
Subject:	Highways Act 1980 – Section 115E – The Elephant and Hind, 18-19 Market Square, Dover
Meeting and Date:	Regulatory Committee – 19 September 2023
Report of:	Rebecca Pordage, Licensing Manager
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 Harry Richardson has applied for a Street Furniture permit to allow the placement of 6 long tables with 12 matching benches, 3 bistro tables and 12 chairs outside The Elephant and Hind, 18-19 Market Square, Dover. The applicant has requested they be placed between 10:00 hrs to 00:00 hrs every day.
- 2.2 A copy of the application form and plan is shown at **Appendix A**. A map of the area can be found at **Appendix B**.
- 2.3 There is currently a permit for 6 tables and 12 benches at the Elephant and Hind between 10:00 hrs and 22:30 hrs every day. This permit has been in place since 1 July 2019. A copy of the permit is not included within this report as it is pending issue following the outcome of this committee. As these permits are not transferable, and there have been development works in Market Square, Mr Richardson has submitted a new application to supersede the current permit.
- 2.4 Mr Richardson originally submitted an application on 11 April 2022 for 6 long tables and benches, 4 bistro tables and chairs and 2 round tables and chairs. Dover Town Council objected to the application as they felt that such applications should be balanced with safe pedestrian passage. The matter was referred to Regulatory Committee on 18 October 2022, where the application was refused. The minutes of that meeting and the plan of the proposal are shown at **Appendix C**.
- 2.4 As part of the consultation process views have been sought from local businesses, Kent Highway Services, Police, Town Council, Fire Service, Planning, and other internal departments within Dover District Council as appropriate, and none have made representation, The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.
- 2.5 One representation was received in respect of this application (see **Appendix E**), as follows:

Dover Town Council object as they say that the added number of tables and chairs will cause too much overcrowding in an area of high pedestrian footfall. The likelihood of patrons pushing chairs back and the addition of a barrier will force pedestrians to walk on the roadway. They also feel that the extension of hours for the

outdoor seating is unacceptable owing to the amount of immediately residential properties.

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 and plan

Appendix B – Map of the area

Appendix C –Minutes from Regulatory Committee on 18 October 2022 and plan of the proposal where previous application was refused

Appendix D - Representation

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