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<b>Subject:</b>	Highways Act 1980 – Section 115E – The Toll Bridge, 7 Fisherman’s Wharf, Sandwich
<b>Meeting and Date:</b>	Regulatory Committee – 16 April 2024
<b>Report of:</b>	Rebecca Pordage, Licensing Manager
<b>Classification:</b>	Unrestricted

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**Purpose of the report:** Review of permit to site street furniture on the highway

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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 The placing of objects or structures on the highway is controlled by the provisions of Part VIIA of the Highways Act 1980 and applies to all public highways.

2.2 In the case of privately owned land, if the public has, without interruption, for a period of 20 years enjoyed the right to pass or repass then the land is deemed to have been dedicated as a highway (unless there is sufficient evidence that there was no intention during that period to so dedicate it). Consent to place street furniture is therefore required.

2.3 Graham & Stephens Ltd applied to the Council for a Street Furniture permit to allow the placement of 3 TABLES and 6 CHAIRS on the highway fronting The Toll Bridge, 7 Fishermans Wharf, Sandwich, Kent. The application for the siting of this furniture was received on 3 April 2023.

2.4 A 28 day consultation period followed and as part of the consultation process views were 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 No objections were received in respect of the application so it was granted as applied for.

2.6 The Street Furniture permit allows this furniture to be sited between the hours of 11am – 11pm every day.

The current permit is due to expire on 1 May 2024, and a copy of the permit is shown at **Appendix A**.

2.7 A copy of the plan showing how the furniture is currently situated is shown at **Appendix B**. A map of the area is shown at **Appendix C**.

2.8 Subsequently, on 7 February 2024, a complaint was received by Dover District Council from a local resident who had purchased a neighbouring property in December 2023. The resident complained that they had heard that permits to site street furniture were in place for the summer months for neighbouring businesses

which would restrict vehicular access granted to them because the furniture would prohibit access to the road.

- 2.9 In light of the complaint, The Toll Bridge have been instructed by the Council not to place out the tables and chairs under the permit until the matter has been considered by the Committee, as per condition 13 of the permit.
- 2.10 The complainant has made a submission, dated 28 March 2024, to be put before Regulatory Committee and this is shown at **Appendix D**.
- 2.11 The Highways Act Permit has a number of conditions attached to it. Attention is drawn to conditions 2 and 7 in this case.
- 2.12 On 19 March 2024, Rebecca Pordage (Licensing Manager) and Paul James (Licensing Enforcement Officer) met with the licensees for The Crispin Inn and The Toll Bridge to discuss the issues relating to street furniture permits. Both premises agreed that they would not site the furniture until the current situation has been reviewed. The complainant has since advised the Licensing Team that they do not have an issue with the siting of the furniture by The Crispin Inn as it does not prohibit vehicular access to their property, it is the furniture sited by The Toll Bridge that excludes them from using the road. Photos of the site visit on 19 March 2024 are shown at **Appendix E**.
- 2.13 Kent Highways have been contacted with regards to this matter, and they have confirmed that there are vehicular access rights granted across the land. A formal response from KCC Highways on this matter is awaited.

### **3 Options available to the Committee:**

- (1) To allow the permit to remain in its current form (due to expire on 1 May 2024 where upon a renewal application would be needed)
- (2) To revoke the permit based on the new information that has been received

There is no option to modify the permit in these circumstances as any change to the plan would require a new application which will need to be consulted on with local residents who may be affected.

### **Appendices**

Appendix A – Street Furniture Permit to site furniture outside The Toll Bridge

Appendix B – Street Furniture Plan

Appendix C – Map of the area

Appendix D – Written submission received from local resident (28 March 2024)

Appendix E – Site photos taken on 19 March 2024

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