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8 September 2023

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 19 September 2023 at 10.00 am when the following business will be transacted.

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

Yours sincerely

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

Chief Executive

Regulatory Committee Membership:

G Cowan (Chairman)
J P Loffman (Vice-Chairman)
P M Brivio
D P Murphy
O C de R Richardson

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.

PROCEDURE FOR HEARING (Pages 5 - 9)

The procedures for the Hearings are attached.

- 4 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES**
(Pages 10 - 22)

To consider the attached report of the Licensing Manager.

- 5 **HIGHWAYS ACT 1980 - SECTION 115E - THE ELEPHANT AND HIND, 18- 19 MARKET SQUARE, DOVER** (Pages 23 - 34)

To consider the attached report of the Licensing Manager.

- 6 **HIGHWAYS ACT 1980 - SECTION 115E - THE SANDWICH SHOP, 15A CATTLE MARKET, SANDWICH** (Pages 35 - 50)

To consider the attached report of the Licensing Manager.

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 step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website.
- The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) Dover Joint Transportation Advisory Board; (d) General Purposes Committee; (e) Electoral Matters Committee; (f) Governance Committee; (g) Planning Committee; (h) General Purposes Committee and (i) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.
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available for public inspection for a period of six years from the date of the meeting.

- Members of the Regulatory Committee may receive confidential information relating to criminal offence personal data as part of an exempt or confidential item of business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

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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.

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		
4	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • presents the Licensing Officer's report • summarises any issues
5	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
6	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).
7	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.
8	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.
9	Licensing Officer	The Licensing Officer may give their final submission.
10	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
11	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.
12	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.
13	Legal Adviser	Any legal advice given to the Committee in private will be summarised to the Applicant.
14	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.

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.

Subject:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES
Meeting and Date:	Regulatory Committee – 19 September 2023
Report of:	Licensing Manager
Classification:	Unrestricted

Purpose of the report:	To consider an application to renew a licence for a private hire vehicle outside of policy guidelines
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1. Summary

1.1 Mr Ramazan Hamza of Dover, has submitted an application to the Council asking for permission to renew the licence on his Skoda Octavia as a Private Hire Vehicle. This vehicle falls outside of the current vehicle age policy; being registered on 1 June 2013. The vehicle GN13 DXX has 4 passenger seats and is intended to be used for normal private hire duties.

2. Introduction and Background

2.1 The regulation of Hackney Carriage & Private Hire Vehicles is a statutory duty of the Council under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2.2 The Dover District Council Hackney Carriage and Private Hire Policy states in paragraph 4.4.3 that:

No application for the renewal of a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 8 years of age.

In addition, it states in paragraph 4.4.6 that:

The Licensing Manager has delegated authority to extend the time limits set out at 4.4.1 – 4.4.5 for exceptionally well-maintained vehicles by a maximum of two further years. Applicants who fail to obtain approval from the Licensing Manager for an extension or who may wish to seek permission to extend beyond the two extra years may ask to be referred to the Regulatory Committee for consideration.

Applications for vehicles that fall outside of the policy guidelines or the provisions of 4.4.6, will be referred to the Regulatory Committee for consideration.

2.3 Applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from the agreed policy.

2.4 Mr Hamza's Private Hire Vehicle Licence expired on 31 August 2023, but a temporary extension has been granted to allow the vehicle to remain licensed until the date of the Regulatory Committee on 19 September 2023.

- 2.5 Previous renewals of this vehicle have been authorised by the Licensing Manager, as per the Dover District Council Hackney Carriage and Licensing Policy delegations. However, as this vehicle is now 10 years and 3 months old, this can no longer be delegated to the Licensing Manager, and therefore has been referred to the Regulatory Committee. The application can be found at **Appendix A**. The current mileage on the vehicle is approximately 238,878 miles. The vehicle has been inspected by the Licensing Enforcement Officer and the report of this inspection is shown at **Appendix B**. The vehicle will be available on the day of the hearing for inspection.
- 2.6 Mr Hamza has requested that the vehicle be relicensed as he has spent a lot of money on the vehicle to keep it up to standards and he would like to recoup some of his outlay. A copy of the request from Mr Hamza is shown at **Appendix C**.
- 2.7 Vehicle licences are for a period of 12 months.

3 **Identification of Options**

Options:

- (a) To allow the application for the renewal of Private Hire Vehicle licence to the vehicle notwithstanding that this would be a deviation from existing policy.
- (b) To reject the application as there are insufficient reasons to justify a deviation from existing policy.

4 **Evaluation of Options**

Options:

- (a) The vehicle is over the age defined in the policy for the renewal of a licence. However, Mr Hamza is requesting that the Committee consider whether the vehicle could be licensed as he has spent a lot of money on the vehicle and wishes to recoup some of his outlay.
- (b) If such a deviation from policy were allowed then it would be necessary to make clear that this was an exceptional circumstance and that under normal circumstances such a deviation would not be considered.
- (c) If the Committee felt that there were insufficient reasons to deviate from the Policy, then the application should be refused.

5 **Resource Implications**

There are no resource implications arising from this report.

6 **Appendices**

Appendix A – Application form and supporting papers submitted by Mr Hamza

Appendix B – Inspection report by the Licensing Enforcement Officer

Appendix C – Written request from Mr Hamza

7 **Background Papers**

Dover District Council Hackney Carriage & Private Hire Licensing Policy 2022-2027
Local Government (Miscellaneous Provisions) Act 1976.

Contact Officer: Rebecca Pordage, Licensing Manager. 01304 872279

From: no-reply@dover.gov.uk
To: [DDC Licensing](#)
Subject: Private Hire Vehicle Licence - submitted form ref: 1043473
Date: 17 August 2023 01:34:50

The following details were submitted online using the Private Hire Vehicle Licence form.

Renew - private hire licence - £265.00

Question	Response
<i>Type of application:</i>	Renew - private hire licence - £265.00
<i>Plate number:</i>	
<i>Title (for example Mr, Mrs, Ms, Miss):</i>	Mr
<i>Firstname:</i>	Ramazan
<i>Lastname:</i>	Hamza
<i>Contact phone number:</i>	[REDACTED]
<i>Please enter your email address:</i>	[REDACTED]@ [REDACTED]. [REDACTED]. [REDACTED]
<i>Current address (including postcode):</i>	[REDACTED] [REDACTED] [REDACTED]
<i>National Insurance number:</i>	[REDACTED]
<i>Date of birth (dd/mm/yyyy):</i>	[REDACTED]
<i>Name of the vehicle owner:</i>	Ramazan Hamza
<i>Upload of Basic DBS, if owner is not a driver:</i>	
<i>Name of operator:</i>	Dover taxis
<i>If a firm or partnership, the names of all proprietors or partners or any other person concerned in the keeping, employing or letting on hire of the vehicle:</i>	
<i>(Row 1) Name:</i>	
<i>(Row 1) Address:</i>	
<i>(Row 2) Name:</i>	
<i>(Row 2) Address:</i>	
<i>(Row 3) Name:</i>	
<i>(Row 3) Address:</i>	
<i>Registration number:</i>	GN13DXX
<i>Make:</i>	Skoda
<i>Model:</i>	Octavia

<i>Colour:</i>	White
<i>Date of first registration (dd/mm/yy):</i>	01/06/2013
<i>Engine capacity:</i>	1900
<i>Type of fuel:</i>	Diesel
<i>Vehicle type:</i>	Estate
<i>If changing vehicle, please provide the details of the existing vehicle:</i>	
<i>Upload MOT certificate:</i>	20230817_003442.jpg
<i>Upload proof of vehicle tax:</i>	20230817_011124.jpg
<i>Upload V5 or proof of ownership (bill of sale):</i>	
<i>Is the vehicle adapted as wheelchair accessible?:</i>	No
<i>Number of seats EXCLUDING the driver:</i>	4
<i>Is a meter fitted?:</i>	Yes
<i>Upload the tariff card:</i>	20230817_012015.jpg
<i>Are you requesting an exemption from displaying private hire plates on the vehicle?:</i>	No
<i>Is the vehicle a prestige vehicle? :</i>	No
<i>If so, is the vehicle used exclusively for the provision of prestige chauffeur services?:</i>	No
<i>Is the vehicle insured for the carriage of passengers for hire or reward?:</i>	Yes
<i>Name of insurance company:</i>	Freeway
<i>Insurance policy number:</i>	400040007600
<i>Insurance expiry date (dd/mm/yyyy):</i>	26/04/2024
<i>Upload proof of the vehicle insurance:</i>	20230817_005128.jpg
<i>Declaration:</i>	I understand and accept the above declaration

Jadu reference number: 1043473

Date and time of submission: 17/08/2023 01:34:27

Logged by: WEB

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Dover District Council is a data controller under GDPR. Our privacy notice at www.dover.gov.uk/privacy explains how we use and share personal information and protect your privacy and rights.

MOT test certificate

① Vehicle identification number
TMBKE61Z1D2116778

② Registration number **GN13DXX** ⑥ Country of registration
GB

Make and model
SKODA OCTAVIA

⑤ Vehicle category	④ Mileage	Mileage history	
M1	234,116 miles	218,537 miles	15.02.2023
		193,086 miles	01.08.2022
		173,902 miles	01.02.2022



Driver & Vehicle
Standards
Agency

⑦ Pass

⑧ Date of the test **14.07.2023** ⑨ Expiry date
13.07.2024

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 14.06.2024.

⑩ Location of the test
1 CRABBLE HILL, BUCKLAND, DOVER, CT17 0RS

⑪ Testing organisation and inspector name
**88068 HOLLIS MOTORS
L. S. HARE**

MOT test number
1974 3638 1428

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvsa.gov.uk or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.



Issuer signature

Mr Ramazan Hamza



CERTIFICATE OF MOTOR INSURANCE

1. **Registration Mark of Vehicle** - 400040007600
GN13DXX
2. **Name of Policy holder** - Mr Ramazan Hamza
3. **Effective Date of the Commencement of Insurance for the purposes of the relevant law** - 00:00:00 hours 27/04/2023
4. **Date of expiry of Insurance** - 23:59:00 hours 26/04/2024

5. **Persons or Classes of Persons Entitled to Drive**

Those specified below; provided that the person is driving with the consent of the Insured, holds a licence to drive such a vehicle or has held and is not disqualified from holding or obtaining such a licence and is complying with the terms and limitations of such licence:

6. **Limitations as to Use**

Use for Social, Domestic and Pleasure purposes and in connection with the business of the Insured, including use for Private Hire for the carriage of passengers for hire and reward, transporting goods for hire and reward related to fast food delivery and parcel or package delivery but EXCLUDING use for Public Hire, racing, pacemaking, reliability trials, speed testing or use in connection with motor rallies, competitions or trials, or in connection with motor trade.

We hereby certify that this covering note satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey, and the Island of Alderney

Geoff Carter
Chief Executive Officer
Sabre Insurance Company Limited

For drivers operating under the authority of London Public Carriage Office, this certificate of insurance complies with the London Cab order of 1934.

Note: For full details of Insurance cover, reference should be made to the Insurance Policy Document and Schedule

Important - Please read this certificate carefully, check it meets your requirements and keep it safe with your policy documents. Any query should be referred immediately to your Insurance Broker or Agent.

Overage report Skoda Octavia GN13 DXX - PHV154

Vehicle presented by Ramzan Hamza and inspected at Whitfield offices 22/08/2023 by PJ.

This vehicle is current to the fleet and the driver is requesting a renewal licence outside of the policy as the vehicle is overage.

The vehicle was first registered June 2013 making it 10 years and 2 months old. It had covered 238,878 miles at the time of inspection. The last MOT was carried out 14st August 2023 with no advisories identified.

The exterior bodywork was in fair condition for the age and mileage, there were no significant scratches or dents. The vehicle has had repairs and paintwork carried out to a satisfactory standard. The seats and general interior were found to be in fair condition for age and use and Mr Hamza had made a good effort to present the car in a clean state, however there was visible wear in the seam of the driver's seat and other fittings.

There was a meter fitted and all associated equipment was in order.

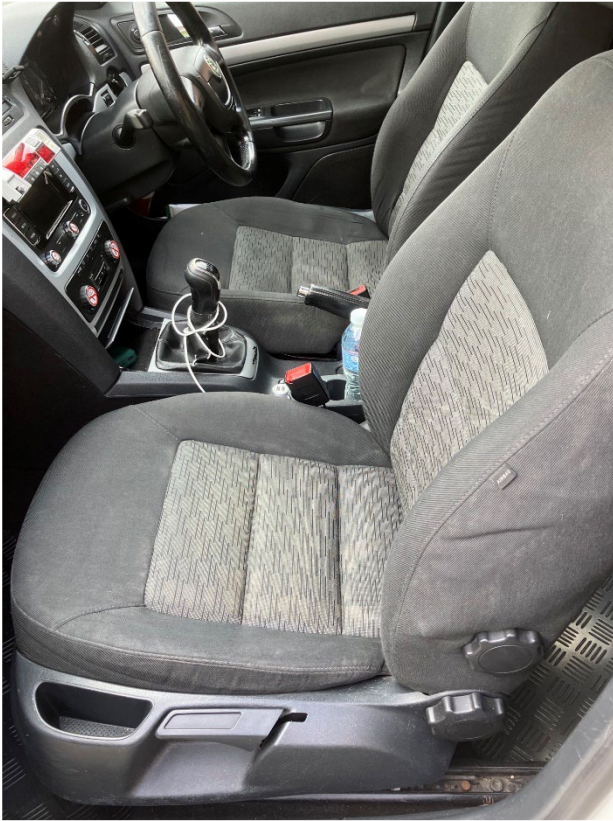
Mr Hamza was advised that the overage provision was for executive vehicles in exceptional condition with a good service history, it was also explained to Mr Hamza that the vehicle was over 10 years old so would have to be referred to the licensing committee for their consideration, and there would be no guarantee of acceptance.

Please scroll down for photographs.

PJ







From: [REDACTED]@ [REDACTED]
To: [DDC Licensing](#)
Subject: private hire plate 154 reg GN13DXX
Date: 07 July 2023 02:02:44

Good morning,

I am writing and asking if it would be possible to extend my private hire plate for another year on my vehicle please, over the last year I have spent a lot of money on the vehicle to keep it up to standards, I understand you gave me a extension on the vehicle last year but I feel with what I have spent on it the vehicle is up to standards and will see me through to next year to try and recoup some of my outlay, if this is possible it would be a great help.

Regards
Hamza

Subject:	Highways Act 1980 – Section 115E – The Elephant and Hind, 18-19 Market Square, Dover
Meeting and Date:	Regulatory Committee – 19 September 2023
Report of:	Rebecca Pordage, Licensing Manager
Classification:	Unrestricted

Purpose of the report: Permission to site street furniture on the highway

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 Harry Richardson has applied for a Street Furniture permit to allow the placement of 6 long tables with 12 matching benches, 3 bistro tables and 12 chairs outside The Elephant and Hind, 18-19 Market Square, Dover. The applicant has requested they be placed between 10:00 hrs to 00:00 hrs every day.

2.2 A copy of the application form and plan is shown at **Appendix A**. A map of the area can be found at **Appendix B**.

2.3 There is currently a permit for 6 tables and 12 benches at the Elephant and Hind between 10:00 hrs and 22:30 hrs every day. This permit has been in place since 1 July 2019. A copy of the permit is not included within this report as it is pending issue following the outcome of this committee. As these permits are not transferable, and there have been development works in Market Square, Mr Richardson has submitted a new application to supersede the current permit.

2.4 Mr Richardson originally submitted an application on 11 April 2022 for 6 long tables and benches, 4 bistro tables and chairs and 2 round tables and chairs. Dover Town Council objected to the application as they felt that such applications should be balanced with safe pedestrian passage. The matter was referred to Regulatory Committee on 18 October 2022, where the application was refused. The minutes of that meeting and the plan of the proposal are shown at **Appendix C**.

2.4 As part of the consultation process views have been sought from local businesses, Kent Highway Services, Police, Town Council, Fire Service, Planning, and other internal departments within Dover District Council as appropriate, and none have made representation, The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.5 One representation was received in respect of this application (see **Appendix E**), as follows:

Dover Town Council object as they say that the added number of tables and chairs will cause too much overcrowding in an area of high pedestrian footfall. The likelihood of patrons pushing chairs back and the addition of a barrier will force pedestrians to walk on the roadway. They also feel that the extension of hours for the

outdoor seating is unacceptable owing to the amount of immediately residential properties.

3 Options available to the Committee:

- (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 plan

Appendix B – Map of the area

Appendix C –Minutes from Regulatory Committee on 18 October 2022 and plan of the proposal where previous application was refused

Appendix D - Representation

Contact Officer: Rebecca Pordage, Licensing Manager. Ext.2279

DOVER DISTRICT COUNCIL
HIGHWAYS ACT 1980 - SECTION 115
APPLICATION FOR STREET FURNITURE LICENCE

APPLICANT:

SURNAME:	RICHARDSON
FORENAME (S) in full:	HARRY
PERMANENT ADDRESS:	[REDACTED]
COUNTY:	POST CODE [REDACTED]
TELEPHONE NO:	Code [REDACTED]
DATE OF BIRTH:	[REDACTED]

TRADING DETAILS:

NAME OF BUSINESS:	ELEPHANT AND HIND
ADDRESS:	18-19 MARKET SQUARE, DOVER
COUNTY:	POST CODE CT16 1NX
TELEPHONE NO:	Code ([REDACTED])

LICENCE REQUIRED:

PERIOD FROM TO (MONTHS)	15/06/23 - 15/03/24
DAYS:	365
BETWEEN THE TIMES:	1000 AND 0000
NO. OF TABLES:	9
NO. OF CHAIRS:	12 BENCHES, 12 CHAIRS
BRIEF DESCRIPTION OF TYPE AND QUALITY OF TABLES AND CHAIRS: Please also provide photos if possible	6 LONG TABLES (HIGH QUALITY LABELLED), 12 MATCHING BENCHES. 3 BISTRO TABLES WITH CHAIRS

ADDITIONAL INFORMATION

DO YOU HAVE TOILETS FOR CUSTOMERS TO USE?	<input checked="" type="radio"/> YES / <input type="radio"/> NO
IF YES, PLEASE SAY HOW MANY?	5 CUBICLES, 1 URINAL AND DISABLED
HAVE YOU SOUGHT THE ADVICE OF THE ENVIRONMENTAL HEALTH OFFICER IN RESPECT OF FOOD HYGIENE AND HEALTH AND SAFETY MATTERS	<input checked="" type="radio"/> YES / <input type="radio"/> NO

HAVE YOU EVER BEEN REFUSED A STREET FURNITURE LICENCE IN THIS OR ANY OTHER AREAS?

YES / NO

IF YES, PLEASE GIVE DETAILS

WE NEEDED TO BE 1.5M FROM ROAD WAICHA NEW
PLAN NOW IS

PLEASE BE ADVISED PLANNING PERMISSION MAY BE REQUIRED, PLEASE TELEPHONE 01304 872042.

ENCLOSED:

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

Copy of Public Liability Insurance

Fee: £75.00 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.

Signed:



Date:

15/6/23

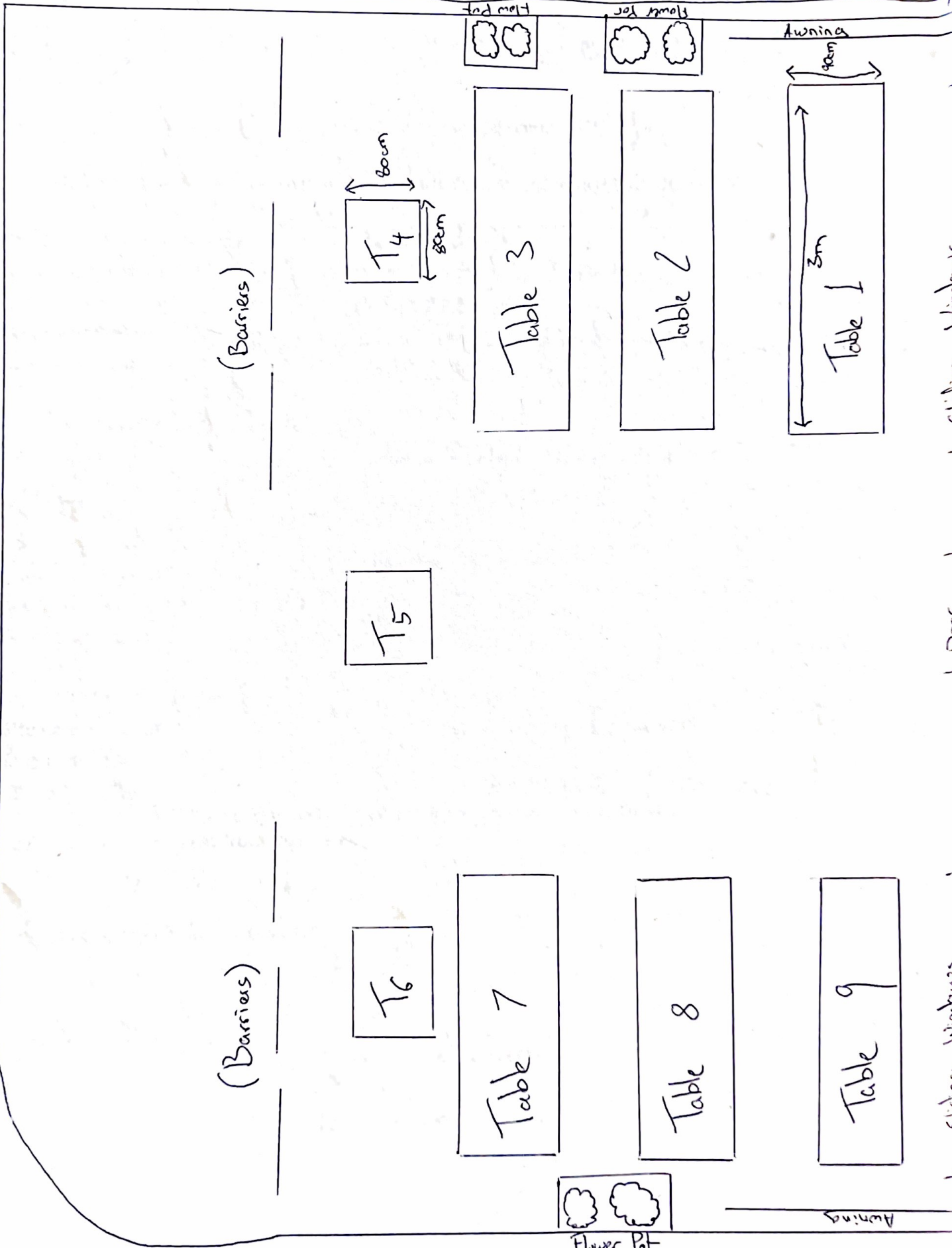
NOTE:

* 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.

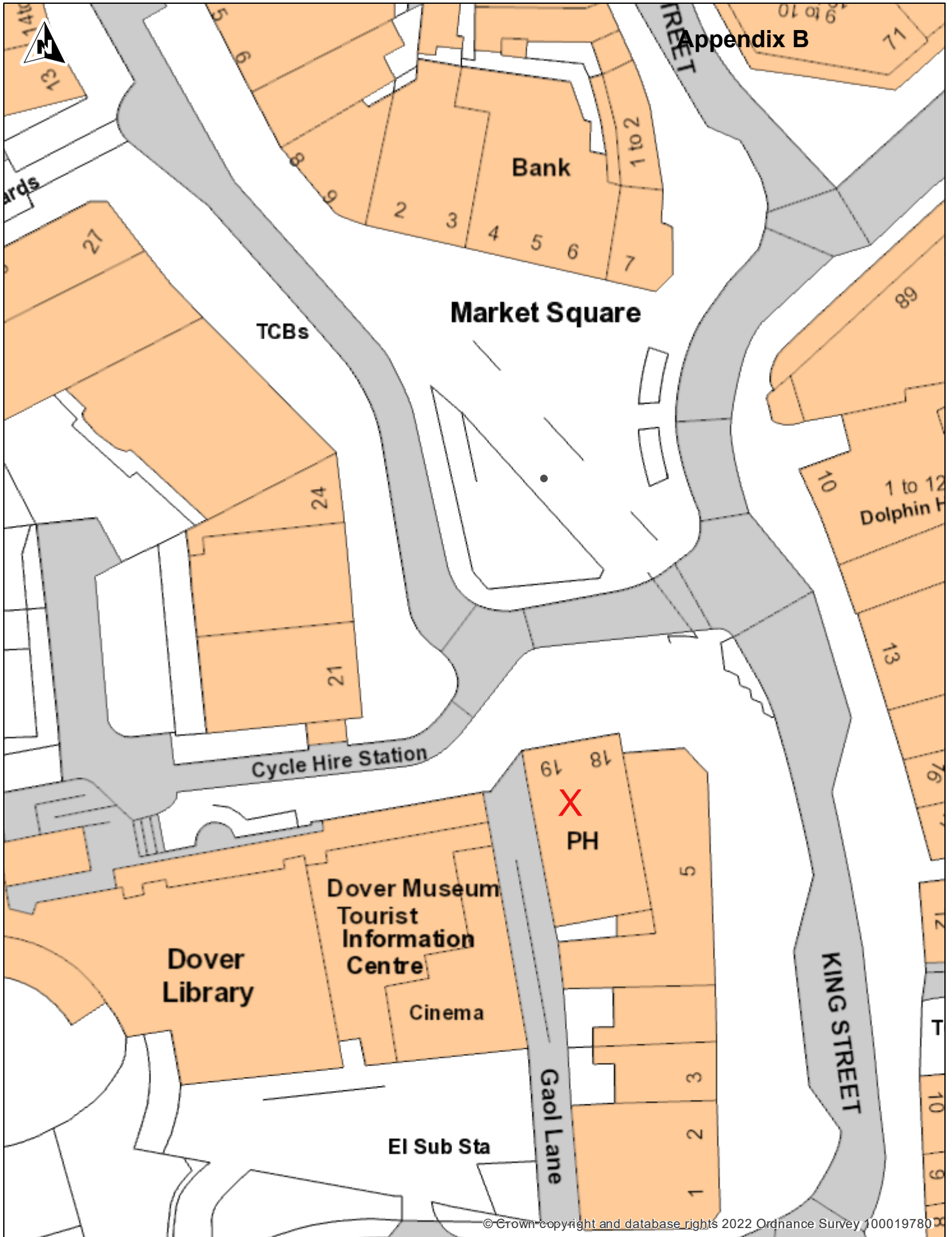
Cannon Street

King Street

wz/b



Gal Lane



© Crown copyright and database rights 2022 Ordnance Survey 100019780

Title: Dover District Council

Author: Dover District Council

Scale 1:500

Map Dated: 17/08/2023

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



Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 18 October 2022 at 10.00 am.

Present:

Chairman: Councillor N J Collor

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

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

Also Present: Mr S Saber (Minute No.19)
Mr H Richardson (Minute No.20)
Applicant and Supporting Person (Minute No.22)
Applicant and Supporting Person (Minute No.23)

15 APOLOGIES

There were no apologies for absence.

16 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

17 DECLARATIONS OF INTEREST

Councillor O C de R Richardson declared an Other Significant Interest (OSI) in Minute No.20 by reason that his son was the applicant and would leave the meeting for consideration of the item.

18 MINUTES

The Minutes of the meetings held on 24 May 2022 and 19 July 2022 were approved as a correct record for signing by the Chairman.

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 HIGHWAYS ACT 1980 - SECTION 115E - THE ELEPHANT AND HIND, 18-19 MARKET SQUARE, DOVER

The Committee considered the report of the Licensing Manager on an application by Harry Richardson to allow the placement of 13 tables, 28 chairs and 12 benches outside The Elephant and Hind, 18-19 Market Square, Dover. The furniture would consist of 6 long tables and benches, 4 bistro tables and chairs and 2 round tables and chairs and would be placed between 12 noon to 12 midnight every day.

The applicant, who currently had a licence for 6 tables and 12 benches between 10am and 10.30pm every day (with the furniture to be removed each day), was seeking for this to be superseded.

In respect of the application one representation was received from Dover Town Council regarding the proposed layout and that the plan did not allow for the required 2-metres of clear footway due to this being a busy location. The applicant was willing to move the 3 planters that were in his ownership at the perimeter of the space to allow for the 2-metres clear pedestrian footway.

Concerns from Members included the safety aspect of moving the planters as they provided a safety barrier between the seated customers and the traffic that was permitted to access the precinct. Members who were familiar with the pedestrianised precinct were aware that at times the precinct was heavily used by vehicles. Mr Richardson advised he would use the existing barriers (as shown in photographs in the report) as an alternative barrier as they would be visible to drivers although it was accepted these would not stop a car. Mr Richardson further

[REDACTED]

[REDACTED]

[REDACTED]

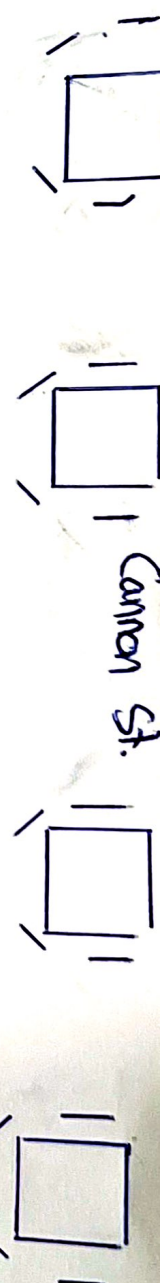
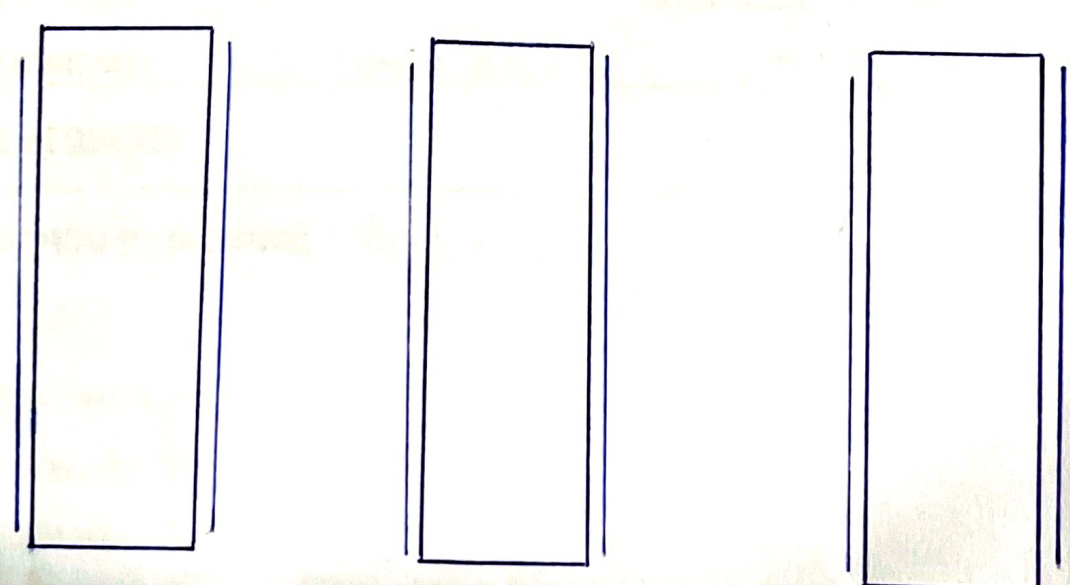
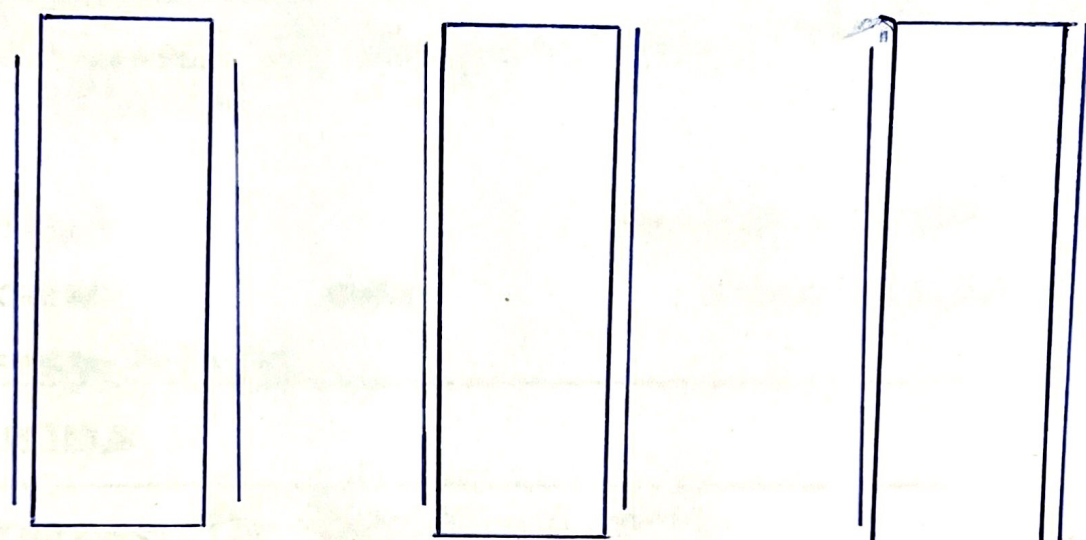
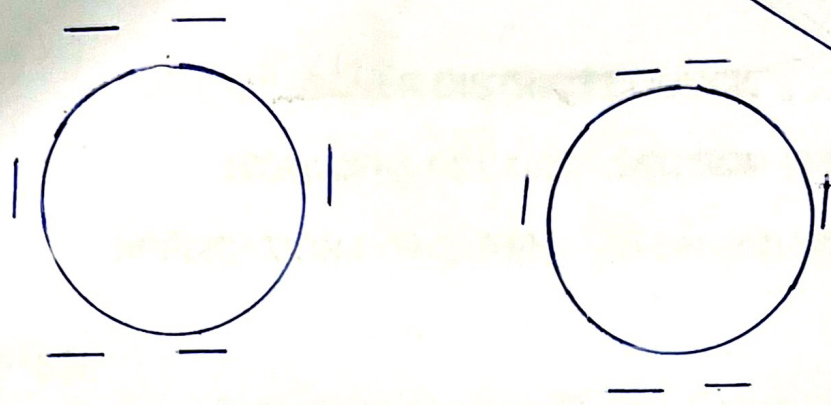
[REDACTED]

[REDACTED]

[REDACTED]

The meeting ended at 12.52 pm.

Gaol Lane



Cannon St.

The Elephant and Hind

Kings Street

From: [Redacted]
To: [DDC Licensing](#)
Subject: RE: Street Furniture Application - Elephant and Hind 18-19 Market Square, Dover, CT16 1NX
Date: 27 June 2023 13:42:52
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image001.png](#)
[image009.jpg](#)

Dear licensing

Dover Town Council wish to Object to the application to place tables & chairs on the Highway at Elephant and Hind, 18-19Market Square. For the following reason:-

The added number of table and chairs will cause too much overcrowding in an area of high pedestrian footfall. The likelihood of patrons pushing chairs back & the addition of a barrier will force pedestrians to walk on the roadway. The extension of hours for outdoor seating is unacceptable owing to the amount of immediately adjacent residential properties .

Regards

Ms Karen Dry - CiLCA
Land & Community Officer
Dover Town Council
Maison Dieu House
Biggin Street
Dover
Kent

CT16 1 DW

T: [Redacted] 242 [Redacted] 25

E: [Redacted]@ [Redacted]

W: www.dovertowncouncil.gov.uk



Please consider the Environment before printing this email

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From: [Redacted] <[Redacted]@[Redacted]>
Sent: [Redacted]
To: [Redacted] <[Redacted]@[Redacted]>
Subject: [Redacted]

Katy McLester
Licensing Officer
Dover District Council
Council Offices, White Cliffs Business Park,
Whitfield, Dover CT16 3PJ
Tel: 01304 872295

Subject:	Highways Act 1980 – Section 115E – The Sandwich Shop, 15A Cattle Market, Sandwich
Meeting and Date:	Regulatory Committee – 19 September 2023
Report of:	Rebecca Pordage, Licensing Manager
Classification:	Unrestricted

Purpose of the report: Permission to site street furniture on the highway

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 Andrew Laslett has applied for a Street Furniture permit to allow the placement of 12 tables and 38 chairs outside The Sandwich Shop, 15A Cattle Market, Sandwich. The applicant has requested they be placed between 08:00 hrs to 17:00 hrs every day.

2.2 A copy of the application form and plan is shown at **Appendix A**. A map of the area can be found at **Appendix B**.

2.3 There is currently a permit for 12 tables and 38 chairs at The Sandwich Shop, 15A Cattle Market, Sandwich between 09:00 hrs - 18:00 hrs every day. This permit has been in place since 13 January 2020, the most recent licence is shown at **Appendix C**. As these permits are not transferable, and the name of the permit holder is changing, and in addition to this there have been some development works in the area, Mr Andrew Laslett has now submitted a new application to supersede the current permit.

2.4 As part of the consultation process views have been sought from local businesses, Kent Highway Services, Police, Town Council, Fire Service, Planning, and other internal departments within Dover District Council as appropriate. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.5 One objection was received in respect of this application (see **Appendix D**), as follows:

Sandwich Town Council object to the number of tables and chairs, but say they would support a reduced number of tables and chairs comprising of 8 tables and 32 chairs.

2.6 Five representations were received in favour of this application (see **Appendix E**):

Vera Goodwin gives support for more seating outside this great eating place.

Stephen Povey expresses how important it is to allow the Sandwich Shop to have more tables outside. The local businesses need as much trade as possible and he feels that this will create a great vibe in an empty area.

Jack Sheppard is disappointed that Sandwich Town Council are not supporting this application, and would like to see Dover District Council approve this application and reinforce the café culture that our community and local economy needs to thrive.

Holly Smit says that The Sandwich Shop holds a prime position on the newly refurbished forecourt of the Guildhall and is an inclusive welcoming place to visit. Ms Smit says that the lengthy and delayed refurbishment of the forecourt must have had a negative effect on the business and to prevent them returning to their former glory would be a tragedy for the town.

Ruth King thinks this is a great little café and as a Sandwich resident she personally thinks that enjoying the ambience of the newly renovated Guildhall area from a table in the sunshine is lovely.

3 Options available to the Committee:

- (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

Appendix B – Map of the area

Appendix C – Current Street Furniture Permit

Appendix D – Representation from Sandwich Town Council with additional email received

Appendix E – Representations in support of this application

Contact Officer: Rebecca Pordage, Licensing Manager. Ext.2279

DOVER DISTRICT COUNCIL

HIGHWAYS ACT 1980 - SECTION 115

APPLICATION FOR STREET FURNITURE LICENCE

APPLICANT:

SURNAME:	LASLETT
FORENAME (S) in full:	ANDREW CHRISTOPHER
PERMANENT ADDRESS:	[REDACTED]
COUNTY:	[REDACTED]
TELEPHONE NO:	Code ([REDACTED])
DATE OF BIRTH:	[REDACTED]

TRADING DETAILS:

NAME OF BUSINESS:	THE SANDWICH SHOP (SANDWICH) LTD
ADDRESS:	15A CATTLE MARKET SANDWICH KENT
COUNTY:	POST CODE CT13 9AF
TELEPHONE NO:	Code ([REDACTED])

LICENCE REQUIRED:

PERIOD FROM TO (MONTHS)	AUGUST - AUGUST 12 MONTHS
DAYS:	MONDAY - SUNDAY INC.
BETWEEN THE TIMES:	8.00am AND 5.00pm
NO. OF TABLES:	12
NO. OF CHAIRS:	[REDACTED] 38
BRIEF DESCRIPTION OF TYPE AND QUALITY OF TABLES AND CHAIRS: Please also provide photos if possible	METAL TABLES and CHAIRS FOR CATERING

ADDITIONAL INFORMATION

DO YOU HAVE TOILETS FOR CUSTOMERS TO USE?	YES/NO <i>YES</i>
IF YES, PLEASE SAY HOW MANY?	<i>2</i>
HAVE YOU SOUGHT THE ADVICE OF THE ENVIRONMENTAL HEALTH OFFICER IN RESPECT OF FOOD HYGIENE AND HEALTH AND SAFETY MATTERS	YES/NO <i>YES</i>

HAVE YOU EVER BEEN REFUSED A STREET FURNITURE LICENCE IN THIS OR ANY OTHER AREAS?

~~YES~~ / NO

IF YES, PLEASE GIVE DETAILS

PLEASE BE ADVISED PLANNING PERMISSION MAY BE REQUIRED, PLEASE TELEPHONE 01304 872042.

ENCLOSED:

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

Copy of Public Liability Insurance

Fee: £75.00 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.

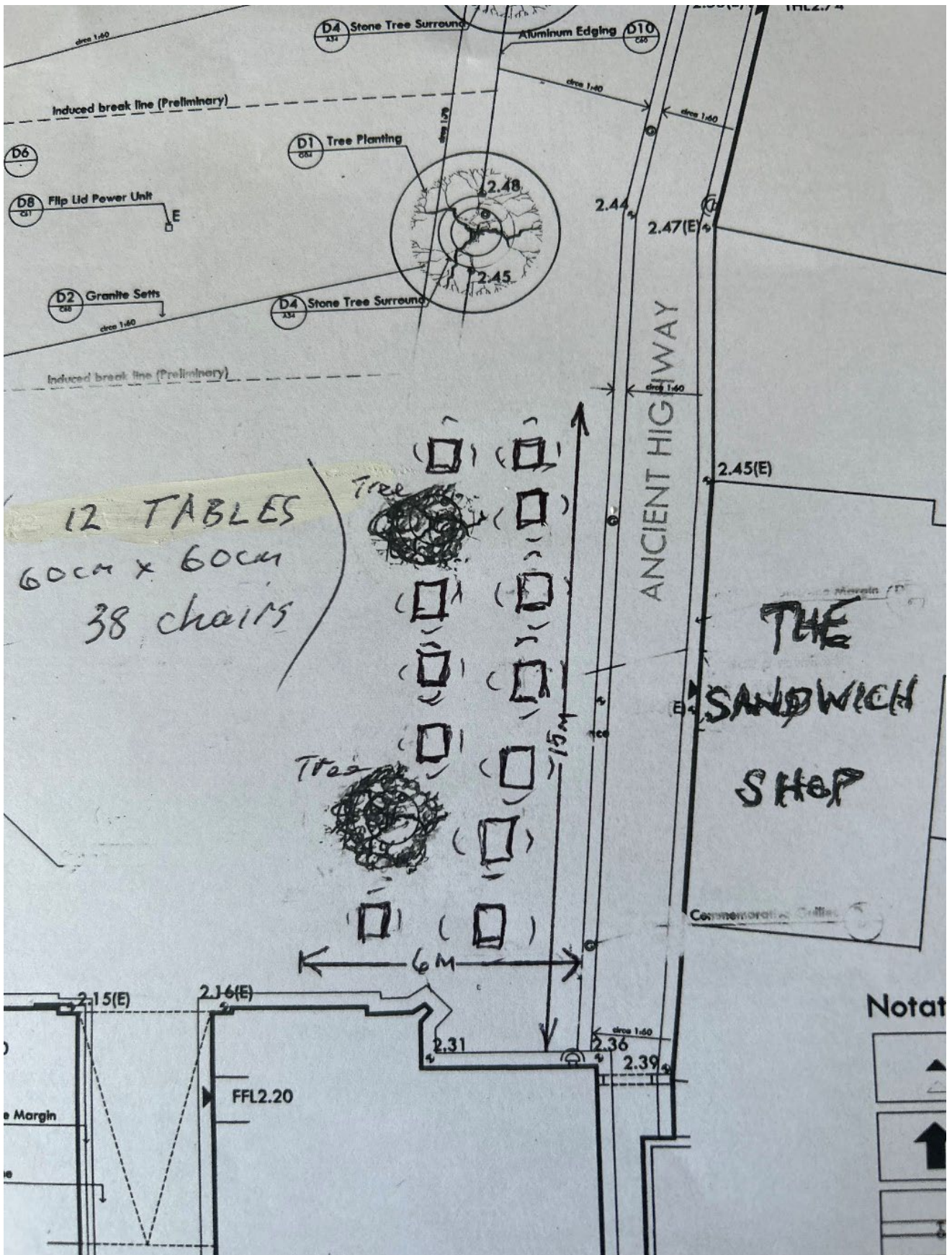
Signed:

Harlett

Date: *24/07/2023*

NOTE:

* 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.





Title: Dover District Council

Author: Dover District Council

Scale 1:500

Map Dated: 17/08/2023

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





DOVER DISTRICT COUNCIL

PERMISSION TO PLACE OBJECTS OR STRUCTURES ON A HIGHWAY

PART VIIA HIGHWAYS ACT 1980

To: [REDACTED] ("the permit holder")

IN PURSUANCE of the provisions of Section 115E of the Highways Act 1980, **DOVER DISTRICT COUNCIL HEREBY** grants the permit holder permission to place objects or structures, namely **12 TABLES** and **38 CHAIRS** on the highway fronting **The Sandwich Shop, 15-17 Cattle Market, Sandwich, Kent, CT13 9AP** for the purpose of providing refreshment for the benefit of the public ("the permitted purpose") upon the following conditions:-

- (1) No object or structure shall be placed on any part of the highway outside the permitted area.
- (2) This permit shall remain in force for one year. In the event that there is any breach of or failure to observe these conditions the Council may revoke the permission forthwith without notice.
- (3) The objects or structures may be placed on the permitted area from 11th November 2022 until 10th November 2023 annually.
- (4) The objects or structures may be used within the permitted area only between the hours of **9AM** and **6PM** ("the permitted period") when the street furniture must be removed from the highway.
- (5) The objects or structures shall not be used for any other purpose than the permitted purpose.
- (6) The permit holder shall ensure that all persons using the permitted area are seated at all times on the seats provided.

- (7) The permitted purpose shall be carried on in a proper and regular manner and shall not cause any nuisance or annoyance to any adjoining premises.
- (8) The objects or structures shall be of good and sufficient quality and shall be kept in a good and sufficient state of repair.
- (9) The permitted area shall be kept clean and tidy and shall be cleansed and washed if necessary on each occasion at the end of the permitted period.
- (10) In the event of the permit holder failing to keep the permitted area clean and tidy and cleansed and washed in accordance with Condition (10) hereof the Council shall be at liberty without notice to carry out such works in default and recharge the full cost thereof to the permit holder.
- (11) The permit holder shall be responsible for all accidents claims damages injuries loss or liability occasioned by reason of (a) the placing of the objects or structures on the highway or any defects therein or (b) the acts or defaults of the permit holder or his servants contractors agents or workmen arising out of the grant of this permit (c) the causing of any nuisance.
- (12) The permit holder shall indemnify and save harmless to the Council and its officers and servants from and against any claim in respect of injury damage or loss arising out of the grant of this permit (unless the injury damage or loss is attributable to the negligence of the Council or its officers or servants) and for this purpose shall take out at his own expense a policy of insurance in the joint names of the permit holder and the Council in the sum of £5 million (five million pounds) at least and shall produce to the Licensing Manager or other proper officer for the time being of the Council the receipt for the current premium whenever called upon to do so.
- (13) In the event of emergency the Council may ask the permit holder to remove the objects or structures or may itself remove the objects or structures from the permitted area for such period or periods as it deems necessary without liability for any injury damage or loss arising therefrom.
- (14) The permit holder shall pay to the Council the full cost for the grant of this permit.

THIS PERMIT DOES NOT CONVEY APPROVAL TO PLACE ANY OTHER OBJECT OR STRUCTURE ON THE HIGHWAY OR OBVIATE THE NECESSITY TO OBTAIN ANY PLANNING PERMISSION OR STREET TRADING CONSENT OR ANY OTHER STATUTORY APPROVAL.

A handwritten signature in black ink, appearing to read 'R. Dordage'. The signature is written in a cursive style with a large, stylized initial 'R'.

Signed: _____
Rebecca Pordage
Licensing Manager

Date: **25th July 2023**

From: no-reply@dover.gov.uk
To: [DDC Licensing](#)
Subject: Make a street furniture permit representation - submitted form data
Date: 12 August 2023 15:06:48

Page: About you

- First name Gill
- Last name Gray
- Contact phone number [REDACTED]
- Your email address [REDACTED]@[REDACTED].[REDACTED].[REDACTED]
- Your address including postcode The Guildhall Cattle Market Sandwich CT13 9AH

Page: About the premises

- Name of the premises The Sandwich Shop
- Address of the premises 17 Cattle Market Sandwich CT13 9AP

Page: About the application

- Details of the nature of your representation Sandwich Town Council does not support the application to place 12 tables and 38 chairs on the highway in the location of the Guildhall Forecourt, o/s The Sandwich Shop, 15a Cattle Market, Sandwich.
- In your opinion can this objection be overcome by conditioning the licence or negotiation with the applicant? Yes
- Please give details Sandwich Town Council would support a reduced number of tables and chairs for the Guildhall Forecourt o/s The Sandwich Shop comprising of 8 tables and up to 32 chairs.
- Declaration
 - I understand that, if accepted as relevant, my representation (including my name and address) will form part of the documentation disclosed to 'all parties' to the Hearing before the Regulatory Committee. I understand and accept this declaration

Page: Email receipt

- Would you like to receive a confirmation receipt by email? Yes
- Please enter the email address that you would like the receipt to be sent to [REDACTED]@[REDACTED].[REDACTED].[REDACTED]

Jadu reference number: 1042539

Date and time of submission: 12/08/2023 15:06:42

From: [Town Clerk](#)
To: [DDC Licensing](#)
Subject: The Sandwich Shop, Sandwich
Date: 07 September 2023 07:57:46

Good morning Becky

Further to the STC Planning Committee on 9th August there was a resolution from the Council that the application from The Sandwich Shop for 12 tables and 38 chairs was not supported on the Guildhall Forecourt/Square. It was debated and the Committee agreed that to their knowledge there has never been 12 tables out on site and the usual number is somewhere between 6 and 8. This formed the basis for their decision to propose a reduced number of tables of 8 and the number of chairs up to 32. If you require any further clarification please do not hesitate to contact me.

Regards



Gill Gray PSLCC | Town Clerk

a: Sandwich Town Council
The Guildhall Sandwich Kent CT13 9AH
e: [REDACTED]@[REDACTED]
w: www.sandwichtowncouncil.gov.uk
p: [REDACTED]



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From: [Vera Goodwin](#)
To: [DDC Licensing](#)
Subject: Sandwich Shop
Date: 16 August 2023 12:44:17

[You don't often get email from [REDACTED]@[REDACTED]. [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I give my vote for more seating outside at this great eating place
Regards
Vera GOODWIN

Sent from my iPad

From: [Stephen Povey](#)
To: licencing@dover.gov.uk
Subject: Sandwich guild Hall area
Date: 16 August 2023 14:49:49

To whom it may concern

I wish to express how important it is to allow the Sandwich shop to have more tables outside. The local businesses need as much trade as possible these days and I am sure this enterprise would benefit from Extra seating and tables outside. It would also create a great vibe in an empty area.

Kind regards
Stephen Povey



Sent from [Outlook for Android](#)

From: [Jack Sheppard](#)
To: [DDC Licensing](#)
Subject: Re: The Sandwich Shop in Sandwich
Date: 16 August 2023 17:00:45

To whom it may concern,

I am writing to express my concerns following the recent events that unfolded in a Sandwich Town Council meeting.

As I understand, Sandwich Town Council decided to disapprove the renewal of The Sandwich Shops re-application for outside tables and chairs.

It comes as a surprise to me that one of our much needed hospitality venues has received this disapproval from its local council despite the collaborative efforts made from both DDC and KCC to improve our town centre and enhance “Cafe Culture”.

I would like to see Dover District Council approve of this re-application and publicly reinforce the imperative Cafe Culture that our community and local economy needs to thrive.

Thank you for your time.

Kind Regards,

Jack Sheppard

From: [Holly Smit](#)
To: [DDC Licensing](#)
Subject: The Sandwich Shop licensing decision
Date: 16 August 2023 20:33:59

You don't often get email from [REDACTED]@[REDACTED] [REDACTED] [Learn why this is important](#)

Good evening,

I have just been informed of the unfortunate decision to decline the licence for 'The Sandwich Shop' in Sandwich to have their license for outside tables and chairs renewed.

I am writing to emphasise what a shame I believe this is.

The Sandwich Shop holds a prime position on the newly refurbished forecourt of the Guildhall and is an inclusive welcoming place to visit. Their staff are always friendly and their food is delicious and budget friendly. For such a poignant business to be marred by the unrest and difficult relationships within the town council is a crying shame. I urge any powers that be to review this and enable the Sandwich shop to continue running their business in the manner which they have already been doing in such a lovely way.

I would also like to point out the inevitable negative effect the lengthy (and delayed) refurbishment of the forecourt must have had on the business and to prevent them returning to their former glory would be a tragedy for the town.

Thank you for your time and I hope there is a way for Sandwich Town Council's decision to be disregarded!

Kind regards,

Holly Smit

From: [Ruth King](#)
To: [DDC Licensing](#)
Subject: Application from Sandwich Shop, Sandwich
Date: 16 August 2023 20:49:27

[You don't often get email from [REDACTED]@[REDACTED]. [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I have recently learnt of Sandwich Town Council's decision to block an application by The Sandwich Shop, Sandwich for a license for outside tables.

I would just like to say this is a great little cafe and as a Sandwich resident I personally think enjoying the ambience of the newly renovated Guildhall area from a table in the sunshine is lovely and I am annoyed our own Town Council are opposing this application.

I understand DDC has the final say and would ask that this application is passed.

Kind regards

Ruth King

