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Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 1 November 2016 at 10.04 am.

Present:

Chairman: Councillor B W Butcher

Councillors: B Gardner
S J Jones
D P Murphy

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

Also present: Mr T West
Ms P Griffiths

15 APOLOGIES

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

16 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

17 DECLARATIONS OF INTEREST

There were no declarations of interest made Members.

18 MINUTES

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

19 HIGHWAYS ACT 1980 - SECTION 115E - CRISPIN INN, 4 HIGH STREET, SANDWICH

The Committee considered the report of the Licensing Team Leader on an application by Mr Terry West of the Crispin Inn, 4 High Street, Sandwich CT13 9EA. The application was for the siting of five tables and ten chairs that would be wooden folding furniture, at the front of the premises between the hours of 10.00hrs to 23.00hrs every day. In respect of the application four representations had been received during the consultation process.

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

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

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

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

The Committee withdrew to consider the application and upon resuming the meeting the Contentious and Regulatory Lawyer explained that she had advised the Committee in relation to the powers available to the Committee in relation to Section 115E of the Highways Act 1980.

RESOLVED: That having regard to Section 115E of the Highways Act 1980, the application by Mr Terry West of the Crispin Inn, 4 High Street, Sandwich CT13 9EA for the siting of three tables and six chairs to be located along the quay wall be approved, subject to:

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

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

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

- RESOLVED:
- (a) That the Fees and Charges for 2017/18 as set out in Appendix 4 be approved.
 - (b) That Members approved the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.
 - (c) That Members approved the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
 - (d) That the Head of Regulatory Services be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting Government guidance and it has not been possible to set a fee level at this stage.
 - (e) That the Head of Regulatory Services be authorised in consultation with the Director of Governance and the Director of Finance, Housing and Community to make minor adjustments to the fees and charges as necessary.

The meeting ended at 11.21 am.