benches are to be placed no more than 50cms away from the wall, with all furniture taken inside at the end of each day.

14 HIGHWAYS ACT 1980 SECTION 115E - ASPENDOS, QUARTER DECK, 41-45 BEACH STREET, DEAL

The Committee considered the report of the Licensing Manager on an application by Necati Gunes of Aspendos, Quarterdeck, 41-45 Beach Street, Deal. The application was for a Street Furniture permit to allow the placement of 8 picnic style benches with built in seating in the passageway that ran alongside the restaurant. The benches would be left out 24 hours a day although the applicant had requested for permitted use between 11:00 hrs to 23:00 hrs every day only. It was recognised within the report that planning permission may need to be sought for the placing of the furniture on a permanent basis. The applicant was not in attendance at the meeting and gave his apologies.

One representation was received in respect of the application from Mr Cameron Arthur. The Committee considered his written representation that stated there would be an increase in noise, litter, smells and anti-social behaviour in the passageway that was below Mr Arthur's premises. The Licensing Manager confirmed that the passageway was within the licensable area of the premises.

- RESOLVED: (i) That, having regard to Section 115E of the Highways Act 1980, the application by Necati Gunes of Aspendos, Quarterdeck, 41-45 Beach Street, Deal for the siting of 8 picnic style benches in the passageway alongside the premises for use every day between 11:00 hrs and 23:00 hrs be GRANTED.
- (ii) That it is a matter for the applicant to resolve the necessary planning permissions, if required, for the permanent siting of the furniture.

The meeting ended at 11.22 am.