

Subject:	Highways Act 1980 – Section 115E - The Clarendon Hotel, 51 – 53 Beach 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
Recommendation:	That the Committee determine the application

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 Robin Norris of The Clarendon Hotel, 51 – 53 High Street has applied for the siting of 6 tables and 12 chairs on the highway immediately in front of the premises. The furniture requested is painted chrome folding bistro sets. (Photographs provided as part of the application at **Appendix A**). The plan of the proposed siting of the street furniture is shown at **Appendix B**.

2.2 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.

2.3 Six Representations have been received (see **Appendix C**) and are as follows:-

Deal Town Council - If this application is granted it will be a risk to public safety as the pavement is not wide enough in this area to leave sufficient access for wheelchair users or pushchairs.

Tom Harvey - Starting at 7am does not sit well, as there is already an early noise issue with service/environmental vehicles and operatives and would not welcome further noise by the laying out of potential noise of the establishments patrons. Surely if the opening hours are as indicated on the Notices then their clients can remain within the buildings until a more reasonable time – 9am.

Mr M Horncastle - There is insufficient space on the pavement for tables and chairs, the tables and chairs will get moved from their intended position making access even more difficult for pedestrians. The obstruction of the table and chairs will hinder free pedestrian flow. Clients will congregate outside to smoke causing further obstruction and environment issues for the public and neighbouring properties. Pedestrians who are forced to walk in the road potentially risk a personal injury accident on this main seafront thoroughfare.

Mr R C Grinstead - The pavement is only just wide enough to pass two buggies, prams or wheelchairs at one time. By almost halving the pavement, it will cause problems as it did in the past by people and children stepping into the busy road.

Mrs L Grinstead - Concerned about people sitting outside smoking, this would not be nice for customers eating ice cream and the smoke would filter into other premises. The pavement is very narrow and table and chairs would be an obstruction for pedestrians and people would have to step out onto the road. The table and chairs would also be moved by people. Pushchairs especially double buggies, wheelchairs and mobility scooters would not be able to pass easily.

Mr J Woolls - Insufficient space on the pavement for table and chairs. Pedestrians will be forced to step out onto the road face potential personal risk and injury. The tables and chairs would be moved by the clients making access difficult for pedestrians and hinder the flow of pedestrians. The presence of exterior tables and chairs may result with instances of broken glass from beer/wine glasses being knocked over possible cause of injury.

2.4 Highways have commented (see **Appendix D**) 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 – Proposed plan of siting of street furniture

Appendix C – Representations

Appendix D – Comment from Highways

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