

## **REGENERATION, COMMUNITY, ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE**

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### **PLACING OBJECTS ON THE HIGHWAY POLICY REVIEW**

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**Summary:**

This report reviews the twelve month pilot policy 'Placing Objects on the Highway' operated in Chatham High Street from July 2016.

#### **1. Background**

- 1.1 In March 2016, in response to the number of unregulated businesses operating in high street areas that were utilising the footway as an extension of their trading area, Cabinet agreed to implement a Placing Objects on the Highway Policy. The policy was intended to regulate the placing of tables and chairs, A-boards, and shop front displays on the highway.
- 1.2 The aim of the policy was to:
  - Promote parity and uniform standards across all traders.
  - Improve the quality of displays whilst promoting safety for pedestrians and compliance with emergency service access regulations.
  - A solution that has minimal cost to businesses and is cost neutral to implement and operate.
  - Deliver an option that is acceptable and enforceable.
- 1.3 It was agreed to trial the new policy in Chatham High Street for a twelve month period in order to ascertain the effectiveness of the policy prior to full adoption in Chatham and possible extension to other parts of Medway. The pilot commenced in July 2016.
- 1.4 For the pilot, traders were required to pay £162.00 per annum for their object licence. This entitled the trader to place furniture in an assigned area of the High Street affronting their premises for a period of twelve months. The policy also mandated a £40.00 charge for each enforcement visit where traders were displaying furniture without the necessary licence.

## 2. Current Position

- 2.1 The twelve month pilot ended in July 2017. In order to undertake a review of the pilot, the scheme was extended for an additional twelve months to July 2018. Traders on Chatham High Street were invited to purchase a further 12 month licence for the previous fee of £162.00.
- 2.2 There are currently **13** licences in place on Chatham High Street: 8 for the placement of tables and chairs outside of premises, and 5 for the placement of A-boards.

## 3. Review

- 3.1 The review of the pilot commenced in September 2017 and consisted of two separate surveys, one for Chatham residents and one for shop tenants. Both surveys were available online via the Council's website. The surveys were also delivered by letter to each shop on Chatham High Street, and a 200 random letter drop to residents in central Chatham. Residents and shop tenants had until 27 October 2017 to respond.
- 3.2 Officers contacted the Kent Fire and Rescue Service and the Kent Association for the Blind to obtain their views on any changes to the High Street area since commencement of the pilot.
- 3.3 Officers also examined the current processes behind the management and operation of the policy within the Council.

## 4. Review Results

### 4.1 Tenants Survey

- 4.1.2 The shop tenant survey received **16** responses, **8** of these indicating that they use shop furniture on the highway. Only one respondent indicated that they had received a complaint about the items outside of their shop.
- 4.1.3 A summary of the responses received is set out below:

82% of tenants agreed that there should be rules granting permission for street furniture.

69% of tenants agreed that there would be fewer hazards for pedestrians if there were boundary lines for shop furniture.

63% of tenants agreed that Chatham High Street would look nicer if shop furniture was displayed in a uniform manner.

25% of tenants agreed that management of shop furniture has improved since July 2016

12% of tenants agreed that there are fewer trip hazards on Chatham High Street since July 2016.

25% of tenants agreed that the appearance of Chatham High Street has improved since July 2016 due to improved furniture management.

4.1.4 A number of general comments were received in response to the specific questions in the survey:

- It was highlighted that the policy needs to be enforced on all shops and some shops are still placing furniture without a licence.
- The process for registering for a licence currently takes too long.
- The High Street looks more appealing and friendlier with items placed outside shops.

## 4.2 Residents Survey

4.2.1 The resident survey received **24** responses. Of these replies 29% stated they visit Chatham High Street every day, 25% visit once a week, 8% visit once a fortnight, and 38% once a month or fewer.

4.2.2 Of the responses received 48% indicated that shop furniture on Chatham High Street has caused disruption as they have moved along the High Street. One respondent stated that they had had an accident due to shop furniture on the High Street, injuring their leg on a fruit and vegetable display.

4.2.3 A summary of the responses received is set out below:

96% of residents agreed that there should be rules governing the placing of furniture on the High Street.
87% of residents agreed that there would be fewer hazards for pedestrians if there were boundary lines for shop furniture.
69% of residents agreed that the High Street would look nicer if shops put their furniture out in a uniform way.
17% agreed that management of shop furniture on the High Street had improved since July 2016.
13% agreed that there are less trip hazards on the High Street since July 2016 due to shop furniture on the highway.
17% agreed that the appearance of the High Street has improved since July 2016 due to better management of shop furniture.

## 4.3 Kent Fire and Rescue Service (KFRS) and Kent Association for the Blind (KAB)

4.3.1 In response to officer enquiries KFRS visited Chatham High Street during the summer and indicated that there were no highway blockages that would prevent emergency vehicle access. In this regard KFRS believed the new policy has had a positive impact on the High Street.

4.3.2 KAB stated that whilst they had not received any specific feedback from service users on the new policy, they had also not received any complaints or concerns on Chatham High Street furniture since July 2016. KAB also stated that any positive steps taken to limit trips hazards on the High Street would be welcomed by service users.

## **5. Analysis**

- 5.1 Both residents and traders almost universally agreed that rules governing the placing of furniture on the highway were needed and would result in fewer trip hazards and an improved visual environment.

Officers also received positive feedback from KAB and KFRS on emergency access and clear footways. In this regard, the Chatham High Street pilot has been a success.

- 5.2 For the period of the pilot, the process for issuing a licence was paper-based. An online process would be more efficient for all parties, and align with the Council's digital transformation agenda.
- 5.3 The pilot scheme generated income of around £2,100 per annum through the sale of licences.
- 5.4 The pilot scheme has run alongside an historic existing street furniture policy for Medway.
- 5.5 In order to help traders adhere to the policy a number of other Authorities have marked out the high street area that shops are entitled to utilise.

## **6. Risk management**

- 6.1 There are no risks associated with the proposals outlined within this report as the pilot scheme has already been in operation and the purpose of this report is to recommend to Cabinet that a permanent scheme now be designed.

## **7. Financial implications**

- 7.1 The fee of £162 was levied for the pilot scheme to enable the policy to be cost neutral. Enforcement has been charged at £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 of the 130 Highways Act 1980. However, there is an express provision in section 115A-K Highways Act 1980 that gives the Council power to license certain installations (including tables and chairs) that would otherwise constitute an obstruction.
- 8.2 The decision to adopt a permanent scheme will be a decision for Cabinet.
- 8.3 The decision about the licence fee to be charged will be a decision for Full Council.
- 8.4 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. Recommendations**

- 9.1. Based on the pilot scheme in Chatham it be recommended to Cabinet that a permanent scheme be designed and implemented in Chatham High Street, taking into consideration the analysis set out in this report and a detailed options appraisal.
- 9.2. It also be recommended to Cabinet that further work be carried out to extend the scheme to the other appropriate areas within Medway once the Chatham scheme has been fully embedded.

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### **Appendices**

None

### **Background Papers**

Cabinet Report – Placing Objects on the Highway 8 March 2016  
Council Report - Placing Objects on the Highway – 28 April 2016