
Subject:	Highways Act 1980 – Section 115E – Port of Call, Market Square, Dover
Meeting and Date:	Regulatory Committee – 21 November 2017
Report of:	Licensing Team Leader
Classification:	Unrestricted

Purpose of the report: Permission to site street furniture on the highway

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 has applied for a Street Furniture permit to allow the placement of 22 tables and 88 chairs at the front of the premises, Port of Call, 18-19 Market Square, Dover. The application states that the furniture will be cast iron tables and chairs. Mr Norris has requested they be placed between 10:00hrs to 22:00hrs every day between 1 April – 1 October.

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

Denise Smith objected to the placing of tables and chairs at the front of the property. She is a Dover Greeter, who meets cruise passengers at the shuttle bus stop and directs them to local visitor spots, and finds the use of this piece of land dangerous and intrusive. .

Liz Dimech objected on behalf of Castle Forum. They are not against the café culture, but object to any encroachment onto the designated walkway. They feel that this would be unsafe for elderly residents, visitors and cruise passengers.

2.5 This matter was brought before Regulatory Committee on 18 July 2017, however the Members had some questions for the applicant (who was not in attendance), so the matter was deferred to the next scheduled Regulatory Committee on 19 September 2017

- 2.6 On 19 September 2017, the Regulatory committee was not quorate so the matter was unable to be heard, and it was decided that as the application was to site the street furniture between 1 April and 1 October each year, and another committee could not be convened before that date the applicant agreed to defer it again to the next scheduled Regulatory Committee on 21 November 2017.
- 2.7 It should be noted that it has been reported to the Licensing Section that the tables and chairs have been sited outside the Port of Call, 18-19 Market Square, Dover, throughout the summer without permission. They were also seen in situ on 5 November 2017. This contradicts the application which asks for the furniture to be sited from 1 April – 1 October each year.

3 Options available to the Committee:

- (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

Appendix B – Location plan

Appendix C – Representations

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