

Goodman, Jay - GT HTW

From: Ben Sharp [REDACTED]
Sent: 29 March 2017 21:24
To: Edwards, Neil - GT HTW
Cc: Robert Richardson
Subject: Re: Sandgate Road precinct, Folkestone.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Neil

Thank you for your response and both Robert and myself will be available to see you at 12.00 noon on Thursday 13th April at your Ashford Highways Depot.

I interpreted your note of yesterday to the effect that FTCM can resume precinct activity with immediate effect and Cllr David Monk did telephone me this afternoon with a similar message that we may continue "business as usual" although I believe he does have longer term plans for the town centre that he will wish to discuss with me at some point in the future. Can you confirm that my understanding of your earlier note is correct.

Fortunately, the temporary disruption to our business has not been as severe as might have been in terms of both income loss and reputational damage. I shall be speaking to Richard Knights (Knights Bouncy Castles) tomorrow to ensure he has been able to secure his precinct booking through Folkestone Market, managed by Shepway District Council, to take effect from 1st April. If the matter has still not been resolved then I intend to allow the booking through FTCM, initially for 3 months to cover the School Easter Holidays and Summer Half Term.

Once again thank you for your help and support which I know will be appreciated by both the staff and directors of FTCM.

With kind regards

Ben

From: Neil.Edwards@kent.gov.uk <Neil.Edwards@kent.gov.uk>
Sent: 29 March 2017 07:09
To: [REDACTED]
Cc: rr@grand-uk.com
Subject: RE: Sandgate Road precinct, Folkestone.

Good Morning Mr Sharp,

You are quite welcome. Yes I am quite happy to meet with you both to discuss through as suggested. My calendar is quite blocked out at the moment (involved in a multitude of projects and recruitment) so, unfortunately I am already fully booked next week.

I am currently available anytime on Thursday 13th April if that suits? I can arrange a meeting room here at our Ashford Highways Depot.

Best Regards
Neil

From: Ben Sharp [mailto:████████████████████]
Sent: 28 March 2017 17:46
To: Edwards, Neil - GT HTW
Cc: rr@grand-uk.com
Subject: Re: Sandgate Road precinct, Folkestone.

Dear Mr Edwards,

Firstly, I would like to take the opportunity of thanking you for your time at the telephone today and for your clarification of the points addressed in the email to Sarah Robson dated 28th March 2017.

Would it be possible for myself and my Deputy Chairman, Robert Richardson, to book an appointment with you to discuss the security of our tenure and to iron out some of the practicalities in management of the precinct? We can be available at your office on any day next week apart from Monday. We would not anticipate the meeting taking more than an hour.

I look forward to hearing from you in due course.

Yours sincerely,

Ben Sharp, Chairman
Folkestone Town Centre Management Ltd.

Home Telephone: ██████████
Mobile: ██████████

From: Neil.Edwards@kent.gov.uk <Neil.Edwards@kent.gov.uk>
Sent: 28 March 2017 14:17
To: Sarah.Robson@shepway.gov.uk; ██████████
Cc: david.monk@shepway.gov.uk; rr@grand-uk.com; Arthur.Atkins@shepway.gov.uk; Paul.Sargeant@kent.gov.uk; Toby.Howe@kent.gov.uk
Subject: RE: Sandgate Road precinct, Folkestone.

Dear Sarah,

I can confirm that the precinct is known as 'publicly maintainable highway' and are therefore the responsible authority for its maintenance.

I informed Arthur in February that activities such as markets or promotional activities does not fall within the remit of the Kent permit scheme, nor does Kent have a licence that fits this type of activity.

In pedestrianised areas such as Dover and Ashford town centres, local authorities or groups indeed manage these areas in regards to events, promotional stands, markets etc even though they are technically highway. As long as the

relevant body scrutinise relevant information (e.g. risk assessments and public liability insurance (minimum £5m)), then as long as any activity within the precinct is not causing an obstruction or nuisance to pedestrians, businesses or residents, KCC would not have an objection. KCC Highways are content to apply this same arrangement with the Folkestone town centre precinct. Paul Sargeant (cc'd) is my Street Works co-ordinator for Shepway area and is the point of contact for any consultation/enquiries/advice about the suitability of any new activities on the highway.

KCC has 2 caveats to the above arrangement:

- (1) If there are any highway or utility works within this area, they would have priority and therefore, could occupy the same space used for other activities. In the case of emergencies, there would probably be no consultation but, in the event of any major planned activity (works involving significant disruption or duration), we would expect the works promoter to inform other organisations in advance of the any works taking place.
- (2) If any obstruction is caused or if there are any complaints which cannot be resolved locally, then we reserve the right to intervene and give direction.

I have spoken with Mr Sharp and confirmed the above information to him. I have also confirmed that as the highway authority, we are content for the management of the precinct to continue by FTCM. within the guidance laid out above and can take this e-mail as consent to do so.

I hope this clarifies our position.

Regards
Neil

Neil Edwards | Streetworks Manager – East Kent | Highways, Transportation & Waste | Kent County Council

Ashford Highways Depot, Javelin Way, Henwood Industrial Estate, Ashford. Kent. TN24 8AD.

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@kent_cc

From: Sarah.Robson@shepway.gov.uk [<mailto:Sarah.Robson@shepway.gov.uk>]

Sent: 24 March 2017 17:06

To: [REDACTED]

Cc: david.monk@shepway.gov.uk; rr@grand-uk.com; Arthur.Atkins@shepway.gov.uk; Edwards, Neil - GT HTW

Subject: FW: Sandgate Road precinct, Folkestone.

Dear Mr Sharp,

Thank you for your email to Arthur Atkins.

Discussion with KCC Highways confirms that the Precinct remains a highway and is therefore owned by them. FTSM does not own the land and is not legally permitted to give consent for its use or charge/retain income for activity on the site.

I have copied Neil Edwards at KCC in to my email, for his view.

Kind regards

Sarah

Sarah Robson
Head of Communities

T : 01303 853426

M: 07834 172261

E: sarah.robson@shepway.gov.uk

Shepway District Council, Civic Centre,
Castle Hill Avenue, Folkestone, Kent, CT20 2QY

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Please consider the environment before printing this email

From: Ben Sharp [REDACTED]
Sent: 24 March 2017 11:57
To: Atkins, Arthur
Cc: rr@grand-uk.com; Robson, Sarah; Monk, David Cllr; Dorine Ouma
Subject: Re: Sandgate Road precinct, Folkestone.

Dear Mr Atkins

I acknowledge receipt of your formal note below and would confirm that precinct bookings have been cancelled/suspended until further notice pending our own full review on the matter. Those clients operating in the precinct right now are contracted to do so until the end of the week and I trust this is acceptable.

Of the April bookings there are just two that may prove difficult to cancel: - Pass School of Motoring, 1st April for one day and FTC Gaming Networks on 22nd April, again for one day to hand out leaflets promoting the opening of a new shop "Chaos Cards" in Sandgate Road. Again I will appreciate if you can allow just these to go ahead.

Finally, it will help if you can refrain from talking to our clients on the legality of precinct use especially given that we are cooperating with the current KCC Highways regulations, as advised, as far as possible.

Yours sincerely

Ben Sharp
Chairman
Folkestone Town Centre Management Ltd
Home tel [REDACTED]
Mobile [REDACTED]
Email [REDACTED]

Sent from my iPad

On 22 Mar 2017, at 15:58, "Arthur.Atkins@shepway.gov.uk" <Arthur.Atkins@shepway.gov.uk> wrote:

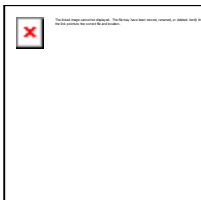
Dear Mr Sharp

I have now confirmed with Kent County Council(KCC) that the Sandgate Road precinct, the area marked in yellow on the attached map, is a highway and is, therefore, owned by them. The effect of this decision is that Folkestone Town Centre Management have no authority to issue consent to anyone to use this area. You must immediately stop any arrangements that you have made with either anyone or any organisation for the use of the precinct.

Shepway can give permission for street trading and have entered into an arrangement with KCC to give consent to events. The use of the precinct will also be restricted by the lack of any Planning permission for events.

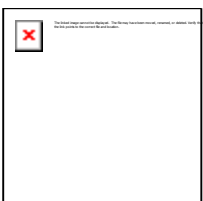
If you would like to discuss this further, please contact me.

Arthur Atkins
Principal Environmental Health Officer
Chartered Environmental Health Practitioner
Communities
Commercial, Licensing and Events Team
Tel: 01303 853242
Mobile: 07966874152
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<precinct.pdf>



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