

# Public Document Pack



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8 April 2024

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 16 April 2024 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](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be '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.

4 **MINUTES**

To confirm the attached Minutes of the meeting of the Committee held on 19 March 2024 (to follow).

**PROCEDURE FOR HEARING** (Pages 5 - 9)

The procedure for the Hearing is attached.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES**  
(Pages 10 - 20)

To consider the attached report of the Licensing Manager.

6 **HIGHWAYS ACT 1980 - SECTION 115E - THE TOLL BRIDGE, 7 FISHERMAN'S WHARF, SANDWICH** (Pages 21 - 36)

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.
- These recordings will be retained for 30 days from the date of the meeting. The recordings will be uploaded to YouTube as soon as practicable after the day of the meeting. In normal circumstances this would be within 2 working days of the meeting. However, there may be circumstances where it will take longer. The recordings can be viewed on the Council's YouTube Channel - [Council meetings - YouTube](#)
- 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](http://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.

- 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"> <li>• the agenda</li> <li>• Licensing Officer's report</li> <li>• Council's policy guidelines</li> <li>• procedure for hearing</li> <li>• extract from the Rehabilitation of Offenders Act 1974</li> </ul>
HEARING		
4	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> <li>• presents the Licensing Officer's report</li> <li>• summarises any issues</li> </ul>
5	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> <li>• will give evidence</li> <li>• may be questioned by the applicant or applicant's representatives</li> <li>• may be questioned by the Committee</li> <li>• may, if necessary, be re-questioned by the Licensing Officer</li> </ul>
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"> <li>• will give evidence</li> <li>• may be questioned by the Licensing Officer</li> <li>• may be questioned by the Committee</li> <li>• may, if necessary, be re-questioned by the applicant/applicant's representative.</li> </ul>
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"> <li>• the agenda</li> <li>• Licensing Officer's report</li> <li>• Council's policy guidelines</li> <li>• procedure for hearing</li> </ul>
HEARING		
3	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> <li>• advises of the purpose of the hearing</li> <li>• presents the Licensing Officer's report</li> <li>• summarises any issues</li> </ul>
4	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> <li>• Will give evidence</li> <li>• May be questioned by the applicant or applicant's representatives</li> <li>• May be questioned by the Committee</li> <li>• May, if necessary, be re-questioned by the Licensing Officer</li> </ul>
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"> <li>• will give evidence</li> <li>• may be questioned by the Licensing Officer</li> <li>• may be questioned by the Committee</li> <li>• may, if necessary, be re-questioned by the applicant/applicant's representative.</li> </ul>
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.
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4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

Subject:	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES</b>
Meeting and Date:	<b>Regulatory Committee – 16 April 2024</b>
Report of:	<b>Licensing Manager</b>
Classification:	<b>Unrestricted</b>
Purpose of the report:	<b>To consider an application to grant a licence for a private hire vehicle outside of policy guidelines</b>
Recommendation:	<b>That the Committee consider the report</b>

**1. Summary**

Mr Lee Calthorpe, has submitted an application to the licensing authority asking for permission to grant a licence on his Skoda Octavia as a Private Hire vehicle. This vehicle falls outside of the current vehicle age policy, being first registered on 31 May 2016. The vehicle GD16 XSY has 4 passenger seats and is intended to be used for private hire within the district and beyond.

**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 2022 – 2027 states in paragraph 4.4.1 that:

*“No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when initial application is made, exceeds 5 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.*

Paragraph 4.4.7 states:

*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.*

As this vehicle is almost 8 years old, it has been referred to the Regulatory Committee. The application can be found at **Appendix A**. The vehicle has been inspected by the Licensing Enforcement Officer and the details of the inspection are shown at **Appendix B**. The mileage at the time of inspection was 177,531 miles. The vehicle owner has requested that the vehicle be licensed as he states it is in very

good condition for its age and milage, and it has been maintained to a very high standard mechanically and cosmetically.

2.3 The applicant has provided reasons as to why he would like members to consider deviating from the policy, see **Appendix C**. The owner has been requested to physically present the vehicle for inspection on the day of the hearing.

2.4 Hackney carriage and private hire vehicle licences are normally issued for a period of 12 months.

### 3 **Identification of Options**

Options:

(a) To allow the application for the grant of the Private Hire Vehicle licence 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 grant of a licence. However, the applicant is requesting that the Committee consider whether the vehicle could be licensed as he states the vehicle is in good condition for age and mileage, and it has been maintained to a high standard.

(b) If such a deviation from policy were allowed, for a 12 month period or any lesser period, then it would be necessary to make clear that this was an exceptional circumstance.

(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

Appendix B – Licensing Enforcement Officer's report following inspection of the vehicle.

Appendix C – Supporting email provided by Mr Calthorpe

### 7 **Background Papers**

Local Government (Miscellaneous Provisions) Act 1976.

Dover District Council Hackney Carriage and Private Hire Licensing Policy 2022 - 27

Contact Officers: Rebecca Pordage, Licensing Manager. 01304 872279

The following details were submitted online using the [Form - Title] form.

Renew - private hire licence - £265.00, New - private hire licence - £265.00

### Page: Private Hire Vehicle Licence - About the application

- Type of application Renew - private hire licence - £265.00, New - private hire licence - £265.00

### Page: Private Hire Vehicle Licence - About the applicant

- Title (for example Mr, Mrs, Ms, Miss) Mr
- Firstname Lee
- Lastname Calthorpe
- Contact phone number [REDACTED]
- Please enter your email address [REDACTED]
- Current address (including postcode) [REDACTED]
- National Insurance number [REDACTED]
- Date of birth (dd/mm/yyyy) [REDACTED]

### Page: Private Hire Vehicle Licence - About the application continued

- Name of the vehicle owner Lee Calthorpe
- Name of operator Direct cars

### Page: Private Hire Vehicle Licence - About the vehicle

- Registration number GD16XSY
- Make Skoda
- Model Octavia
- Colour Beige
- Date of first registration (dd/mm/yy) 31/05/2016
- Engine capacity 1600
- Type of fuel Diesel
- Vehicle type Estate
- Upload MOT certificate IMG\_2943.jpeg
- Upload proof of vehicle tax IMG\_2942.jpeg
- Upload V5 or proof of ownership (bill of sale) IMG\_2944.jpeg

### Page: About the vehicle continued

- Is the vehicle adapted as wheelchair accessible? No
- Number of seats EXCLUDING the driver 4
- Is a meter fitted? No
- Are you requesting an exemption from displaying private hire plates on the vehicle? No
- Is the vehicle a prestige vehicle? No
- If so, is the vehicle used exclusively for the provision of prestige chauffeur services? No

## Page: About the vehicle insurance

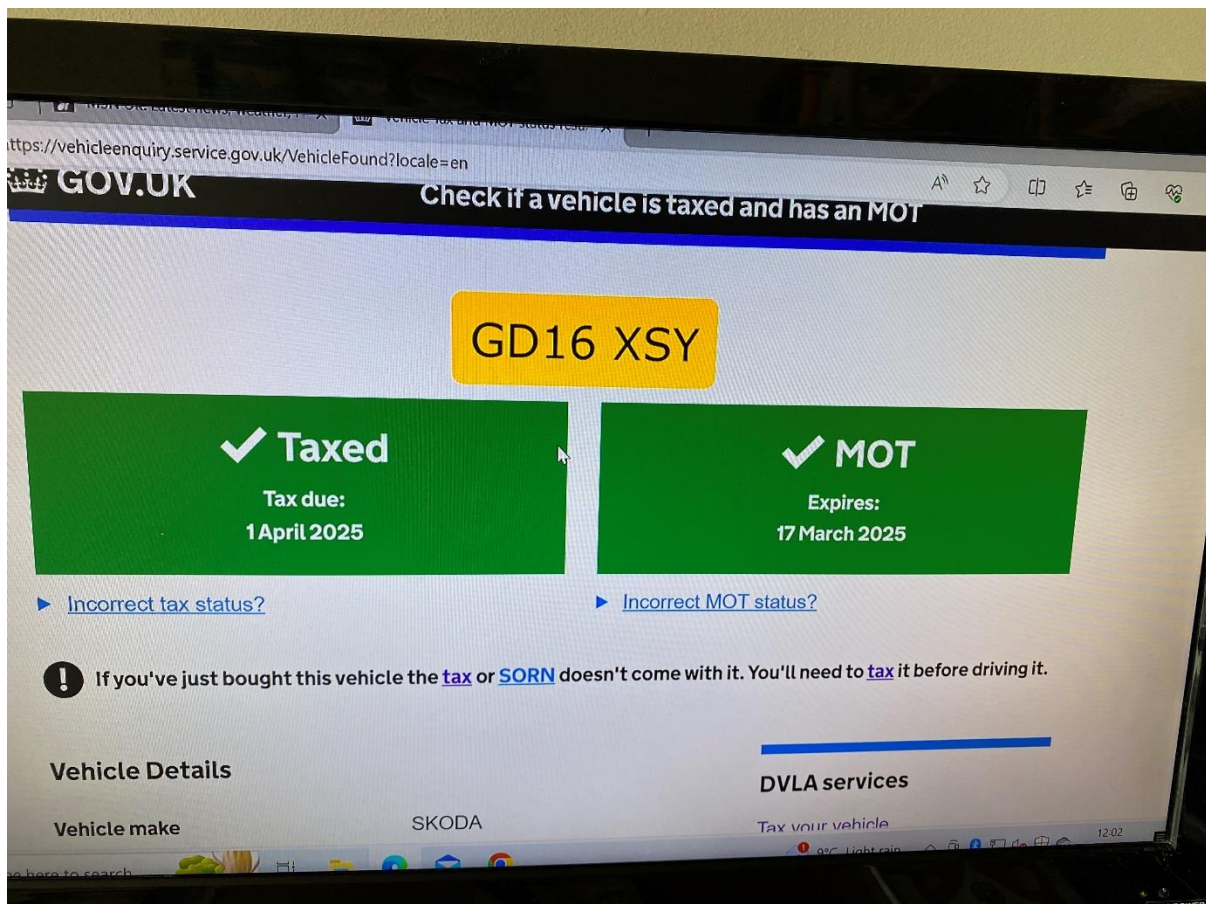
- Is the vehicle insured for the carriage of passengers for hire or reward? Yes
- Name of insurance company Direct cars
- Insurance policy number 000000
- Insurance expiry date (dd/mm/yyyy) 01/01/2025
- Upload proof of the vehicle insurance IMG\_2945.jpeg


## Page: Private Hire - Declaration

- Declaration I understand and accept the above declaration


Jadu reference number: 1101795

Date and time of submission: 2024-03-21T12:06:06+00:00






Registration number  
**GD16 XSY**



V5C  
CH8839969  
11/16

THIS DOCUMENT IS NOT PROOF OF OWNERSHIP.  
It shows who is responsible for registering and taxing the vehicle.



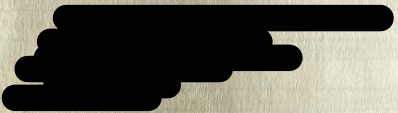

Driver & Vehicle  
Licensing  
Agency

UNITED KINGDOM  
**UK** REGISTRATION  
CERTIFICATE

European Community

свидетелство за регистрация Permiso de circulación Osvedčeni o registraci Registreringsattest Zulassungsbescheinigung Registreerimistunnistus	Άδεια κυκλοφορίας / Πιστοποιητικό Εγγραφής Certificat d'immatriculation Teastas Cláraithe Carta di circolazione Reģistrācijas apliecība	Registrācijas liudijimas Forgalmi engedély Certifikat ta' Registrazzjoni Kentekenbewijs Dowód Rejestracyjny Certificado de matricula	Certificat de înmatriculare Osvedčenie o evidencii Prometno dovoljenje Reģistrēšintodistus Registreringsbeviset Prometna dozvola
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1. Registered keeper

You **must** make sure that the name and address printed here is correct. If it is not, see section 12.

Document reference number  
**8099 669 3355**

**Thinking of buying this vehicle?  
Buyer beware...**

Do you know how to avoid being tricked into buying a stolen vehicle?

For tips and advice go to  
[www.gov.uk/checks-when-buying-a-used-car](http://www.gov.uk/checks-when-buying-a-used-car)

2. The previous registered keeper

[Z.2] ACQUIRED VEHICLE ON 27 11 2016

[Z] NO. OF FORMER KEEPERS 2

3. Special notes (these notes cannot be removed)

1. DECLARED NEW AT FIRST REGISTRATION.

**MOT test certificate**

Driver & Vehicle  
Standards  
Agency

① Vehicle identification number  
**TMBKG7NE2G0168430**

②a Registration number      ②b Country of registration  
**GD16XSY**                      **GB**

Make and model  
**SKODA OCTAVIA**

⑤ Vehicle category	④ Mileage	Mileage history	
<b>M1</b>	<b>177,315 miles</b>	<b>172,529 miles</b>	15.03.2023
		<b>166,927 miles</b>	16.02.2022
		<b>153,937 miles</b>	28.08.2021

**⑦ Pass**

③b Date of the test                      ⑧ Expiry date  
**18.03.2024**                              **17.03.2025**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 18.02.2025.

③a Location of the test  
**2 NORTH BARRACK ROAD, WALMER, DEAL, CT14 7DS**

⑨ Testing organisation and inspector name  
**V108939 AUTOBASE  
G. TURNER**

MOT test number  
**5240 7989 4640**

Duplicate certificate issued by G. TURNER on 18 March 2024

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

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

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.



**Overage report for Skoda Octavia GD16 XSY.**

Vehicle presented by Mr Calthorpe, vehicle owner, working with Direct cars.

Inspected by PJ 03/04/2024 at Whitfield offices.

The vehicle was presented for inspection as it is older than the 5 years limit stated in the hackney carriage and private hire policy so cannot automatically be granted a private hire vehicle license.

The car was first registered in May 2016 making it 7 years and 11 months old at the time of inspection.

The vehicle had covered 177,531 miles and was previously licensed with DDC as a PHV until approximately 2021. There is a new MOT dated 18-03-2024 with no advisories. (attached to application)

Cosmetically the car was presented in a clean condition. The exterior paintwork was clean and in good overall condition for year and mileage.

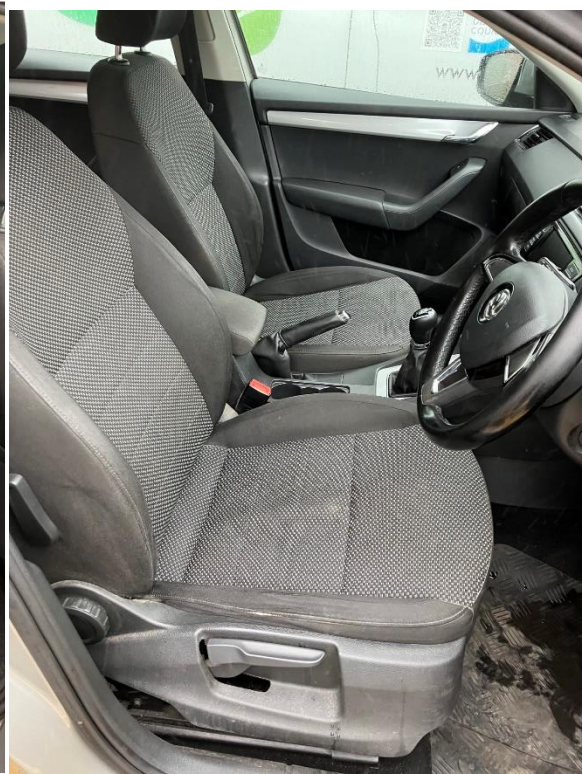
All passenger seats, floor coverings and interior trim were found to be in good condition, there was some wear to the driver seat and door rest, but these would not affect the customer experience. (photos 6 & 7 below)

He has recently replaced the clutch (March 2024) so that is new and fully serviceable. The MOT is clear of advisories.

Please see photos below taken during the inspection 03/04/2024.

PJ





**From:** Lee Calthorpe [REDACTED]  
**Sent:** Friday, March 29, 2024 10:26 AM  
**To:** DDC Licensing [REDACTED]  
**Subject:** Re: Overage Vehicle

Hello Beccy

In response to the email my reasons for asking to put the car on as a taxi for a year are that although the car is not what I would say low milage it is in very good condition for its age and milage, this is probably because I have had it from new and it was my taxi for the first 5 years and as such maintained to a very high standard mechanically and cosmetically.

As I am sure you know there has been a lack of available drivers for sometime and so I did not have anyone to drive the car but in the last few months Peter at Direct Cars has been getting calls from people wanting to drive, now we don't know these people and buying a new car on finance would be a huge commitment especially as I will already be committing to a new car in August when my current taxi (HV34) is due for renewal.

It seems financially prudent as the car in question would still make a very good taxi for a year to put any new drivers into this car and then if all works out it could be renewed with a newer car much more secure in the knowledge the drivers are here to stay.

I hope the reasons laid out make sense and look forward to showing PJ the car on Wednesday.

Many Thanks  
Lee Calthorpe.

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<b>Subject:</b>	Highways Act 1980 – Section 115E – The Toll Bridge, 7 Fisherman’s Wharf, Sandwich
<b>Meeting and Date:</b>	Regulatory Committee – 16 April 2024
<b>Report of:</b>	Rebecca Pordage, Licensing Manager
<b>Classification:</b>	Unrestricted

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**Purpose of the report:** Review of permit to site street furniture on the highway

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1. **Summary**

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

2. **Introduction and Background**

2.1 The placing of objects or structures on the highway is controlled by the provisions of Part VIIA of the Highways Act 1980 and applies to all public highways.

2.2 In the case of privately owned land, if the public has, without interruption, for a period of 20 years enjoyed the right to pass or repass then the land is deemed to have been dedicated as a highway (unless there is sufficient evidence that there was no intention during that period to so dedicate it). Consent to place street furniture is therefore required.

2.3 Graham & Stephens Ltd applied to the Council for a Street Furniture permit to allow the placement of 3 TABLES and 6 CHAIRS on the highway fronting The Toll Bridge, 7 Fishermans Wharf, Sandwich, Kent. The application for the siting of this furniture was received on 3 April 2023.

2.4 A 28 day consultation period followed and as part of the consultation process views were 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 No objections were received in respect of the application so it was granted as applied for.

2.6 The Street Furniture permit allows this furniture to be sited between the hours of 11am – 11pm every day.

The current permit is due to expire on 1 May 2024, and a copy of the permit is shown at **Appendix A**.

2.7 A copy of the plan showing how the furniture is currently situated is shown at **Appendix B**. A map of the area is shown at **Appendix C**.

2.8 Subsequently, on 7 February 2024, a complaint was received by Dover District Council from a local resident who had purchased a neighbouring property in December 2023. The resident complained that they had heard that permits to site street furniture were in place for the summer months for neighbouring businesses

which would restrict vehicular access granted to them because the furniture would prohibit access to the road.

- 2.9 In light of the complaint, The Toll Bridge have been instructed by the Council not to place out the tables and chairs under the permit until the matter has been considered by the Committee, as per condition 13 of the permit.
- 2.10 The complainant has made a submission, dated 28 March 2024, to be put before Regulatory Committee and this is shown at **Appendix D**.
- 2.11 The Highways Act Permit has a number of conditions attached to it. Attention is drawn to conditions 2 and 7 in this case.
- 2.12 On 19 March 2024, Rebecca Pordage (Licensing Manager) and Paul James (Licensing Enforcement Officer) met with the licensees for The Crispin Inn and The Toll Bridge to discuss the issues relating to street furniture permits. Both premises agreed that they would not site the furniture until the current situation has been reviewed. The complainant has since advised the Licensing Team that they do not have an issue with the siting of the furniture by The Crispin Inn as it does not prohibit vehicular access to their property, it is the furniture sited by The Toll Bridge that excludes them from using the road. Photos of the site visit on 19 March 2024 are shown at **Appendix E**.
- 2.13 Kent Highways have been contacted with regards to this matter, and they have confirmed that there are vehicular access rights granted across the land. A formal response from KCC Highways on this matter is awaited.

### **3 Options available to the Committee:**

- (1) To allow the permit to remain in its current form (due to expire on 1 May 2024 where upon a renewal application would be needed)
- (2) To revoke the permit based on the new information that has been received

There is no option to modify the permit in these circumstances as any change to the plan would require a new application which will need to be consulted on with local residents who may be affected.

### **Appendices**

Appendix A – Street Furniture Permit to site furniture outside The Toll Bridge

Appendix B – Street Furniture Plan

Appendix C – Map of the area

Appendix D – Written submission received from local resident (28 March 2024)

Appendix E – Site photos taken on 19 March 2024

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



## **DOVER DISTRICT COUNCIL**

### **PERMISSION TO PLACE OBJECTS OR STRUCTURES ON A HIGHWAY**

#### **PART VIIA HIGHWAYS ACT 1980**

To: **Graham And Stephens Ltd** ("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 **3 TABLES** and **6 CHAIRS** on the highway fronting **The Toll Bridge, 7 Fishermans Wharf, Sandwich, Kent, CT13 9RU** 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 2nd May 2023 until 1st May 2024.
- (4) The objects or structures may be used within the permitted area only between the hours of **11AM** and **11PM** ("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.

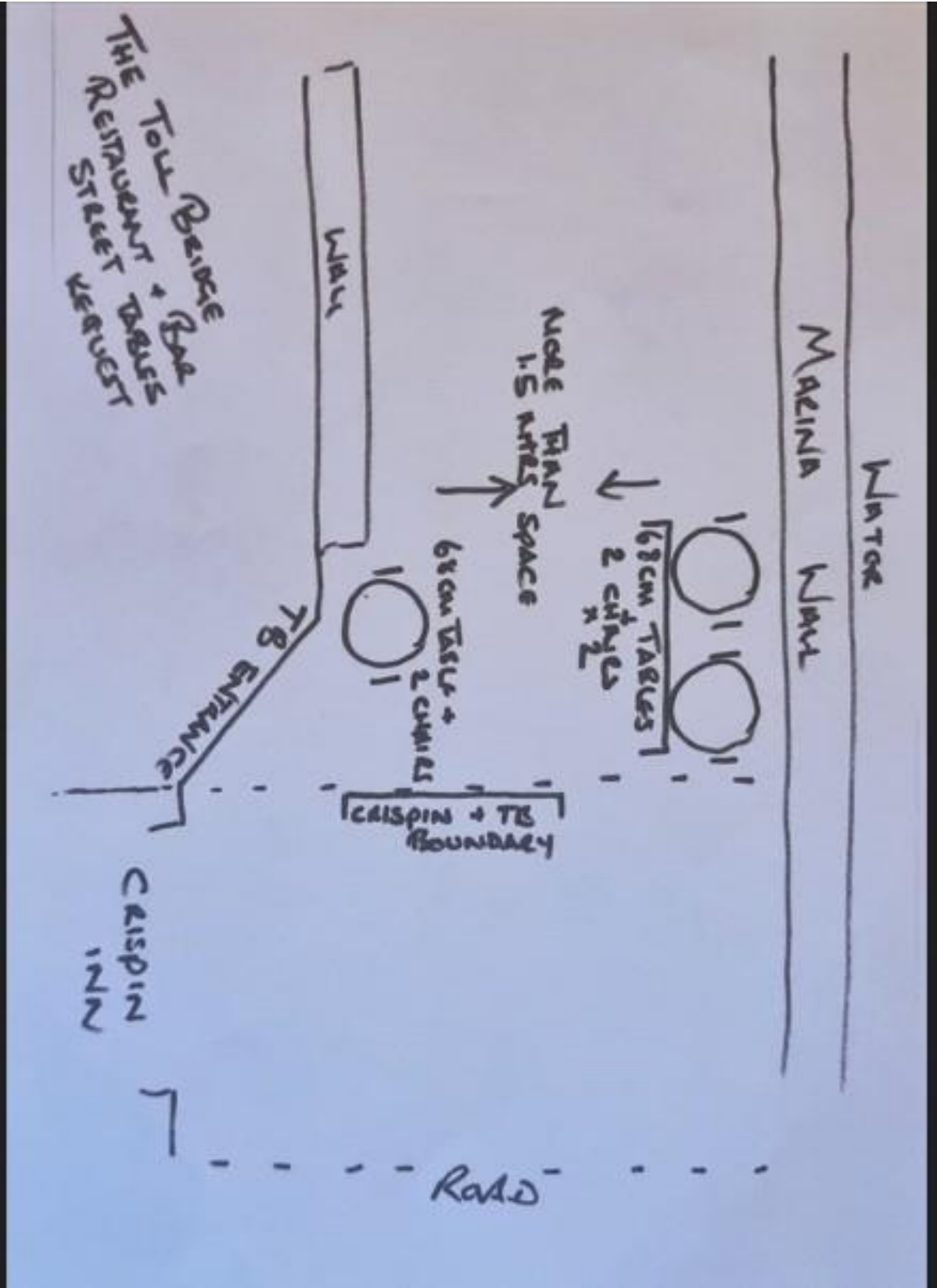
**THIS PERMIT DOES NOT CONVEY APPROVAL TO PLACE ANY OTHER OBJECT OR STRUCTURE ON THE HIGHWAY OR OBVIATE THE NECESSITY TO OBTAIN ANY PLANNING PERMISSION OR STREET TRADING CONSENT OR ANY OTHER STATUTORY APPROVAL.**

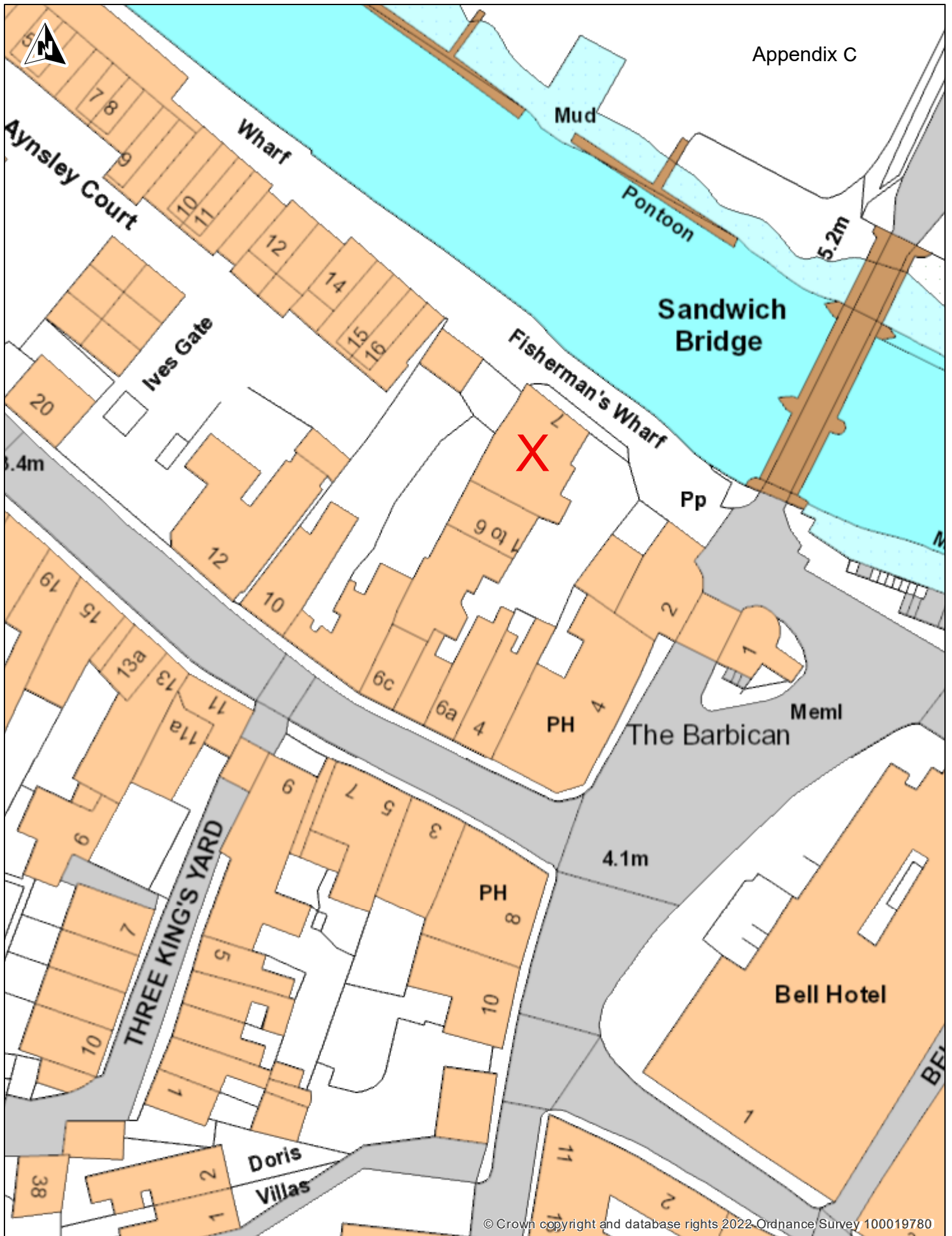


Signed: \_\_\_\_\_  
Rebecca Pordage  
Licensing Manager

Date: **3rd July 2023**







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Title: Dover District Council

Author: Dover District Council

Scale 1:500

Map Dated: 04/05/2022

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



**Submission to the Regulatory Committee, Dover District Council****Re Granting of a permit to the operators of the Toll Bridge Restaurant and Bar to place street furniture on Fisherman's Wharf, Sandwich, under Section 115E of the Highways Act 1980.****Submission made by Peter and Valerie Annereau, freehold owners of 10 Strand Street, Sandwich, CT13 9DX, March 28th, 2024.**

We own the property known as 10 Strand Street which has a rear boundary abutting Fisherman's Wharf to which we have access "with or without vehicles" via an 11ft wide five-bar gate. It is immediately to the west of the Toll Bridge Restaurant and Bar.

Our registered Title Deeds refer to an agreement made in 1984 between the then owners of our property and Highway Marine Ltd for the transfer to the company of the area of the Wharf adjoining our property. Among the rights reserved to the owners of 10 Strand Street and their successors is a Right of Way with or without vehicles for the purpose of entry to and egress from the rear of 10 Strand Street.

See extract from the Deed of Title (below).

The junction of the Fisherman's Wharf with the High Street (at the Barbican) and the road over the swing bridge (also across to the Quay) is reached by passing in front of the Toll Bridge Restaurant and Bar and also the Crispin Inn. The junction is controlled by traffic lights and the sequence includes a phase for egress from Fisherman's Wharf.

The width of the Wharf at our gate is 5.5m at the western end reducing to 4.2m at the start of the Toll Bridge Restaurant's frontage. It then reduces immediately to 2.6m because of the construction of an external staircase to the restaurant's first floor.

The restaurant already has tables and benches under the staircase and the placing of ones on the narrow section of the Wharf would prevent passage with our car and would also restrict it for people using bicycles, wheelchairs or baby carriages, also for groups of promenading pedestrians.

The Wharf widens again close to the traffic lights where the operators of the Crispin Inn have a permit for tables and chairs, which can be navigated.

There are very few properties in the centre of Sandwich which have off-road parking and this facility, highlighted by the estate agent (see sale description, below), was a significant factor in our purchase in December last.

Realising the limited dimensions of the Wharf, we then purchased the smallest car available — a Smart Fortwo two-seater, which is less than 9ft long and can navigate the Wharf easily. The immediate past occupier of 10 Strand Street did not drive.

Our gate opens into a forecourt, which we own, but use of which is shared with the owners of No. 8 Strand Street. They have rights to pass over the forecourt with vehicles but only have a pedestrian gate into their private garden. We have double gates into our garden, where we park. These have been in situ for several decades.

Turning to the Toll Bridge Restaurant and Bar, in addition to internal dining places on two floors and the tables under the external staircase, it has outdoor space for dining within its curtilage. In a spirit of cooperation, we suggest that it would be possible for the Toll Bridge Restaurant to have further tables and chairs against the riverside wall opposite their storage enclosures which back onto the rear wall of our garden store/workshop, as outlined in red, below.

In the light of this submission we trust that the committee will decide to withdraw the permit for the placing of street furniture along the frontage of the Toll Bridge Restaurant and Bar.

- 3 The land has the benefit of the following rights reserved by a Transfer of the land edged and numbered K574248 in green on the title plan dated 6 July 1984 made between (1) Edith Mary Kup (Transferor) and (2) Highway Marine Limited (Transferees):-

"EXCEPT AND RESERVED to the Transferor and her successors in title the owners or occupiers for the time being of the remainder of the land comprised in the above title (1) the right to use all sewers drains watercourses wires cables and other services made or passing over through or under the land hereby transferred TOGETHER WITH all rights of access for maintenance repair and renewal thereof subject to making good all damage occasioned by the exercise of such right ..... a right of way with or without vehicles for the Transferor and all her successors in title the owners and occupiers for the time being of 10 Strand Street, Sandwich, Kent over the land hereby transferred for the purpose of gaining access to and egress from the rear of the said property 10 Strand Street, Sandwich, Kent."







### Key features

- Rarely available period home full of character & charm
- Well-presented, spacious rooms with period features throughout
- Potential for loft conversion, creating an additional bedroom \*STPP
- Sunny aspect rear garden offering an outbuilding & gated off-road parking
- Situated in the heart of the historical town of Sandwich
- This property is being sold chain free



Site Photo's taken on 19 March 2024.

Image 1



This is a photo of the path that is heavily populated by pedestrians at weekends (and in fact during our visit dog walkers, wheelchair users and prams were using the footpath). The Toll Bridge site 2 tables and 4 chairs over on the quay side, and 1 table and 2 chairs by the plant pot on the left.

The measurement of the footpath is 2.3m at the point shown by the black line, increasing to 2.65m at the widest point.



Image 2



Image 3



Image 4



Image 5



Image 6



This is the seating area that belongs to Toll Bridge, and they say they will not be able to use if cars are allowed to go up and down as they often have wheelchairs and buggies alongside their own furniture.