

Lyme Regis Town Council

Town Council Offices
Guildhall Cottage
Church Street
Lyme Regis
Dorset
DT7 3BS

email: townclerk@lymeregistowncouncil.gov.uk

Notice is given of an extraordinary meeting of Lyme Regis Town Council to be held at the Guildhall, Bridge Street, Lyme Regis on Wednesday 25 January 2023 commencing at 7pm when the following business is proposed to be transacted:

John Wright Town Clerk 20.01.23

Tel: 01297 445175

Fax: 01297 443773

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The open and transparent proceedings of Full Council and committee meetings will be audio recorded and recordings will be held for one year by the town council.

If members of the public make a representation to the meeting, they will be deemed to have consented to being audio recorded.

If members of the public have any queries regarding audio recording of meetings, please contact the town clerk.

Members are reminded that in reaching decisions they should take into consideration the town council's decision to declare a climate emergency and ambition to become carbon neutral by 2030 and beyond.

AGENDA

1. Public Forum

Twenty minutes will be made available for public comment and response in relation to items on this agenda

Individuals will be permitted a maximum of three minutes each to address the committee

2. Apologies for absence

To receive and record any apologies and reasons for absence

3. Disclosable Pecuniary Interests

Members are reminded that if they have a Disclosable Pecuniary Interest on their register of interests relating to any item on the agenda, they are prevented from participating in any discussion or voting on that matter at the meeting as to do so would amount to a criminal offence. Similarly, if you are or become aware of a Disclosable Pecuniary Interest in a matter under consideration at this meeting which is not on your register of interests or is in the process of being added to your register you must disclose such interest at this meeting and register it within 28 days.

4. Dispensations

To note the grant of dispensations made by the town clerk in relation to the business of this meeting.

5. Outside Seating at The Oyster and Fish House

To allow members to determine the council's position on outside seating at The Oyster and Fish House

That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded while members consider the **valuation advice** in accordance with the Public Bodies (Admission to Meetings) Act 1960

6. Exempt Business

To move that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business in view of the likely disclosure of confidential matters about information relating to an individual, and information relating to the financial or business affairs of any particular person, within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) Order 2006.

a) Agenda item 5 – Outside Seating at The Oyster and Fish House (valuation advice)

Extraordinary Full Council

Date: 25 January 2023

Title: Outside Seating at The Oyster and Fish House

Purpose of Report

To allow members to determine the council's position on outside seating at The Oyster and Fish House

Recommendation

- a) Members consider the outcome of the valuation on outside seating at the Oyster and Fish House
- b) Members consider the remainder of the report and instruct the town clerk

Background

- The Business and Planning Act, 22 July 2020, introduced a new temporary pavement licence as part of the government's Covid-19 Recovery Plan. The licence applied to businesses such as pubs, restaurants and cafes and allowed them to place removable furniture on the pavement adjacent to their premises for people to sit at to consume food and drink. The temporary licence provision initially applied until 30 September 2021 and was subsequently extended until 30 September 2022.
- 2. The legislation allows a maximum charge of £100 for this provision; this charge applied to existing outside seating arrangements as well as new requests.
- 3. On 17 March 2021, the Town Management and Highways Committee considered a request from Coastal Marks for outside seating. Mark Hix from Coastal Marks attended the meeting to support his application and answer questions. For ease of reference a copy of the report, plans and relevant minute are attached, **appendices 5A to C**. The committee made the following recommendation to the Full Council:

'to approve the request from the Oyster and Fish House to use town council-owned land in the Lister Gardens for extra seating subject to temporary measures under the terms of the Secretary of State's letter until September 2022, and then to be reviewed.'

- 4. The recommendation was approved by resolution of the Full Council on 22 April 2021.
- 5. On 13 July 2022, the Strategy and Finance Committee considered a proposal from Coastal Marks to retain the temporary structure. For ease of reference, a copy of the report and proposal is attached, **appendices 5D and E**.
- 6. At that meeting, the Strategy and Finance Committee agreed the town clerk would determine a price through valuation and/or negotiation and report back to the council, with the condition that the horse box is also removed.

- 7. The direction given to the town clerk by the Strategy and Finance committee was noted by the Full Council on 27 July 2022.
- 8. On 4 October 2022, the council's Planning Committee considered an application from Coastal Marks to seek planning approval to make temporary outside seating at The Oyster and Fish House permanent. For ease of reference a copy of the application and plans are attached, **appendices 5F to K**. The decision of the planning committee is detailed below:

'The town council recommends **refusal** of the application because it represents an ingress into a public amenity open space that should be kept free of commercial development for the enjoyment of local residents, is out of keeping for that area and makes permanent a structure and use which was only agreed by the town council as a temporary COVID-related business support measure.'

- 9. Before Coastal Marks' application for permanent outside seating was determined by Dorset Council's planning department, it was withdrawn.
- 10. Coastal Marks has indicated it is considering submitting an amended planning application for outside seating at The Oyster and Fish House.
- 11. On 12 October 2022, the Strategy and Finance Committee was informed about the government's decision to allow councils the option of extending the temporary outside seating provision in the Building and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2022 from 30 September 2022 to 30 September 2023.
- 12. The Strategy and Finance Committee's recommendation to Full Council, 'to extend the temporary outside seating provision in the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2022 from 30 September 2022 to 31 March 2023', was approved by resolution of the Full Council on 26 October 2022.
- 13. The Oyster and Fish House benefits from this extension of outside seating provision until 31 March 2023.

Report

- 14. Following on from the instruction given to the town clerk, valuation advice is attached, **appendix 5L**. This completes the direction given to the town clerk in July 2022. The town clerk's advice is this item of business is considered in exempt business.
- 15. The council has two inconsistent decisions it needs to resolve, i.e., the direction given to the town clerk by the Strategy and Finance Committee on 13 July 2022 to determine a price through valuation and/or negotiation and report back to the council, and the Planning Committee's recommendation on 18 October 2022 to recommend refusal of the planning application to Dorset Council.

- 16. Although these decisions are inconsistent, they were both legitimately reached¹. Nevertheless, two inconsistent decisions do not bode well in terms of clear decision-making and public perception.
- 17. If, after considering valuation advice, the council decides not to support outside seating at The Oyster and Fish House, arrangements need to be put in place for its removal after 31 March 2023. It is important Coastal Marks has an unambiguous instruction from the council to do this and, if the council's officers have to pursue legal action to force the removal of the outside seating, reference can be made back to the council's decision in court.
- 18. A clear policy position is also important if Coastal Marks submits a further planning application, i.e., Coastal Marks needs to understand the likely response of the town council. The submission of an application involves time and money but more importantly businesses need to make strategic decisions about investment in their locations.

John Wright Town clerk January 2023

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¹ The Planning Committee's terms of reference give it delegated powers to make recommendations to Dorset Council. When its minute are presented to the Full Council they are 'received', only, i.e., they are for information. The minutes of all other committees are 'received' and 'adopted' by the Full Council, i.e., through adoption their recommendations are approved by resolution of the Full Council.

Committee: Town Management and Highways

Date: 17 March 2021

Title: Use of Town Council-Owned Land

Purpose

To allow members to consider the general use of council-owned land by local businesses whilst Covid-19 restrictions are in place and to consider two specific requests to use council-owned land

Recommendation

Members consider the report and instruct officers

Background

- On 3 March 2021, the Full Council considered a report on its response to the prime minister's announcement on 22 February 2021 on the roadmap for the easing out of lockdown restrictions. Among other issues, the report asked members to consider allowing businesses to trade on council-owned land
- 2. At that meeting, members referred discussion on allowing businesses to trade on council-owned land to this committee.

Report

- 3. In spring 2020, the government urged local authorities to make land available to traders whose activities were constrained by Covid-19 restrictions. The government also introduced legislation on the issuing of permits for 'sitting out' until 30 September 2021.
- 4. The government's roadmap details the earliest dates for easing lockdown restrictions and concludes on 21 June 2021².
- 5. On 5 March 2021, the secretary of state for Housing, Communities and Local Government wrote to the leaders of principal local councils about supporting the reopening of outdoor hospitality. In his letter, the secretary of state, Robert Jenrick MP, urged councils 'to do everything possible to help those businesses reopen safely and prosper again.' The letter, appendix xxA, referred to the extension of pavement licences by a further 12 months and a relaxation of planning considerations; he also stressed he didn't want to see red tape get in the way.
- The council, if it so wishes, could approach local businesses whose operations are constrained by Covid-19 legislation to see if they are interested in temporarily trading on town council-owned land up until 21 June 2021.

² No earlier than 12 April 2021, restaurants and pub gardens will be allowed to serve customers sitting outdoors, including alcohol. Shops will be allowed to open

No earlier than 17 May 2021, pubs, restaurants, and other hospitality venues can seat customers outdoors No earlier than 21 June 2021, all legal limits on social distancing will be removed.

- 7. Locations could include parts of Marine Parade and the shelters, the roof above SWiM, antique and craft centre and amusement arcade, and sections of the gardens.
- 8. So far, two specific requests have been received from SWiM and the Oyster and Fish House to use town council-owned land.
- 9. SWiM's proposal is attached, **appendix xxB**. In summary, SWiM would like to place 10 two-seater tables on Marine Parade. The option of using the roof above its premises was discussed but was only considered viable if a long-term agreement could be agreed.
- 10. The Oyster and Fish House's proposal is attached, **appendix xxC**. In summary, the Oyster and Fish House would like to have tables and chairs, covered by a sail type structure, on the pitch and putt area in Langmoor Gardens. This arrangement would be until 21 June 2021. After 21 June 2021, the Oyster and Fish House would like to use this area for, 'serving snacks and drinks for a more relaxed style of dining'.
- 11. Any recommendations from this committee will be considered by the Full Council on 14 April 2021.

John Wright Town clerk March 2021 From: Jo Harris

Sent: 25 February 2021 11:00

To: John Wright < townclerk@lymeregistowncouncil.gov.uk >

Cc: Mark Hix

Subject: The Oyster & Fish House

Hi John

I hope you are well. Further to your conversation with Mark, we would love to utilise the Pitch and Putt area for outdoor dining for The Oyster & Fish House. We sent a proposal last autumn but I understand it didn't reach you, so apologies for that. Of course we would love to rent the space throughout the spring and summer longer term, but with current restrictions in place it would make a huge difference to our business to at least utilise this space from April this year in order to make it possible for us to reopen our business in April rather than May. If we can only open the terrace at The Fish House for this time it wouldn't be financially viable to open at all, with only a handful of socially distanced covers.

The idea is to have a sail type structure with tables and seating, as an extension to the restaurant dining offer. Of course all seating would be stored away at night-time due to security but the sail/gazebo would remain for the duration. Once the restaurant is open fully again in June with no restrictions we would love to utilise this space to offer a slightly different experience to the Fish House, serving snacks and drinks for a more relaxed style of dining, such as lobster sliders and oysters, perhaps with hay bales for casual seating.

Ideally we would need to create a few steps down from the current terrace to enable easy access to and from the restaurant to expedite the food and drinks more easily. Mark will walk you through this idea when you see him tomorrow as it's much easier to explain in person on site.

I hope this gives enough initial background ahead of your meeting and we do hope that this will be of interest to the council at your meeting next week.

If you need further information for your meeting please do let me know.

Regards Jo





Jo Harris
Communications Manager
Coastal Marks
www.thefoxinncorscombe.co.uk
www.theoysterandfishhouse.co.uk

LYME REGIS TOWN COUNCIL

TOWN MANAGEMENT AND HIGHWAYS COMMITTEE

MINUTES OF THE VIRTUAL MEETING HELD ON WEDNESDAY 17 MARCH 2021

Present

Chairman: Cllr J. Broom

Members: Cllr B. Bawden, Cllr K. Ellis, Cllr M. Ellis, Cllr B. Larcombe, Cllr C.

Reynolds, Cllr D. Sarson, Cllr R. Smith, Cllr G. Stammers, Cllr G.

Turner, Cllr S. Williams

Officers: M. Adamson-Drage (operations manager), M. Green (deputy town

clerk) A. Mullins (administrative officer)

20/21/TMH Public Forum

M. Hix

M. Hix spoke in relation to agenda item 9, Use of Town Council-Owned Land. He said the Oyster and Fish House would re-open on 12 April but didn't have sufficient seating on the decking with social distancing in place. He said he had been thinking for a couple of years and had spoken to the town clerk about acquiring the narrow slope to the left of the table tennis for rental. He said he would propose levelling it out and installing some decking, so it would become an extension of the restaurant's existing deck, which it already rented from the council. M. Hix said they would use the area during the six weeks people were only allowed to eat outdoors and after that he would like a discussion about permanently renting the land. He said the land currently wasn't being used for anything and putting in decking would elevate it slightly so the hedge wouldn't obstruct views to the sea. He also suggested a small horse box to do takeaway, so the section in between the horse box and restaurant became extended seating with steps down. He said that area would suit them better operationally for serving meals.

Cllr J. Broom asked what size the gazebo would be.

M. Hix said it would be approximately 3m x 12m.

20/29/TMH Use of Town Council-Owned Land

The deputy town clerk said an expression of interest for outside seating had been received from Red Panda, in addition to the requests from SWiM and the Oyster and Fish House.

Cllr B. Larcombe said it was quite clear the provision of council land for this purpose was expected of councils who had the ability to help businesses and the request from the Oyster and Fish House would have very little impact on the council as the area was unused.

Members generally agreed with this but several members stressed they wouldn't agree to any permanent use. Cllr G. Stammers suggested any permanent use of the land would need to go out to tender.

Cllr M. Ellis was concerned about SWiM putting tables and chairs on the Marine Parade as it was the route for emergency vehicles and suggested a maximum of six tables, each with two chairs, as the area near to the barrier gate was too narrow for seating.

Cllr S. Williams said he was against any extra seating as the gardens were intended for the benefit of local people and the seafront was becoming overcrowded.

Cllr K. Ellis questioned whether there would be enough room to socially distance if Red Panda had outdoor seating as the Bell Cliff Restaurant already had seating in that area.

Proposed by Cllr B. Larcombe and seconded by Cllr G. Turner, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the request from the Oyster and Fish House to use town council-owned land in the Lister Gardens for extra seating subject to temporary measures under the terms of the Secretary of State's letter until September 2022, and then to be reviewed.

It was proposed by Cllr M. Ellis to approve the request from SWiM to use town council owned-land on Marine Parade for extra seating, with a maximum of six tables to be placed against the raised seating area and all A boards to be removed.

This motion was not seconded.

The deputy town clerk agreed the width of the Marine Parade varied from one end of SWiM to the other and it therefore might not be possible to maintain a sufficient width at one end. He said if members were not fundamentally opposed to extra seating, they could approve in principle, subject to maintaining adequate width and to delegate the precise number, layout and location to the town clerk, in consultation with the chairman and vice-chairman of this committee. He suggested an agreement for up to 10 tables to provide some flexibility.

Proposed by Cllr J. Broom and seconded by Cllr K. Ellis, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the request from SWiM to use town council-owned land on Marine Parade for extra seating subject to temporary measures under the terms of the Secretary of State's letter until September 2022, up to a maximum of 10 tables and with all A boards to be removed, with final approval to be given by the town clerk in consultation with the chairman and vice chairman of the Town Management and Highways Committee.

It was proposed by Cllr K. Ellis and seconded by Cllr G. Turner to refuse the request from Red Panda to use town council owned-land at Bell Cliff for extra seating because of difficulties with social distancing in that area.

This motion was not carried.

Proposed by Cllr J. Broom and seconded by Cllr C. Reynolds, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the request from Red Panda to use town council-owned land at Bell Cliff for extra seating subject to temporary measures under the terms of the Secretary of State's letter until September 2022, with final approval to be given by the town clerk in consultation with the chairman and vice chairman of the Town Management and Highways Committee.

Committee: Strategy and Finance

Date: 13 July 2022

Title: Request to Make Temporary Seating Arrangement Permanent

Purpose of Report

To allow members to consider a request from Coastal Marks to make the temporary outside seating arrangement at The Oyster and Fish House permanent

Recommendation

Members consider the report and instruct the town clerk

Background

- 1. The Business and Planning Act, 22 July 2020, introduced a new temporary pavement licence as part of the government's Covid-19 Recovery Plan. The licence applied to businesses such as pubs, restaurants and cafes and allowed them to place removable furniture on the pavement adjacent to their premises for people to sit at to consume food and drink. The temporary licence provision initially applied until 30 September 2021 but was subsequently extended until 30 September 2022.
- 2. The legislation allows a maximum charge of £100 for this provision; this charge applied to existing outside seating arrangement as well as new requests.
- 3. On 17 March 2021, the Town Management and Highways Committee considered a request from Coastal Marks for outside seating and made the following recommendation to the Full Council:

'to approve the request from the Oyster and Fish House to use town council-owned land in the Lister Gardens for extra seating subject to temporary measures under the terms of the Secretary of State's letter until September 2022, and then to be reviewed.'

4. The recommendation was approved by resolution of the Full Council on 22 April 2021.

Report

- 5. A proposal from Coastal Marks to retain the temporary structure is attached, **appendix ??A**.
- 6. The land does not lend itself to any other purpose and because of its incline was not used by the public.
- 7. Any recommendations from this committee will be considered by the Full Council on 27 July 2022.

John Wright Town clerk June 2022

The Oyster & Fish House

DECK PROPOSAL



Website: www.theoysterandfishhouse.co.uk

Contact Jo.Harris@coastalmarks.co.uk





Rebuilding after Covid...

When the pandemic hit, it hit hospitality hard. And as we all know, life is far from 'back to normal'.

Our restaurant, along with the rest of the hospitality sector are still trying to rebuild the business to recoup all the losses we have suffered since 2020.

When the Lyme Regis Council offered the grass area next to The Oyster & Fish House in order to re-open in April 2021, this changed everything for us. If we hadn't have had this deck built, we would not have been able to open until May, and lost even more revenue, not to mention all of the team who were unable to work and receive their full wage during this time.

With social distancing measures still in place this meant we were running at reduced capacity indoors and on the existing terrace. The Deck enabled us to trade at a more 'normal' level and start rebuilding our business.

The response to our new Deck from local residents and guests alike was incredibly positive. Many would stop to chat to the team to say how it enhanced the area, a space that was once unused or maximised.

Website: www.theoysterandfishhouse.co.uk

Moving forward

Our proposal to the council moving forward, is to keep the Deck in its current position.

Not only has this proved to be an essential addition to our business but there are many more reasons to keep the structure in situ.

- Additional revenue for the council. We will pay an annual fee for the lease of the space, which will enable the council to use these
 funds to continue to enhance and preserve the area for locals and visitors.
- Increased employment. The addition of the Deck requires at least 3 more team members front of house, and two more chefs.
 With unemployment figures continuing to rise since Covid hit, creating new jobs for the local community is important to us.
- The Deck offers some of the best uninterrupted views of the Jurassic Coast while enjoying lunch, dinner, a cocktail or an afternoon cup of tea.
- To date, we have only received positive feedback from guests and locals, with the consensus being that the Deck enhances the
 area and has given locals and visitors the best views in town to dine on fresh fish and seafood.
- The area that the Deck is built upon was not previously in use, and has not affected the use of the gardens for locals or visitors. Infact, it has given parents a space to sit and relax while watching their children play safely in the mini-golf. The purpose built path offers plenty of space for people to enjoy the gardens and gives full access to wheelchairs, buggies and council vehicles.
- We have already invested 12.5k in the Deck. A significant sum for a small independent restaurant trying to rebuild their business and illustrates how serious Mark Hix and the team are about ensuring a functional and visually pleasing extension to the restaurant, which is sympathetic to the garden's aesthetics.
- The Deck has created a sought-after space for guests to celebrate their wedding, bringing guests to the area who will need
 accommodation in the area, therefore boosting the demand for bed and breakfast accommodation within the town.

The Structure

The Deck was built by ODC Improvements - a local well-respected business based in Lyme Regis that Mark Hix has worked with since 2008 for all projects relating to The Oyster & Fish House and The Fox Inn, as well as his residential home.

- Before building the ground was surveyed with council representatives. The steep slope was a danger to public and staff in its current state. The ground is full of hardcore rubble dating back to when the gardens were rebuilt for the stability of the cliffs. Therefore the ground is not suitable to plant trees or shrubs, and so it was agreed that the Deck was a suitable use for the space.
- The Deck balustrade next to the path currently provides free space for the local businesses that built it, which assists local business.
- The Deck can seat 24 guests at any one time across 7 tables and there are also 8 high stools to sit at the counter overlooking the sea. Here guests can enjoy a glass of wine, a coffee or dine.
- The Deck has electric heaters, solar power lights and reclaimed sails for shade and cover from the elements.

The Application

We have reached out to the Dorset Planning department to request planning for the permanent use of the Deck as an extension of the restaurant. They do not foresee any issues with the planning of this structure upon receiving complete drawings which are currently being drawn up by Seb Cope.



Lyme Regis, Dorset www.sebcope.co.uk t: 01297 647448 e:info@sebcope.co.uk

West Dorset Planning Team Dorset Council South Walks House South Walks Road Dorchester Dorset DT1 1UZ

5th September 2022

Dear Planning team,

Proposal: Retention of outside deck area for the restaurant

Address: The Oyster & Fish House, Cobb Road, Lyme Regis. DT7 3JP

Applicants: Mr M Hix

Please find enclosed a full planning application in respect of the above for The Oyster & Fish House. The application is accompanied by drawings and supporting documents, which include the contents of this supporting letter. The planning fee is being sent by separate instruction.

The application seeks approval for the retention of an outside decking area as an extension to the restaurant.

This outside deck area was built during the Covid pandemic in order for the business to reopen with outdoor seating and ensure the business could continue to operate with social distancing measures in place. This was planned and agreed with the team at Lyme Regis Town Council and it has received much positive feedback from locals and visitors alike. It has increased the need for employment in the business and is visually attractive, offering some of the best views of the coast to guests visiting the restaurant for drinks or a meal.

During the Covid pandemic, the Business and Planning Act 2020 included a temporary streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. In March 2021 the government announced this would be extended for a further 12 months. This is a streamlined process to allow businesses to secure these licences and where they are deemed to have been granted, allow these licences to remain in place for a year but not beyond 30 September 2022. The Oyster and Fish House did not have any available highway to utilise, hence the agreement with Lyme Regis Town Council for the use of the land and this application is to retain the decking as a permanent feature and act as an extension to the restaurant.

The land of the deck area it is built on land owned by Lyme Regis Town Council and an agreement is in place for the use of the land. It was an unused piece of grass on a slope. Nothing could be planted on it as the ground is filled with hardcore when the slopes were rebuilt after the landslides years ago. The structure was built by ODC Improvements who have used for over 14 years for all maintenance and building work at our Dorset venues and the company are well-respected in the area.

The deck is structurally sound, it has received approval by Lyme Regis Town Council and a positive Ground Stability Assessment had been conducted by Peter Chapman, Geotechnical Engineer.

Planning Permission Architectural design Project Management





The company invested over a lot of money in the build of this deck and should it be removed it would seriously impact the business, which is still trying to recover all its losses since the pandemic hit in April 2020. The deck holds 7 tables and 8 countertop stools, which means that in the summer, The Oyster & Fish House can double their usual covers. It is also used for weddings, and there has been an increase in demand for these since the addition of the deck. This would dramatically reduce if the deck were not available. The deck does not encroach on any public footpath as there is already a dedicated footpath alongside this area which is suitable for people will accessibility needs and the council use it for their vehicles.

The decking area has created a sought-after space for guest to celebrate events, bringing guest to the area who will need accommodation, therefore boosting the demand for overnight accommodation in the town. It helps maintain staff levels and is likely that additional staff will be required to service the increased area.

We trust that the enclosed documentation, application, and drawings contain the information required to support this application.

Should you have any questions, please feel free to contact me.

Yours sincerely,

Sebastian Cope BSc

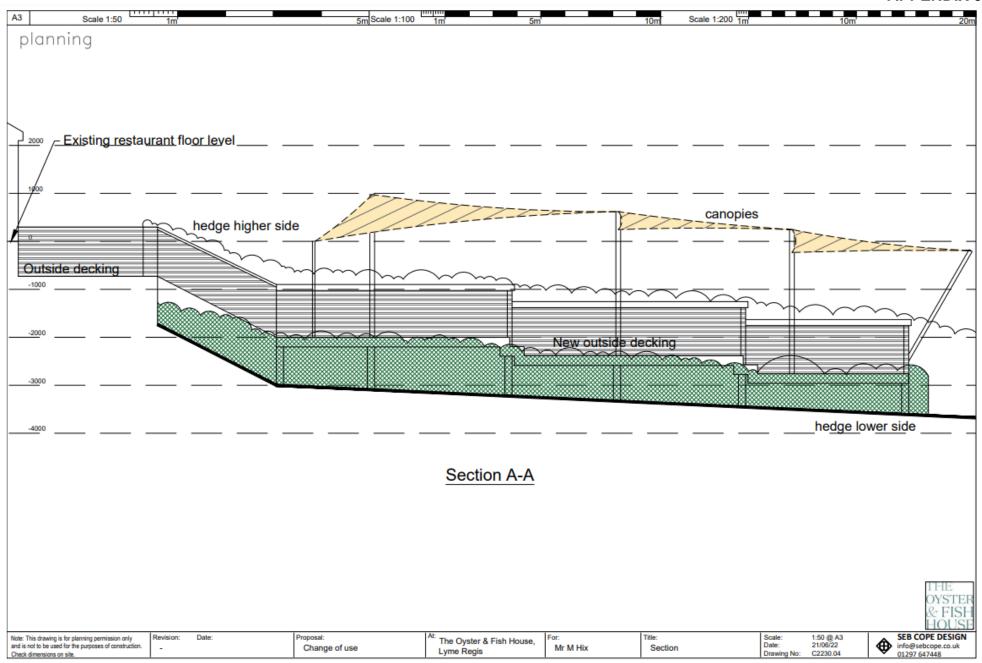




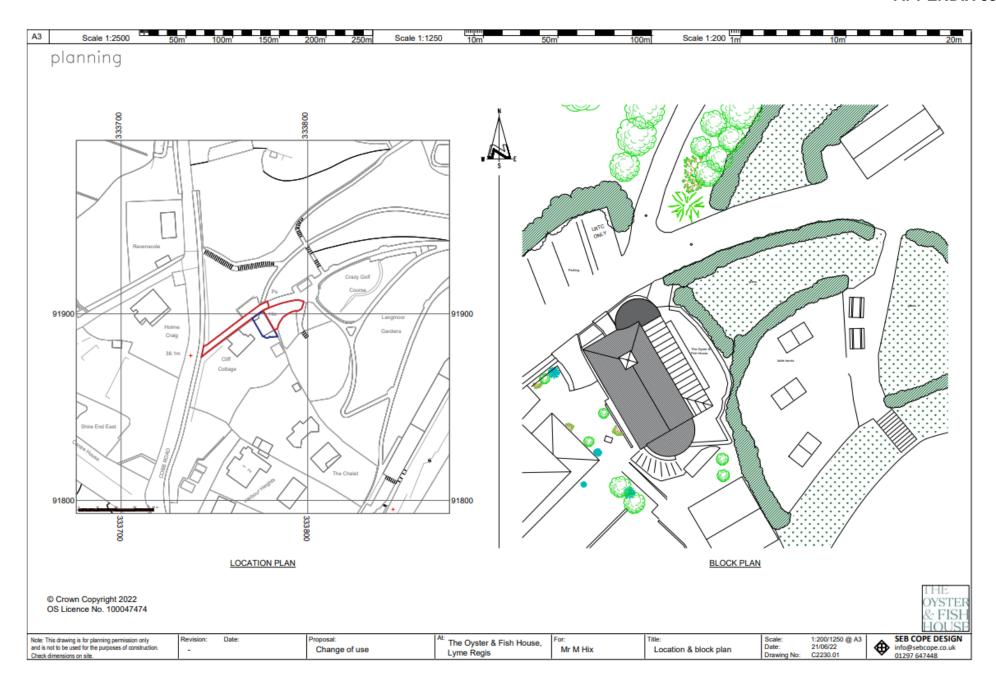
APPENDIX 5H



APPENDIX 5I



APPENDIX 5J



APPENDIX 5K

