
Subject:	Highways Act 1980 – Section 115E – Hope and Lane, 92A High Street, Deal
Meeting and Date:	Regulatory Committee – 10 January 2017
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 Sean Humphreys has applied for a Street Furniture permit to permit the placement of 5 tables and 10 chairs, 3 tables and 6 chairs at the side of the premises (in St Georges Passage) and 2 tables and 4 chairs at the front of the premises. The application states that the furniture will be metal bistro tables and slated chairs. Mr Humphreys has requested they be placed between 08:30hrs to 17:00hrs every day.
- 2.2 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**.
- 2.3 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.
- 2.4 Three representations were received in respect of this application (see **Appendix C**), as follows:

PC Stephen Noddings (on behalf of Kent Police) objected to the placing of tables and chairs at the front of the property, stating that the location of the premises is on the side of the High Street that is busy with pedestrians who are accessing shops within the town centre. PC Noddings felt that the placement of tables and chairs to the front of the premises is not suitable as it will increase the risk to pedestrians who are attempting to walk past the premises and force them to walk near the kerb near to moving or parked vehicles. PC Noddings added that he had no objection to the siting of tables and chairs being located at the side of the premises as these are within a pedestrian area where there is a reduced risk and more available space.

Deal Town Council objected to the application as the proposed seating on the pavement at the front of the café and up St Georges Passage will obstruct the movement of pedestrians, prams and wheelchairs.

Councillor Bill Gardner objects on the grounds that the pavement at the front is far too narrow for the 2 tables and 4 chairs that are proposed. They are forcing parents

with pushchairs and buggies to cross over the road or at least go into the road to get down the High Street because they cannot pass these obstructions on what is supposed to be a pavement. Also, Deal has a lot of elderly people who use mobility buggies to get around and these people have exactly the same problem.

- 2.5 These comments were passed to the applicant, who made the decision to remove the request to site 2 tables and 4 chairs at the front of the property, and seek permission to site 3 tables and 6 chairs in St Georges Passage only. This amendment was discussed with those who had made representations in respect of this application. PC Steve Noddings withdrew his representation. Deal Town Council and Councillor Bill Gardner amended their representations, as follows:

Deal Town Council object to the application to place tables and chairs on the highway up St Georges Passage as it will obstruct the movement of pedestrians, prams and wheelchairs.

Councillor Bill Gardner objects to the placing of street furniture in St Georges Passage, as it will cause problems to people trying to visit the shops in this busy little extra part of the High Street.

3 Options available

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

Appendices

Appendix A – Application form and supporting paperwork

Appendix B – Location plan

Appendix C – Representations

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