
Subject:	Highways Act 1980 – Section 115E – The Art Club, 27 Market Square, Dover
Meeting and Date:	Regulatory Committee – 19 March 2024
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 Travis Skelton has applied for a Street Furniture permit to allow the placement of 10 four seater picnic style tables with bench seats, 5 tables and 20 chairs outside Art Club, 27 Market Square, Dover. The applicant has requested they be placed between 08:30 hrs to 23:00 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 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. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.5 7 objections were received in respect of this application (see **Appendix D**), as follows:

1) **Peter Wallace** says that as a local business owner he wants to attract people to Dover, but does not feel that seats and tables in this location will help. It's the wrong idea in the wrong location. He says that whilst the location needs to be enhanced, he is worried about noise, alcohol and anti-social behaviour. There is already too much anti-social behaviour in the Market Square and Pencester Gardens already.

2) **Michelle Richards** objects to this application as she feels it is too many chairs on the outside and will cause too much excess noise.

3) **Dover Town Council** strongly objects to the siting of benches on Market Street at the Roman Lawn. This is the only vehicular and main pedestrian access. Placing benches in the proposed location hinders the entrance to Roman Lawns, which is frequently used for events. This could disrupt planned activities and limit public access to a space that is historically significant and often utilised for community gatherings. The area in front of the entrance is crucial for crowd control during events held at Roman Lawns. Granting the license will compromise the safety and security of the public, as the intended placement could impede safe access and efficient crowd

management protocols. The potential negative impacts on the functionality of Roman Lawns should be carefully considered. The placement of benches close to the roadway on pedestrian areas also is not safe for people using the benches. It is not feasible to expect that the benches would be removed in a timely fashion for events. The Roman Lawn is likely to be used even more in the coming years than previously. The tables and chairs in front of the Art Club are not being objected to.

- 4) **Reginaldo Gattward** says that the licence should not be granted to this establishment, this would only disrupt the public, and also create a precedent for all other local businesses to follow. The number of people on the road using these tables will also block the entrance/access to the bins and the Roman-painted greens.
- 5) **Rob Reid Easton (Principal Valuer from Dover District Council)** says that it appears that the whole of this land is owned by Dover District Council, but it is also Public Highway. He states that the tables appear to be very close to an open bin store for commercial premises waste.
- 6) **Paul Jaconelli (Waste Services Officer from Dover District Council)** says that the only concern he has is that Dover District Council have a commercial bin store and also household waste bins in Market Street that will need access for emptying on collection days. There needs to be enough room to be able to get the bins in and out of the collection area.
- 7) **Jayne Miles (Strategic Place, Tourism and Town Centre Manager from Dover District Council)** says that the Town Centre and Tourism team believe that the proposal for pavement seating will be an excellent addition to the area as it will make the town centre more attractive and welcoming.

As well as pavement seating the application also includes siting benches on the DDC owned land, which is also a public right of way. This land is at the entrance to the Roman Painted Lawn and is adjacent to two large residential bins and a bin store area which houses around 10 large business bins.

They believe benches placed here would cause access problems for:

- DDC staff and contractors. With works going on at the Roman Painted House this access point is likely to be needed more often this year.
- Bin collection companies, of which there are multiple
- Organisations wishing to hire the Roman Lawn for events. Users of the Roman Lawn include Samphire, Dover Big local and Dover Pride

If the application was to be reviewed and benches moved to the pavement they would fully support the application.

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 – Map of the area

Appendix C –Representations

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