

## **CABINET**

**27 OCTOBER 2015**

### **PLACING OBJECTS ON HIGHWAYS**

Portfolio Holders: Councillor Phil Filmer, Front Line Services  
Councillor Rupert Turpin, Business Management  
Councillor Andrew Mackness, Corporate Services  
Councillor Jane Chitty, Planning, Economic Growth and Regulation

Report from: Richard Hicks Director of Regeneration, Community and Culture

Author: Sunny Ee, Regeneration Project Manager

#### **Summary**

The report sets out proposals for an all inclusive policy for dealing with shop front displays, tables and chairs and A-boards on the highway, to ensure parity amongst traders and the public.

A draft policy attached (Appendix 2) responds to comments received from both the public and traders and, subject to Cabinet's consideration it will go out to public consultation. Subject to the response from the public consultation a policy will go to Full Council for adoption.

#### **1. Budget and Policy Framework**

- 1.1 Officers would propose charging a reasonable fee for the licences. This charge would need to be added to the schedule of fees and charges and would therefore need the approval of Full Council.
- 1.2 Implementing the policy would be in keeping with the key priorities listed in The Council Plan 2013-15; 'Safe, Clean and Green Medway' and 'Customers at the centre of everything that we do'. In addition the Policy also supports Priority 2- *Improving The Local Street Scene*, in the Community Safety Plan 2013-16.
- 1.3 Through the regulation of the parameters in which traders can operate, the Council could ensure that safety criteria from the emergency services is adhered to, along with crucial day to day health and safety regulations. The public are recognised at the forefront of this policy, with improved access to the High Street for all residents, while improving the quality and aesthetics of displays. Whilst approval of the Policy will be a matter for Cabinet, approval of

fees and charges and the delegation of relevant functions to officers are a matter for Full Council.

- 1.4 Currently there is confusion on the extent to which traders can use the highways for their businesses. This has manifested itself in numerous complaints from the public, retailers and traders.

## **2. Background**

- 2.1 The number of unregulated businesses operating on Chatham High Street has significantly increased in recent years. Currently 45 businesses use the highways as an extension of their trade, resulting in unregulated tables, chairs and shop front displays being placed on the High Street (see Appendix 1). In addition there are currently 87 unregulated A-boards.

### **2.2 Key Objectives:**

- Promote parity and uniform standards, ensuring equity, across shop front traders, cafes and restaurants. This will consequently improve the quality of displays, while promoting the safety of pedestrians and ensuring compliance with the regulations from the emergency services.
- Present a solution that has minimal cost to businesses and is cost neutral in terms of resources needed to implement the policy.
- Deliver an option that is acceptable and enforceable.

### **2.3 The Proposal:**

- 2.3.1 The licensing of the highways on Chatham High Street will enhance the aesthetics of the public realm, promoting quality and reinforce necessary safety measures. In addition a clear policy will give traders clear guidance over what is acceptable or unacceptable; this should address the complaints and enquiries received from traders and the public enabling the council to enforce with parity where appropriate.

- 2.3.2 For an example of a policy on A-boards, see Appendix 2, which will be made available to traders. The clear criteria will enable officers to enforce policy more effectively when necessary. Traders contravening the A-board policy will be given the benefit of the doubt in the first instance and will be made aware of the policy with a deadline to rectify the contravention. If, at a later date the same Trader is still contravening the policy they will be charged £40 per enforcement visit. There will be no application process for A-boards.

- 2.3.3 The highways licensing will be a one-year pilot scheme in Chatham High Street. The area intended to trial the proposal will encompass Holborn Lane to the intersection between the High Street and Brook Road; this area will also include some side streets (see map attached, Appendix 1). At the end of the year, the pilot scheme will be reassessed and reviewed; amendments can be made along with, if appropriate, the decision to expand this scheme on a larger scale to the rest of Medway.

- 2.3.4 With approximately 45 businesses operating on the highways adjacent to their shop/ restaurant, it is essential that these businesses comply with the safety and quality criteria established in the proposed licence agreement (Appendix 2).
- 2.3.5 To ensure the sustainability of the legislation, administrative and enforcement costs should be absorbed, as much as possible, by those businesses using the highways. Table 1 depicts costs that will be passed onto traders. Section 115F of the Highways Act allows a Council to impose conditions, including requiring payment, for the granting of permission to place structures on a highway.
- 2.3.6 Unless the Council is the owner of the subsoil beneath the highway in question (which it is understood we are not), these charges may not exceed the 'standard amount'. In this case this means those charges, which 'will reimburse the council their reasonable expenses in connection with granting the permission'. As such, making a profit from this policy is not possible and the charge proposed will only cover the costs incurred by the Council for managing this policy.
- 2.4 Costs/ resources needed:  
The non-refundable £162 fee charged upon application will allow this policy to be cost neutral for the Council, funding the necessary resources to implement and enforce the policy.

2.5 Proposed Licensing Fees:

*Table 1*

	<i>Per annum licence Fee (£)</i>	<i>Enforcement fee (£)*</i>
Shop Front Displays & Booths	162	<b>40</b>
Tables & Chairs	162	<b>40</b>

\* A charge of £40 will be incurred per call out in the event of a trader not abiding to their licence agreement or the Council's policy, after an initial warning/ visit. Full proposed Terms and Conditions are outlined in Appendix 2.

2.6 Timescales:

- Cabinet, to seek permission to go out to consultation; **27 October 2015.**
- Consultation process, including preparation, consultation and analysis; **7 weeks.**
- Submit report and Licence Policy to Regeneration, Community and Culture Overview and Scrutiny Committee; **28 January 2015**
- Submit for final approval from Cabinet; **8 March 2016.**

- Seek authority at Full Council to set the relevant fees and charges, stated in the licensing document; **28 April 2016**
- Set up the administrative processes; **could be initiated alongside consultations and approval of policies.**
- Armistice period for existing traders to apply for licences once informed of the new policy; **8 weeks.**
- Application assessment/processing; **4 weeks.**
- Expected all applications received, assessed and enforcement **by Summer 2016.**

By summer 2016 Officers would be able to determine the traders who are not adhering to the new licensing policy, and would exercise appropriate enforcement powers.

### 3. Options

#### 1) **Proposal in its entirety.**

This option provides the best balance of providing parity for traders and the public, while providing a safe environment within Chatham's Town Centres.

Or

#### 2) **Principles of proposal but with reduced charges to traders.**

This would not be viable to the Council, as the policy would no longer be cost neutral, given the resources needed to implement and enforce the policy. In addition this fee reflects the existing policy in neighbouring Kent County Council.

Or

#### 3) **Do nothing and leave tables and chairs policy as it is, without further regulations.**

This would exasperate the current issues and conditions, which would be unacceptable to both traders and the public.

### 4. Advice and analysis

#### 4.1 The proposed fee for shop front displays and tables and chairs being placed on the highways, has been carefully calculated to ensure;

- I. Clarity for traders, with uniform fees for both shop front displays and tables and chairs, the application process will be straightforward.
- II. Fees are in line with Kent County Council (KCC) who charge a non refundable £162 upon application.

- III. The income from these fees is a necessary resource for the Council in order to meet the increased demand and pressure on Council services. The selected fees would provide a cost neutral option to the Council, thereby ensuring the sustainability of the policy. Should this policy be considered for implementation in other town centres then a re-evaluation of Council resources will be required, to ensure continued sustainability.
- IV. The safety of pedestrians; there is a need to regulate items placed on highways in order to improve access to the High Street. This will help ensure that the Council meets its equality commitments and the Equality Act obligations.

- 4.2 The rationale for the regulation of A-boards is to ensure that safety criteria are adhered. No charge should be incurred. KCC currently have this process in place, in order to act in the interest of traders and pedestrians. Traders contravening the A-board policy will be given the benefit of the doubt in the first instance and will be made aware of the policy with a deadline to rectify the contravention. If at a later date the same Trader is still contravening the policy they will be charged £40 per enforcement visit.
- 4.3 The findings from the Diversity Impact Assessment (see Appendix 3), suggest that the licensing would have a positive impact for all members of the public. The licensing would ensure that Chatham High Street has continuity, with a limit imposed to prevent traders' stands straying past the rain gutters. The pavement will therefore have a designated safe area, for those with mobility disabilities or visual impairments, which will be free from any obstructions.

## 5. Risk management

Table 3

Risk	Description	Action to avoid or mitigate risk	Risk rating
<ul style="list-style-type: none"> <li>▪ Lack of internal resources to deliver</li> </ul>	Potentially additional cost to the Council. In the initial phase 45 applications may be submitted.	In order to ensure the licensing is cost neutral to the council, traders will incur charges to pay for additional resources.	C2
<ul style="list-style-type: none"> <li>▪ Unpopular with some traders</li> </ul>	Delivering this could be an issue with potential trader backlash, in response to a new process with new cost implications.	There is a clear public demand for a higher quality and safer environment on Medway's high streets manifested through a high number of complaints. Subsequently there is an expectation for the Council to provide a solution. This demand/expectation can be used to counterbalance any issues with traders who object to the policy and it's enforcement.	C2
<ul style="list-style-type: none"> <li>▪ Online application process is unclear and difficult .</li> </ul>	The application process is dependent upon the online system working smoothly. There is a risk of insufficient clarity and teething problems with a new system.	Consultation with relevant Council Officers to ensure the website is user friendly and clear. Closely monitor the initial 8-week period of applications on the webpage and improve/intervene as necessary.	D3

## 6. Consultation

- 6.1 Town Centre Managers have received multiple complaints over a significant period of time from both traders and members of the public, concerning the expansion of trade onto the highways, causing obstructions to the public and posing safety risks.
- 6.2 In order to raise the quality of displays and promote a safer environment, relevant Portfolio Holders asked officers to review this policy.
- 6.3 This report is the outcome of consultation with key officers, who would be central in the delivery of the licensing; their advice has been taken into account.
- 6.4 The proposed policy will go out to public consultation for a period of 4 weeks before it is adopted.

## **7. Financial implications**

- 7.1 The proposed fee of £162 will enable the policy to be cost neutral. Enforcement will charge **£40** per call out in the event of a shop trader not abiding to their licence agreement or the Council's policy, after an initial warning/ visit.

## **8. Legal implications**

- 8.1 It is a statutory duty of the Council to prevent obstructions on the highways, under section 130 Highways Act 1980. However, there is an express provision in section 115A-K Highways Act 1980 that gives the Council power to licence certain installations (including tables and chairs) that would otherwise constitute an obstruction.
- 8.2 The decision to adopt a policy will be a decision for Cabinet. The policies would then be subject of consultation. Cabinet would consider the responses to consultation before taking a decision to adopt the policy in its final form.
- 8.3 The decision about the licence fee to be charged will be a decision for Full Council.
- 8.4 Once the policy has been adopted by Cabinet and the fees determined by Full Council, it is recommended that Full Council delegate the function of processing and determining individual applications to an officer.
- 8.5 In some cases additional permissions will be required in addition to consent under the Highways Act 1980, such as planning permission and premises licence under the Licensing Act 2003.

## **9. Recommendation**

- 9.1 That Cabinet agree that the Placing Objects on Highways Policy attached at Appendix 2 be approved for public consultation.

## **10. Suggested Reasons for Decisions**

- 10.1 The introduction of a Highways Licensing Policy would enhance the aesthetics of the public realm, promoting quality and reinforce necessary safety measures. In addition a clear policy would give traders certainty over what was acceptable or unacceptable; this should address the complaints and enquiries received from traders and the public. Public consultation will help inform the development of the policy.

### **Lead officer contact**

Sunny Ee  
Chatham Regeneration Project Manager  
Gun Wharf  
01634 331 030  
[sunny.ee@medway.gov.uk](mailto:sunny.ee@medway.gov.uk)

## **Background papers**

None

## **Appendices:**

Appendix 1	Map illustrating positioning of A-boards, shop front displays & table and chairs on highways
Appendix 2	Proposed Highways Licensing Policy
Appendix 3	Diversity Impact Assessment





Current Use of Highways in Chatham Town Centre for Alfresco/Display and A Boards, October 2014



**MEDWAY COUNCIL - POLICY STATEMENT**  
**Placing Objects on the Highway**

**1. Purpose**

A licence for shop front displays and for the use of table and chairs on the Highways is in conjunction with the need to promote; safety, equity and visual quality across Chatham High Street. A glossary is attached at the end of the document for clarification of key terms, along with cost tables summarising charges (See Appendix 1, p.6). Guidelines of appropriate street furniture are also outlined see Appendix 2 (Figures 1 & 2, p.7).

**2. Shop Front Displays & Booths**

*Charges may apply, see below.*

- (a) The display of goods on the highways will require permission from Medway Council under the Highways Act 1980.
- (b) Before approval is given, a Council officer will measure the area and an appropriate display area will be agreed. Goods must be kept within the agreed display area.
- (c) Permission may be granted if the following criteria are met;
  - i. A minimum width of 1.8 metres between the edge of the goods and the edge of the footway (being a kerb line or a drainage channel), to cater for pedestrians. The Council will assess applications for displays on shared surface areas on an individual basis (refer to 1 for glossary, p.6).
  - ii. All products and goods displayed must be raised by at least 1m from the ground. Stands used to accommodate this shall be covered to ground level using either synthetic green turf or black cloth.
  - iii. A shop front display must be positioned immediately next to the property.
  - iv. The furniture is the owner's responsibility when placed on the highway, and Medway Council will not be liable for any damage or injury caused to highway users. Therefore, the owner must hold Public Liability Insurance of at least £5 million.
  - v. Only those commodities sold in the shop premises can be displayed outside the premises provided they are not any of the excluded items listed in 3 (Section 1, p. 8).
  - vi. For the sale of food the criteria listed in Appendix 3 (Section 2, Food regulations p.8) must be adhered to.
  - vii. The display must be of a suitable construction, to ensure minimal damage if there is a collision, the display must not have protruding parts or sharp edges.
  - viii. The display will not cause any damage to the highway, or impede surface water drainage or obstruct access to any premises.
  - ix. No clothes rails should be situated on the highways.
  - x. The shop front display must only be displayed during business hours and must be removed outside of these hours.
  - xi. A shop front display must be removed or repositioned with immediate effect if requested by an officer from Medway Council or a member of the emergency services.

- (d) The Council reserves the right to require the removal of goods within the permitted display areas during festivals or any other event. The Council also reserves the right to revoke the licence at any time.
- (g) Each licence or annual renewal will require a one off £162 fee each year (See Appendix 1 for cost table 1, p. 6). An appeals process is available and should be made to the Head of Integrated Transport.  
Any query or report of a trader deviating from the agreed upon terms, which requires a council officer to visit the site will be given the benefit of the doubt in the first instance and will be made aware of the policy with a deadline to rectify the contravention. If, at a later date the same Trader is still contravening the policy they will be charged £40 call out charge per enforcement visit.
- (h) If approval is given for a licence and no alterations have been made to the quantity and positioning of the tables and chairs, no plans need to be submitted when renewing the licence. The £162 should be paid online to validate the licence for the next 12 months; this process needs to be completed on an annual basis.

### **3. Tables and Chairs**

*Charges may apply, see below.*

- (a) The placing of tables and chairs on the public highway outside restaurants and public houses requires a licence issued by Medway Council under Part VII of the Highways Act 1980.
- (c) A licence may be issued if the following criteria are met;
- i. The furniture will not cause any damage to the highway, or impede surface water drainage or obstruct access to any premises.
  - ii. The furniture is the owner's responsibility when placed on the highway, and Medway Council will not be liable for any damage or injury caused to highway users. The owner must therefore hold Public Liability Insurance of £5 million.
  - iii. The furniture shall be removed outside of opening hours.
  - iv. The furniture must be positioned immediately next to the property.
  - v. A minimum unobstructed footway width of 1.8 metres should be maintained at all times. No furniture will be permitted in cases where the minimum standard cannot be achieved.
  - vi. To view guidance measurements for tables and chairs refer to Appendix 2 (Figure 1, p. 7). These measurements should be adhered to where possible; departures from this will be subject to the Council's discretion.
  - vii. There are to be no permanent fences or enclosures of the area. See Appendix 2 (Figure 2, p.7) for guidelines for free standing outdoor partitions.
  - viii. The tables are to be **regularly** cleared of glasses, plates, ashtrays, etc and the surrounding area to be swept clear of litter, food and smoking deposits etc. The licensee must provide the means at tables for customers to extinguish smoking debris and safely dispose of the waste.
  - ix. Waste deposited on the Highway must be removed each day at the Licensee's expense or at more frequent intervals as may be required by the Council under the Environmental Protection Act 1990.

- x. This licence does not give permission to serve alcohol. An application **must** be made to Medway Council's licensing team for a licence to sell intoxicating drink.
  - xi. The area permitted for tables and chairs is to be used solely for the purpose of consuming refreshments.
  - xii. No charge shall be made by the Licensee for the use of the chairs and tables.
  - xiii. The table and chairs must be removed or repositioned with immediate effect if requested by an officer from Medway Council or a member of the emergency services.
- (f) The licensee must comply with the Public Order and Nuisance, and section 137 Highways Act 1980. The Council reserves the right to revoke the licence at any time.
- (g) Each new licence and annual renewal will require £162 one off payment each year. The licence is valid for 12 months and will need updating thereafter (See Appendix 1 for cost table 1, p.6). An appeals process is available and should be made to the Head of Integrated Transport. Any query or report of a trader deviating from the agreed upon terms, which requires a council officer to visit the site will be given the benefit of the doubt in the first instance and will be made aware of the policy with a deadline to rectify the contravention. If, at a later date the same Trader is still contravening the policy they will be charged £40 call out charge per enforcement visit. Traders' will only pay this fee if they have deviated from the agreed upon terms. If the trader has complied with the agreed terms, no charge will be made.
- (h) No plans need to be submitted when renewing the licence if no alterations have been made to the quantity and positioning of the tables and chairs from that approved. The £162 should be paid online to validate the licence for the next 12 months; this process needs to be completed on an annual basis.

#### **4. Shop Front Displays & Tables and Chairs**

*Charges may apply, see below.*

- (a) An application requesting a licence for both shop front displays and tables and chairs should be stated in the initial application.
- (b) The cost for applying for a licence that requires both shop front displays and tables and chairs will be the same £162 in total, see Appendix 1 (for cost tables, p. 6).
- (c) It will be necessary to submit plans of where the intended furniture would be placed on the highway.

#### **5. Advertising Boards (A-boards/ floor standing boards/signs/banners)**

*Charges may apply;*

- a) The use of advertising boards (see glossary p.5) on the public highway, i.e. the footway, footpaths or carriageway will require permission from Medway Council under the Highways Act 1980.
- b) No charge will be incurred for the use of advertising boards, unless officers are repeatedly required to visit the same site after a previous warning. Traders contravening the advertising board policy will be given the benefit of the doubt in the first instance and will be made aware of the policy with a deadline to rectify the contravention. If, at a later date the same Trader is still contravening the policy they will be charged £40 per enforcement visit. There will be no

application process. The Council reserves the right to remove advertising boards if conditions are not met.

- ii. All advertising boards placed on the highway must be able to be moved freely and easily. Advertising boards must be stable and kept upright. They can be safely and discretely weighted down if required. Advertising boards should not have protruding parts or sharp edges.
- iii. Advertising boards shall not cause any damage to the highway, or impede surface water drainage or obstruct access to any premises.
- iv. Advertising boards will be the owner's responsibility when placed on the highway, and Medway Council will not be liable for any damage or injury caused to highway users. The owner must therefore hold Public Liability Insurance of not less than £5 million against any liability, loss or damage, claim or proceeding whatsoever arising under Statute or Common Law in respect of the placing of temporary obstructions on the highway or their removal there from.
- v. Advertising boards must relate to the normal business of the premises and must be removed outside of business hours. Advertising boards must not be placed on the public highway where a private forecourt is available, and should be within 2 metres of the property.
- vi. Subject to available space, 2 advertising boards is the maximum number permitted per business. If a trader wishes to display more, permission must be sought from the Council's Highways Network Management Team and may be refused.
- vii. Advertising boards must not cause a visual distraction to drivers of road vehicles or obstruction to pedestrians on the highway.
- viii. Advertising boards should be easily detectable and noticeable to users who have visual impairments and situated in such a way that they can be negotiated with ease by users with mobility problems.
- ix. A minimum unobstructed footway width of 1.8 metres should be maintained at all times. The drainage channel should always be kept clear from obstructions.
- x. Advertising boards must be between: 0.8 metres to 1.05 metres high and 0.45 metres to 0.7 metres wide.
- xi. Advertising boards must be removed or repositioned with immediate effect if requested by an officer from Medway Council or a member of the emergency services.
- xii. Advertising boards must not contain any material or information that would prejudice the council or break current legislation or carry political information.

## **6. General**

- (a) Goods or other items placed outside of the approved area or placed in contravention of any instruction given under this Policy may be removed by the Council subject to the licence holder or his representative being given written notice in accordance with the provisions of section 115K (1) of the Highways Act 1980.
- (b) Any expenses incurred by Medway Council in the in the removal of such items will be recovered from the licence holder in accordance with the provisions of section 115K (3) of the Highways Act 1980. Medway Council cannot be held responsible for any damage caused to items during their removal, storage and return.
- (c) Any breach of this policy may also lead to formal action by Medway Council.
- (d) Medway Council reserve the right to terminate a licence without notice.
- (e) No tables, chairs or temporary street furniture shall remain on the highways if their permit has expired.
- (f) Any deviation from licence agreement that necessitates a visit from the Council's enforcement officers, after the first visit, will incur a £40 charge to the prospective business.

## **Appendix 1**

### **Glossary**

**Advertising boards-** This term refers to the use of A-boards, floor standing boards, signs or banners.

**Goods-** Any: Stock, produce, wares or merchandise for sale.

**Shop Front Displays-** Refers to licenses issued for shop front displays or the placing of tables and chairs outside premises.

**Licensed Area-** An area in any street permitted by the Council as a place where street displays may be engaged in by a Shop Front Trader and includes any temporary alternative place approved by the Council.

**Licensed Holder-** The person permitted to carry out shop front displays activity from an authorised licensed area.

**Shared Surfaces-** A land area which is accessible to both pedestrians and vehicles, that has been design to prioritise pedestrians.

**Stand-** Encompasses anything that is used (whether constructed or adapted for this use) for example: boxes, vessels, and tables.

**The Council-** Refers to Medway Council.

**Conservation Area-** “an area of special architectural or historic interest the character or appearance of which is desirable to preserve or enhance”. Historic areas of distinctive quality and character have a strong sense of place and provide continuity and stability in a rapidly changing world. The special interest of Conservation Areas stem from one or more of the following factors:

- The archaeological significance and potential of the area.
- The architectural and historic quality, character and coherence.
- The contribution made by green spaces, trees and hedges

### **Table 1**

#### **Cost Table**

***The fee is an annual charge that must be paid for the licence to be valid***

	<i>License Fee (£)</i>	<i>Call out charge per visit* (£)</i>
Shop Front Displays & Booths	162	<b>40</b>
Tables and Chairs	162	<b>40</b>
Shop Front Displays & Booths and Tables and Chairs	162	<b>40</b>
Advertising boards	0	<b>40</b>

*\* The call out charge incurred by a trader for additional visits from council officers, if traders have not been abiding their licence agreement or the Council's policy*



## Appendix 2

Figure 1 – Protocol for table and chair designs.



- Seat 55wx58dx44h(cm)
- Overall height 72h(cm)
- Table 70wx70dx74h(cm)



- Table 80diax74h(cm)
- Seat 54wx54dx44h(cm)
- Overall height 72h(cm)



- Seat 40wx42dx44h(cm)
- Overall height 72h(cm)
- Table 60Diax74h(cm)



- Seat 50wx52dx44h(cm)
- Armchair overall 72h(cm)
- Table 70Dia x 74h(cm)

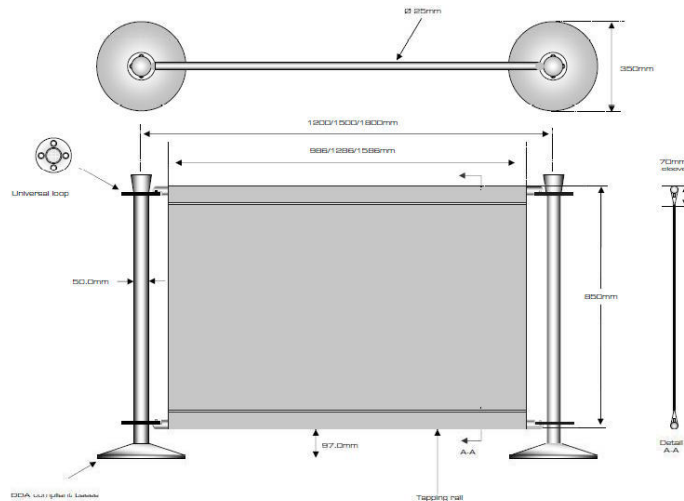


- Seat 35wx35dx46h(cm)
- Overall height 85(cm)
- Table 70diax76h(cm)



- Table 70diax74h(cm)
- Seat 53wx50dx44h(cm)
- Overall height 79(cm)

Figure 2- Specified dimensions for free standing outdoor partitions



## Appendix 3

### Section 1

Commodities which cannot be displayed on shop front displays:

- a. Alcoholic beverages, tobacco and tobacco products;
- b. Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
- c. Medicines, drugs and other prescribed substances;
- d. New and used cars and motorcycles;
- e. Pets and livestock
- f. Containers of Liquid Petroleum Gas (LPG) including any which are fully or partly discharged;
- g. Explosives including fireworks;
- h. Goods posing a Health and Safety risk to the public.
- i. Any other product deemed to be inappropriate by Council Officers.

### Section 2

Food regulations which must be abided by:

- a) **All Traders must be registered as a food business with Medway Council.**
- b) All traders involved in the sale of food must comply with the requirements of the Food Safety Act 1990, Food and Safety Hygiene (England) Regulations 2013.

# Diversity impact assessment – Appendix 3

## DIVERSITY IMPACT ASSESSMENT

<b>TITLE</b> <i>Name/description of the issue being assessed</i>	Licensing Placing Items on the Highways 1 year pilot in Chatham High Street.
<b>DATE</b> <i>Date the DIA is completed</i>	23/10/2014
<b>LEAD OFFICER</b> <i>Name of person responsible for carrying out the DIA.</i>	Sunny Ee/ Elizabeth Carter

### 1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

The licensing of the highways objective is to regulate the placement of A-Boards/ floor standing boards/signs/banners, tables and chairs and shop front displays. This will change the current situation, as obstructions will not be placed on the minimum specified width of Highways that has to be kept clear for pedestrians and traffic. The licensing will ensure that:

- Safety requirements for emergency vehicles are adhered to.
- Traders hold public liability insurance of a minimum of £5 million.
- Improve the aesthesis of the High Street.
- Safety for pedestrians.

### 2 Summary of evidence used to support this assessment

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

- The Licensing Policy is in response to complaints received by Town Centre Managers and Cabinet/Ward Members from both pedestrians and traders.
- This Policy has taken guidance from existing, successful schemes in neighbouring local authorities.
- The Policy is the result of collaboration between officers from the Highways team- Network Management and Enforcement, and BASS, to ensure that the Policy can be implemented.

### 3 What is the likely impact of the proposed change?

*Is it likely to:*

- *Adversely impact on one or more of the protected characteristic groups?*
- *Advance equality of opportunity for one or more of the protected characteristic groups?*
- *Foster good relations between people who share a protected characteristic and those who don't?*

*(insert ✓ in one or more boxes)*

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age			✓(Older people,

# Diversity impact assessment – Appendix 3

			buggies)
<b>Disability</b>			✓
<b>Gender reassignment</b>			
<b>Marriage/civil partnership</b>			
<b>Pregnancy/maternity</b>			
<b>Race</b>			
<b>Religion/belief</b>			
<b>Sex</b>			
<b>Sexual orientation</b>			
<b>Other (eg low income groups)</b>	✓		✓

#### 4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

The legislation is uniform, and does not deviate on any grounds from the criteria stated in the licensing document. The only reason a trader is not able to use the highways for tables and chairs or displays is where it is unsafe to do so, the safety criteria is also stated in the licensing document.

Therefore, the only impacts will be positive as safety standards will be adhered to and the minimum statutory pedestrian highway will be free from any obstructions, providing a safe area for those with mobility disabilities or visual impairments.

The set charge will impact traders with lower incomes the most, however, the overall cost is considerably less per square metre than local rents and the same charge applies to all licenses equally.

#### 5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

The set charges will encourage good relations; the uniform approach will promote equality.

# Diversity impact assessment – Appendix 3

## 6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review date
If legislation goes ahead to consult generally on the policy for a period of 4 weeks	<b>Sunny Ee</b>	<b>TBC</b>
If legislation goes ahead to consult on the policy with Service Manager at Medway Council for physical and learning disabilities and sensory services.	<b>Sunny Ee</b>	<b>TBC</b>
If legislation goes ahead to consult on the policy with the Older People’s forum	<b>Sunny Ee</b>	<b>TBC</b>
If legislation goes ahead to consult on the policy with Town Centre forums and traders	<b>Sunny Ee</b>	<b>TBC</b>
After the consultation findings have been incorporated into the policy and agreed by Cabinet to monitor any adverse affects of the policy quarterly	<b>Traffic Management</b>	<b>TBC</b>

## 7 Recommendation

*The recommendation by the lead officer should be stated below. This may be:*

- *to proceed with the change implementing action plan if appropriate*
- *consider alternatives*
- *gather further evidence*

*If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.*

To proceed with the change implementing an action plan if appropriate, the feedback from the groups stated above will be taken into consideration.

Monitoring of the impacts of the Policy will be necessary to ensure objectives are being met.

## 8 Authorisation

*The authorising officer is consenting that:*

- *the recommendation can be implemented*
- *sufficient evidence has been obtained and appropriate mitigation is planned*
- *the Action Plan will be incorporated into service plan and monitored*

**Assistant Director**

**Andy McGrath**

**Date**

**13.10.2015**

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email: [annamarie.lawrence@medway.gov.uk](mailto:annamarie.lawrence@medway.gov.uk)  
 C&A: phone 1031 email: [paul.clarke@medway.gov.uk](mailto:paul.clarke@medway.gov.uk)  
 BSD: phone 2472 or 1490 email: [corppi@medway.gov.uk](mailto:corppi@medway.gov.uk)  
 PH: phone 2636 email: [david.whiting@medway.gov.uk](mailto:david.whiting@medway.gov.uk)

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication