
Subject:	Highways Act 1980 – Section 115E - Bloody Mary's, 160 – 162 High Street, Deal
Meeting and Date:	Regulatory Committee – 1 st December 2015
Report of:	Licensing Team Leader
Classification:	Unrestricted

Purpose of the report:	Permission to site street furniture on the highway
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Recommendation:	That the Committee determine the application
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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 Mr Gary Lahr has held a permit to site street furniture outside Bloody Mary's, 160 – 162 High Street, Deal, since 29 January 2015. The current permit is for 4 tables and 8 chairs.

2.2 Since this permit has been issued, there have been 3 complaints regarding the street furniture outside the premises, all relating to the same weekend. The complaints were all of the same nature – that on a particular weekend in June, the amount of chairs outside the premises was 22. The Licensing Enforcement Officer spoke to Mr Lahr, who stated that the reason for this was that patrons were carrying the indoor furniture outside. Advice was given on monitoring the area more vigilantly, and there have been no complaints received since.

2.3 Mr Lahr has now applied to increase this to allow the siting of 6 tables and 20 - 24 chairs on the highway immediately in front of the premises. The application states that these will be good quality steel chairs and tables. (Photograph provided). A copy of the application form is shown at **Appendix A**. A plan of the proposed siting of the street furniture is shown at **Appendix B**.

2.4 As part of the consultation process views have been sought from local businesses, Kent Highway Services and the Police. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.5 Three representations were received in respect of this application (see **Appendix C**), as follows:

Andy Maple (now withdrawn) – Suggests that a maximum of 18 chairs might be a more appropriate number for the space available. Mr Maple states that despite the best efforts of the proprietors to keep the pavement clear, there was an occasion when over 20 chairs and stools were outside on the pavement and caused congestion, impeding the free movement of pedestrians. Mr Maple feels that there may be safety issues if as many as 24 chairs are allowed.

Councillor Bill Gardner (now withdrawn) - submitted a representation stating that whilst there is room for more chairs, he suggested a half-way point between their current allowed number and their requested number. Councillor Gardner also

pointed out that there were occasions in the summer that they did not stick to the amount of chairs allowed, and that this caused problems.

Cynthia Horncastle – The pedestrian area is not wide enough to allow the safe passage of pedestrians with prams, pushchairs and wheelchair users. It is very intimidating to walk through a crowd of people congregated on the pavement who make no effort to move to allow pedestrians through. The increase in noise would be significant in this quiet residential area and residents would be unable to open their windows in the summer. It is noted that the hours have been reduced to 20:00, who will police the area to ensure that tables and chairs will be removed?

- 2.6 Following negotiations, the applicant agreed to reduce the amount of chairs on the application to 16. A new plan is attached at **Appendix B**. All 3 of the objectors were contacted, and Andy Maples and Councillor Gardner withdrew their representations based on this amendment to the application. Mrs Horncastle wishes for her representation to still stand, as she still feels that this is too many chairs and tables for the area.
- 2.6 Highways have commented (see **Appendix D**) to say that if this permit is granted, they would request a condition that an absolute minimum of 1.2m of clear footway is achieved at all times.

3 Options available

- (1) To allow the application as applied for
- (2) To allow the application as applied for but with additional conditions
- (3) To reject the application.

Appendices

Appendix A – Application form and supporting paperwork

Appendix B – Revised plan following amendment to application showing proposed siting of street furniture

Appendix C - Representations

Appendix D – Comment from Highways

5 Background Papers

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