

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 June 2023 at 10.00 am.

Present:

Chairman: Councillor G Cowan

Councillors: J P Loffman
P M Brivio
M P Porter (as substitute for Councillor O C de R Richardson)

Officers: Principal Lawyer - Litigation and Regulatory
Litigation Lawyer
Licensing Manager
Licensing Officer
Democratic Services Officer

Also Present: Danielle Usherwood (Minute No.5)
Supporting Person x 2 (Minute No.5)
Robert Botkai (Minute No.6)

1 APOLOGIES

Apologies for absence were received from Councillor D P Murphy and O C de R Richardson.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M P Porter be appointed as substitute for Councillor O C de R Richardson.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 28 February 2023 were approved as a correct record for signing by the Chairman.

5 HIGHWAYS ACT 1980 - SECTION 115E - THE SANDWICH BAKERY COMPANY LTD, 12 KING STREET, SANDWICH

The Committee considered the report of the Licensing Manager on an application by Danielle Usherwood for a Street Furniture permit to allow the placement of 4 tables and 8 chairs in Austen's Lane, to be placed alongside The Sandwich Bakery Company Ltd, 12 King Street, Sandwich. The furniture would be wooden folding bistro tables and chairs and the application sought the placing of the furniture every day between 08:30 hrs to 17:00 hrs.

The Committee was advised that five representations were received objecting to the application and one in support of the application. The objections cited general access concerns, particularly for: residents, pedestrians and wheelchair users entering Austen's Lane; household deliveries and access for maintenance vehicles to carry out general maintenance; refuse collectors and the placement of bins, as

well as access concerns for emergency vehicles. In response to the application Kent Highways did not object to the placing of the tables and chairs as applied for.

The representation in support stated that, even with tables and chairs in Austen's Lane, there would still be room for access and that the application being sought would encourage more people to visit and spend time in Sandwich.

On behalf of the applicant, Danielle Usherwood was in attendance, along with two family members, to answer any questions from committee members. She advised the Committee of her experience, having two businesses in the district, and that she worked well other local businesses, particularly the neighbouring business 'Goats that Dance'. Since Covid, and having received feedback from customers, she was aware that customers wanted the opportunity to be able to sit outside. Miss Usherwood was aware of other places where customers could sit outside, and she was losing customers; being able to have tables and chairs outside her premises could boost business. Miss Usherwood over the last few years operated reduced hours, she was now testing reopening for the longer hours. Additionally, she explained the benefits of the outside seating for those with mobility issues who were unable to access inside premises within the town. An account of this was provided by her family member present at the meeting who was a wheelchair user and said that accessible outside seating would make the town more inclusive. Miss Usherwood explained her customers at the moment could possibly use the space opposite at the church, but it was not easily accessible, and she had to serve drinks in takeaway cups. Having tables and chairs outside the premises meant coffee could be served in cups and be able to have cake on a plate.

Miss Usherwood told the Committee of the steps she had taken to measure the furniture and that she had placed the furniture on the pavement to ensure it fitted. The furniture would be placed on the pavement alongside her premises, going no further than her boundary. Wheelchair users could then come up to the table edge. The furniture would be taken inside at the end of each day.

The Committee were advised how Miss Usherwood would manage the area - food and drink would be served in crockery and tables would be regularly cleared. With regard to noise, this was a town centre location, and some level of noise should be expected however, she would approach her customers if they were making an unacceptable level of noise or causing disruption. Addressing concerns regarding access and the locked bollards at each end of Austen's Lane, Miss Usherwood informed the Committee the bollards were removable by key but she was not a keyholder. Miss Usherwood understood one person on Austen's Lane held the key however, she assured Members she would move tables whenever access was required. She considered herself to be considerate and respectful and wanted to work with her neighbours and not intrude on other's space.

In accordance with the approved procedure, the Committee withdrew to consider the application and upon returning, the Principal Lawyer – Litigation and Regulatory advised that the Committee had considered the report of the Licensing Manager, the application from Danielle Usherwood, the response from Kent Highways, the five representations objecting to the application and the representation in support.

RESOLVED: (a) That, having regard to Section 115E of the Highways Act 1980, the application by Danielle Usherwood of The Sandwich Balery Company Ltd, 12 King Street, Sandwich for the siting of 4 tables and 8 chairs for use every day between 08:30 hrs and 17:00 hrs be GRANTED as applied for and that

- (i) Tables are to be set up on the pavement alongside the premises in Austen's Lane (table and 2 chairs set up), as per the plan and taken in at the end of each day.
- (ii) The Committee would like the applicant to make enquiries regarding the key to the bollard and being a key holder.

6 HIGHWAYS ACT 1980 - SECTION 115E - LOUNGE, 43-45 HIGH STREET, DEAL

The Committee considered the report of the Licensing Manager on an application by Loungers UK Ltd for a Street Furniture permit to allow the placement of 6 tables and 12 chairs (revised form 6 tables and 24 chairs) outside Lounge, 43-45 High Street, Deal. The furniture would be comprised of table bases and tops, with a selection of stackable and non-stackable chairs. The application sought the placing of the furniture every day between 09:00 hrs to 23:00 hrs and would be brought inside at the end of each day.

The Committee was advised that, in respect of the application and the consultation process, two representations were received objecting to the application. Deal Town Council raised objections in relation to the number of tables and chairs and their proximity to benches and planters already outside the premises [on the High Street], stating that the number being sought would limit their use. In addition, access would be restricted for people with mobility difficulties. Deal Chamber of Trade also objected citing insufficient space between the proposed furniture and the public benches.

On behalf of the applicant, Mr Botkai, (solicitor for the applicant) was in attendance to answer any queries from Members. Mr Botkai advised that the application was for a contemporary family orientated lounge/diner, offering vegan and gluten-free menus, rather than being a pub. It was their experience that customers were wanting the option to dine outside more and that it was not an overflow option if inside was full.

Having received the responses to the initial application, the applicant had reflected and amended the application by reducing the number of chairs to 12 and, amended the placement of the furniture, so to provide space for negotiating between the furniture and benches. This amendment was shared with both objectors, but no response was received.

In accordance with the approved procedure, the Committee withdrew to consider the application and upon returning the Principal Lawyer – Litigation and Regulatory advised that the Committee had considered the report of the Licensing Manager, the application from Loungers UK Ltd and the two representations objecting to the application.

RESOLVED: That, having regard to Section 115E of the Highways Act 1980, the application by Loungers UK Ltd for Lounge, 43-45 High Street, Deal for the siting of 6 tables and 12 chairs for use every day between 09:00 hrs and 23:00 hrs be GRANTED as applied for and that the furniture is set up as per the plan in the supplementary papers.

The meeting ended at 11.21 am.