

CABINET

7 AUGUST 2018

PLACING OBJECTS ON THE HIGHWAY POLICY REVIEW

Portfolio Holder: Councillor Phil Filmer, Front Line Services

Report from: Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive

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Summary:

This report reviews the pilot undertaken on the 'Placing Objects on the Highway' policy which operating in Chatham High Street.

1. Budget and Policy Framework

- 1.1 The Cabinet agreed the Placing Objects on Highways Policy in March 2016. A review of the pilot was considered by the Regeneration, Culture, Environment Overview and Scrutiny Committee on 23 January 2018.
- 1.2 The recommendations are within Council policy and budget framework, therefore, this is a matter for Cabinet.

2. Background

- 2.1 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.
- 2.2 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.
- 2.3 It was agreed to trial the new policy in Chatham High Street in order to ascertain the effectiveness of the policy prior to full adoption in Chatham and

possible extension to other parts of Medway. The twelve month pilot commenced in July 2016, ending in July 2017. The pilot was further extended in July 2017 to allow officers the time to review the scheme.

- 2.4 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.

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 Full details of the survey response are set out in **Appendix 1**.

- 3.3 Officers also contacted the Kent Fire and Rescue Service (KFRS) and the Kent Association for the Blind (KAB) to obtain their views on any changes to the High Street area since commencement of the pilot.

- 3.4 Officers also examined the current processes behind the management and operation of the policy within the Council. The Policy accompanies this report as **Appendix 2**.

4. Regeneration, Culture and Environment Overview and Scrutiny Committee

- 4.1 The Acting Head of Integrated Transport introduced a report reviewing the twelve month pilot policy 'Placing Objects on the Highway' operated in Chatham High Street from July 2016.

- 4.2 The Committee was provided with the background information as set out in Section 2 of this report, and the review information as set out in Section 3 of this report.

- 4.3 The Committee discussed the report and sought information on the timescale for rolling out the scheme to other parts of Medway, should Cabinet approve that the scheme be made permanent.

- 4.4 The Acting Integrated Transport Manager advised that no timescale had yet been set, but if the scheme in Chatham was made permanent and it was decided to expand the scheme to other appropriate areas in Medway, the identification of timescales and a project plan for implementing the expansion of the scheme would be a priority task. Officers would also investigate the option of charging per metre of space used so as to take account of the type of shop front display used.

- 4.5 The Acting Integrated Transport Manager also confirmed that throughout the pilot scheme, no enforcement fines had been issued and officers had liaised

with tenants to ensure that they were aware of the scheme and the need to obtain a licence.

- 4.6 A number of suggestions were put forward concerning communication of the scheme to traders through the Town Centre Forums, obtaining data from traders as to whether they considered the scheme had improved footfall and profitability and the possibility of surveying visitors to the High Street for their views on the scheme.
- 4.7 The Committee agreed:
- a) that 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 an options appraisal (see Section 6 below);
 - b) that 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;
 - c) it be noted that if the scheme in Chatham is made permanent and it is decided to expand the scheme to other appropriate areas in Medway, the identification of timescales and a project plan for implementing the expansion of the scheme would be a priority task; and
 - d) subject to the scheme being approved by Cabinet, a further report be submitted to this Committee at a future date outlining the finalised scheme and plans for the expansion of the scheme to other areas of Medway.

5. Advice and analysis

- 5.1 Both residents and traders supported the 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 KFRS who confirmed reduction in obstacles to emergency access and KAB who confirmed a reduction in potential trip hazards for residents with partial sightedness. 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; this remains the current process. 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. This is based on the current £162.00 per licence charge in place; this annual licence cost is in line with the amount charged by other Authorities of similar size and demographic to Medway.
- 5.4 The pilot scheme has run alongside an historic existing street furniture policy for Medway.
- 5.5 The pilot scheme is managed by the Council's Traffic Management Team within the Integrated Transport Service. In reviewing the pilot, officers contacted other Authorities to ascertain how similar policies are managed in

other areas. In the majority of cases high street furniture policies are managed by the Licencing Team, Town Centre Manager/Officers, or Environmental Enforcement Officers.

- 5.6 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.
- 5.7 The pilot scheme has been a success in Chatham. The visual environment of the high street has improved and the Council has been able to better manage objects placed by shops on the high street. This has also improved access for emergency vehicles and greatly reduced trip hazards.
- 5.8 The Regeneration, Culture and Environment Overview and Scrutiny Committee considered the report on 23 January 2018 and made a number of useful recommendations (see point 4.13 above).
- 5.9 A Diversity Impact Assessment has been undertaken on the proposal to make the scheme permanent in Chatham and is set out in **Appendix 3**.

6. Options

Option	Advantages	Disadvantages
1. Discontinue Chatham High Street scheme	Resource saving on time and cost to operate the scheme	<p>Increase in obstacles on the high street blocking emergency vehicle access</p> <p>Increase in trip hazards on the high street</p> <p>Detrimental effect on the visual environment of the high street.</p> <p>Reputational damage to the Council on removal of a successful scheme.</p>
2. Make the current Chatham High Street pilot scheme permanent and investigate possible scheme expansion to other areas / high streets in Medway	<p>Making the scheme permanent will ensure continued retention of scheme benefits, including improved high street access for emergency vehicles and reduced trip hazards for residents.</p> <p>Moving the scheme from pilot to permanent will allow officers the opportunity to refine the scheme and implement proposed improvements to scheme operation, such as transition of application process to online.</p>	The income generated by the scheme does not currently cover the cost of officer time needed to manage the scheme (currently one day a week approx. by Range 4 officer).

- 6.1 Option 2 is the recommended option for the reasons set out above and in section 5 of the report.

7. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Financial impact	Income generated by the scheme does not currently cover the cost of the resource required to operate the scheme.	As part of implementation officers will investigate options to make the scheme cost neutral, such as moving the application process online, and instigating a revised scheme inspection process.	E3

8. Consultation

8.1 This is set out in the review of the pilot, detailed in section 3 of the report.

9. Financial implications

9.1 The income generated by the scheme, £2,100 per annum approx., does not cover the officer time required to operate the scheme (around one day a week for a Range 4 officer). This income is also subject to how many shop tenants choose to place items outside of their premise and purchase the accompanying licence.

9.2 The scheme provides a range of benefits to Chatham High Street, as detailed above, justifying the resource currently needed to operate the scheme. However, there exists within the scheme options to reduce the amount of officer input required, thus reducing the operational costs and moving the scheme closer to a cost neutral output. These will be explored as part of implementation of the permanent scheme for Chatham High Street.

9.3 The fees and charges under the scheme will need to be reviewed in 2019/20 as required.

10. Legal implications

10.1 As part of scheme implementation, officers will need to ensure that new policy does not conflict with existing policies in place.

11. Recommendations

11.1 The Cabinet is asked to note the comments and recommendations of the Regeneration, Culture and Environment Overview and Scrutiny Committee, as set out in section 4 of the report.

11.2 The Cabinet is asked to note the outcome of the review of the trial in Chatham High Street, as set out in section 3 of the report and Appendix 1 to the report.

11.3 The Cabinet is asked to agree to apply the Placing Objects on the Highway Policy in Chatham High Street, as set out in Appendix 2 to the report, on a permanent basis.

11.4 The Cabinet is asked to instruct officers to:

11.4.1 Explore options to reduce the costs of the scheme, as identified in paragraph 9.2 of the report;

11.4.2 Monitor the implementation of the scheme;

11.4.3 Investigate the viability of expanding the scheme across Medway and; to report back the outcomes to the Regeneration, Culture and Environment Overview and Scrutiny Committee and Cabinet.

12. Suggested reasons for decisions

12.1 As stated, the pilot scheme has been a success in Chatham, improving the visual environment of the high street, allowing the Council to better manage objects placed by shops on the high street, improving access for emergency vehicles, and removing trip hazards. Making the scheme permanent will retain the success of this scheme for the long term and allow officers to investigate scheme improvements as part of the implementation process including steps to make the scheme more cost neutral.

12.2 There may be scope to replicate the successes in Chatham in other areas and high streets in Medway. However, this will be subject to officers investigating the viability of scheme expansion and reporting back once any investigation has been conducted.

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Appendices:

Appendix 1 – Survey Results

Appendix 2 – Placing Objects on the Highway Policy

Appendix 3 – Diversity Impact Assessment

Background papers:

Cabinet Report/Decisions – Placing Objects on the Highway – 8 March 2016

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3168> – item 9 refers

RCET Overview and Scrutiny Committee Report/Minutes – Placing Objects on the Highway Policy Review – 23 January 2018

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=437&MId=4012> – item 681 refers