

MEDWAY COUNCIL – DRAFT 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 A, p.6). Guidelines of appropriate street furniture are also outlined see Appendix B (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 C (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.
- (e) Each licence or annual renewal will require a one off £162 fee each year (See Appendix A 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.
- (f) 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.
- (b) 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 B (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 B (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.
- (c) 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.
- (d) 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 A 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.
- (e) 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 A (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.
 - i. 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.
 - ii. Advertising boards shall not cause any damage to the highway, or impede surface water drainage or obstruct access to any premises.
 - iii. 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.
 - iv. 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.
 - v. 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.

- vi. Advertising boards must not cause a visual distraction to drivers of road vehicles or obstruction to pedestrians on the highway.
- vii. 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.
- viii. 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.
- ix. Advertising boards must be between: 0.8 metres to 1.05 metres high and 0.45 metres to 0.7 metres wide.
- x. 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.
- xi. 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 A

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	40
Tables and Chairs	162	40
Shop Front Displays & Booths and Tables and Chairs	162	40
Advertising boards	0	40

* *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 B

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)

Specified
standing outdoor

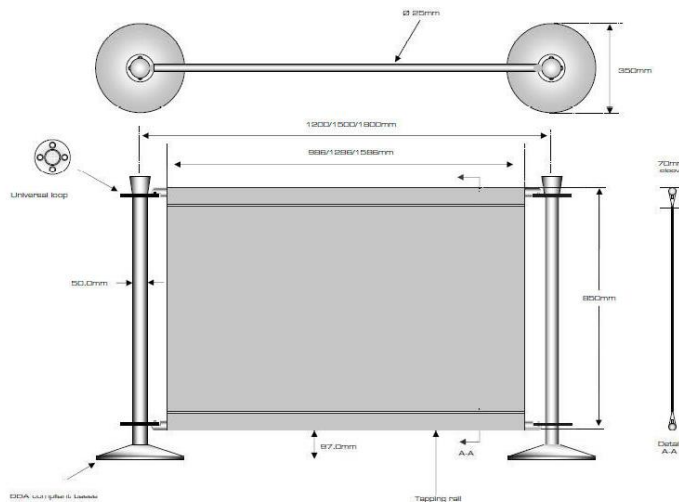


Figure 2-
dimensions for free
partitions

Appendix C

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.