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| Subject: | Highways Act 1980 – Section 115E - The Duchess, 1 Bench Street, Dover |
| Meeting and Date: | Regulatory Committee – 1 st December 2015 |
| Report of: | Licensing Team Leader |
| Classification: | Unrestricted |

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| 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 Funky Monkey Leisure Ltd have applied for the siting of 6 tables and 18 chairs on the highway immediately in front of The Duchess, 1 Bench Street, Dover. The furniture requested is aluminum bistro style tables and chairs. The application is shown at **Appendix A**. A copy of the plan for 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 One Representation has been received (**Appendix C**) as follows:-

Dover Town Council - Objects to the application. The Committee suggests any licence restricts the use of pavement for seating to 2 meters width with a removable barrier as the premises is situated on a busy and dangerous corner.

2.4 Highways have commented (**Appendix D**) – Having looked at the photo's and measured the frontage, there are encroachment concerns. Kent County Council Highways will only permit for Bench Street and absolutely nothing for any tables or chairs in Queen Street. Highways are happy for the application to be granted providing there is an absolute minimum of 2m width for pedestrians. Highways suggest a barrier/roped off area between the tables and pedestrians.

3 Identifications of Options

- (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.

4 Appendices

Appendix A – Application form and supporting paperwork

Appendix B – Plan of the siting of proposed street furniture

Appendix C – Representation

Appendix D – Comment from Highways

Contact Officer: Rebecca Pordage, Licensing Team Leader. Ext.2279