



# **Licensing Guidelines for the placing of Street Furniture on the Chatham Highway**

**Prepared by Integrated Transport  
Medway Council  
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## How to apply for a street furniture licence AT A GLANCE

Medway Council will require:

- a) Completed application form and fee (no fee for A-boards)
- b) A copy of your 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.
- c) Number of all items to be included within licensed area, e.g. number of chairs, tables, heaters and umbrellas etc.
- d) Proposed hours of use of the highway
- e) Photographs of premises and surroundings
- f) A risk assessment
- g) Details on nightly storage areas for furniture and refuse
- h) A separate risk assessment should be completed if you are intending to use space heaters and must be undertaken by a qualified person who has the necessary knowledge of the law, British Standards and Health and Safety Executive Codes of practice and guidance
- i) Detailed plan of site to scale with all dimensions in metres and centimetres

Showing:

- Building line, footway width and any private forecourt area
- Position of proposed tables and chairs area and space between furniture
- Position of goods or produce
- Position of any other items proposed such as umbrellas or space heaters
- Position of street furniture (lamp posts, bollards, bins, signs etc. and trees)
- Access points and emergency exits, inspection covers and tactile paving
- Nightly storage areas for furniture and refuse

***The above is a very brief summary of our requirements. You are strongly advised to read this guidance which provides useful information to assist you, before you submit your application.***

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## BACKGROUND

Chatham High Street has been chosen as a yearlong pilot area for the new Street Furniture Policy that comes into effect from 1 July 2016.

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 Zonal).

At the end of the year, the pilot scheme will be reassessed and reviewed; amendments may then be made along with proposals to expand this scheme if successful to the remainder of the Medway area.

The licensing of the highway 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.

As the Local Authority, Medway Council is concerned with pedestrian safety, street cleaning, the welfare and amenity of residents, reducing crime and improving the appearance of Chatham High Street. This means that we have to look carefully at places where street furniture can go and whether we need to place any restrictions on them.

## HOW THIS GUIDE WILL HELP YOU

You will need to ensure that you have all the relevant documentation highlighted on page 1 before you start to complete your application.

This guidance briefly explains the approach we will take to allow us to make a decision on your application. It has information on highways requirements, layout, design, reducing crime and safety.

Issues which you will need to consider when making an application are discussed, together with a check list of items for your detailed drawings. This guide explains how your application will be dealt with and what may happen after approval has been given.

Contact names and phone numbers can be found at the back of this booklet.

***PLEASE NOTE: If your application is incorrectly completed, the correct documentation not provided or payment (non-refundable) is not received then this may invalidate your application and could result in delay.***



The Highways Act 1980 provides the legal framework for all Street Furniture Licence applications.

It is a statutory duty of the Council to prevent obstructions on the highways, under section 130 Highways Act 1980. However, there are express provisions in section 115A-K Highways Act 1980 which gives the Council the ability to licence certain installations (including tables and chairs) that would otherwise constitute an obstruction.

The licensee must comply with Section 137 Highways Act 1980 and must comply with the reasonable requirements of Kent Police at all times.

## **SHOP FRONT DISPLAYS AND BOOTHS**

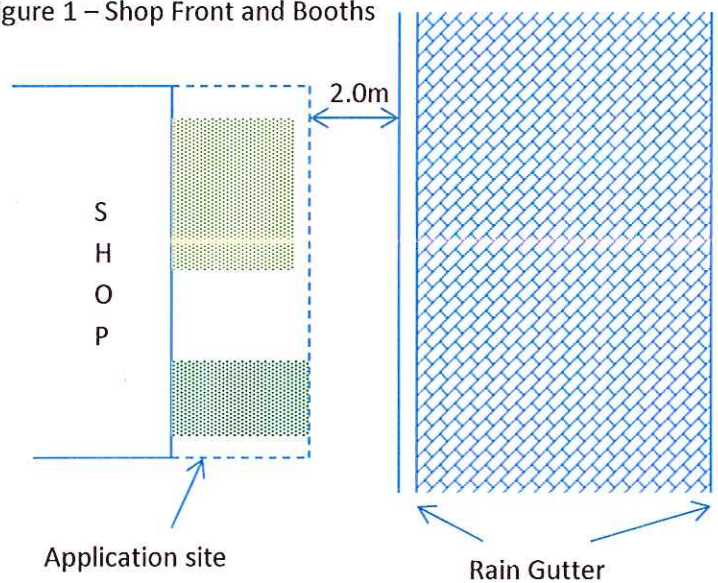
Below are the criteria for shop front displays and booths, including information of fees and a drawn example.

- Free standing items would be no higher than 1.8m.
- A minimum width of 2.0 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 and ensure access for those with mobility issues and pushchairs. The Council will assess applications for displays on shared surface areas on an individual basis.
- 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.
- A shop front display must be positioned immediately next to the property.
- 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.
- The display will not cause any damage to the highway, or impede surface water drainage or obstruct access to any premises.
- The shop front display must only be displayed during business hours and must be removed outside of these hours.

## **FEES**

Each licence or annual renewal will require a one off £162.00 fee each year (See table 1).

Figure 1 – Shop Front and Booths



## TABLES AND CHAIRS

Below are the criteria for tables and chairs, including information on fees and a drawn example.

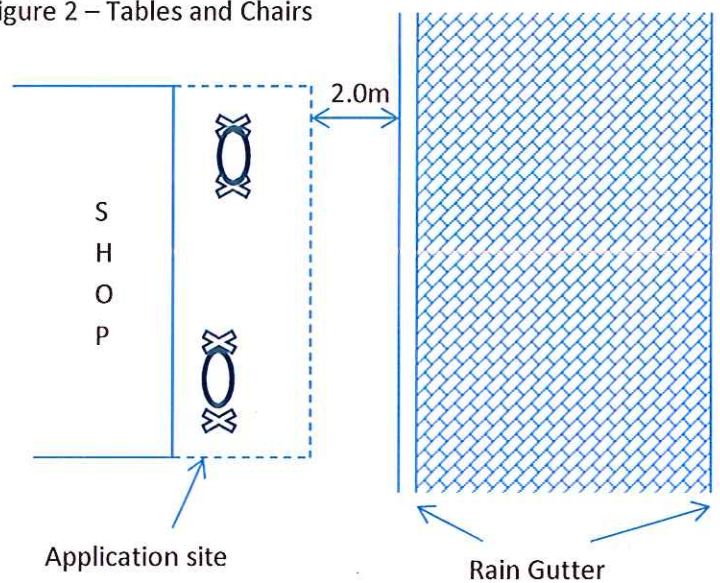
- The furniture will not cause any damage to the highway, or impede surface water drainage or obstruct access to any premises.
- The furniture shall be removed outside of opening hours.
- The furniture must be positioned within the licenced area.
- A minimum unobstructed footway width of 2.0 metres should be maintained at all times to cater for pedestrians and ensure access for those with mobility issues and pushchairs. No furniture will be permitted in cases where the minimum standard cannot be achieved.
- To view guidance measurements for tables and chairs refer to Appendix B. These measurements should be adhered to where possible; departures from this will be subject to the Council's discretion.
- There are to be no permanent fences or enclosures of the area. See Appendix B for guidelines for free standing outdoor partitions.
- There are to be no permanent fences or enclosures of the area. See Appendix B for guidelines for free standing outdoor partitions. As the licenced area must be capable of reverting to use as public highway each night. Moveable planters can make an attractive addition to an outdoor area within the allocated display space, but it is important for the appearance of the street that the plants themselves are maintained in good condition throughout the seasons.

## F E E S

Each new licence and annual renewal will require a fee of £162.00. The licence is valid for 12 months and will need updating thereafter (See table 1).



Figure 2 – Tables and Chairs



## SHOP FRONT DISPLAYS & TABLES AND CHAIRS

An application requesting a licence for both shop front displays and tables and chairs should be stated in the initial application.

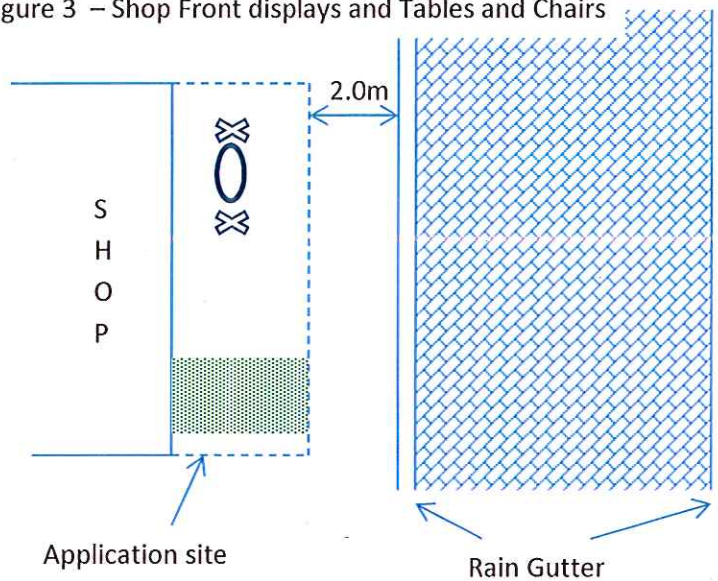
- Free standing Items should be no higher than 1.8m.
- It will be necessary to submit plans indicating where the intended furniture would be placed on the highway.

## F E E S

The cost for applying for a licence that requires both shop front displays and tables and chairs will be £162.00 (See table 1).



Figure 3 – Shop Front displays and Tables and Chairs



## ADVERTISING BOARDS

(A-boards/ floor standing boards/signs/banners)

The use of advertising boards (Appendix A ) on the public highway, i.e. the footway, footpaths or carriageway will require permission from Medway Council under the Highways Act 1980.

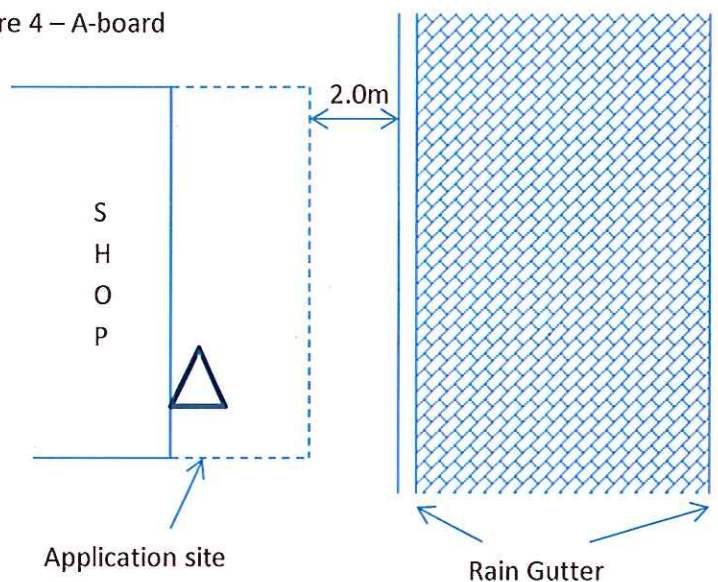
- All advertising boards placed on the highway must be able to be moved freely and easily. Advertising boards must be stable and kept upright. They can be safely and discretely weighted down if required. Advertising boards should not have protruding parts or sharp edges.
- Advertising boards shall not cause any damage to the highway, or impede surface water drainage or obstruct access to any premises.
- 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.
- Subject to available space, a maximum of 2 advertising boards are 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.
- Advertising boards must not cause a visual distraction to drivers of road vehicles or obstruction to pedestrians on the highway.
- 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.

- A minimum unobstructed footway width of 2.0 metres should be maintained at all times to cater for pedestrians and ensure access for those with mobility issues and pushchairs. The drainage channel should always be kept clear from obstructions.
- Advertising boards must be between: 0.8 metres to 1.05 metres high and 0.45 metres to 0.7 metres wide.

## F E E S

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 opportunity 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 £40.00 per enforcement visit.

Figure 4 – A-board



## SELECTING THE RIGHT TYPE OF FURNITURE

Medway Council is committed to good civic design and will ensure that any new development is suitable for its locality. Guidelines of appropriate street furniture design are also outlined see Appendix B.

Here are some suggestions to assist you in your selection:

- As all furniture and equipment must be removed and stored at night, use tables and chairs which easily folded or stacked.
- Avoid plastic garden furniture as it is unlikely to be strong enough for constant use and could blow away and cause an accident. It also weathers very badly and soon looks dirty.



- Choose furniture which is strong, stable and durable enough for heavy use and is easily wiped down and dried after rain or cleaning.
- Keep to one design of chair and table which suits your surroundings and avoid unsuitable styles and materials. Avoid highly ornate, plastic or garishly coloured furniture. Furniture should be well designed and muted tones and durable materials such as timber and steel are most likely to be most appropriate.
- Furniture with rubber feet reduces noise and helps avoid complaints from neighbours.
- Umbrellas should be free of advertising in a plain canvas material, capable of being folded down and removed when weather permits and stable enough to withstand strong winds. They should not overhang your allocated display space.

## REDUCING CRIME

One of the Community Safety Partnership priorities is to reduce anti-social behaviour which then helps to reduce crime in Medway. There are several security measures you can take to help us and your customers.

- Consider providing tables with property clips to secure handbags. Tables should be of a design which are suitable for attaching property clips and can be stacked for storage without damaging clips. Customers should be shown how to release their bags to avoid breaking clips.
- Consider using chairs with round rather than square backs to deter customers from hanging bags on them.
- Where space allows you can put up temporary screens to enclose table and chair areas so there is only one exit and entrance point for customers. The use of temporary plain canvas screens of 1m held taut between posts is recommended. Permanent barriers are not permitted, as the licenced area must revert to public use each night.
- Arrange your furniture lay out to reduce opportunities for crime and ensure staff are aware to be on alert to all non-customers approaching tables at all times. The presence of staff in the seating area will act as a deterrent as well as ensuring tables and chairs are cleared promptly preventing littering of the street.
- As a suggestion for licenced premises tables and chairs could operate between 10:00hrs and 21:00hrs in order to reduce the risk of anti-social behaviour or noise disturbances.

## SAFETY ISSUES

All applications need to be submitted with a risk assessment.

If you are wishing to use space heaters a separate risk assessment will need to be submitted with your application. This is as required by the Management of Health and Safety at Work Regulation 1992 since liquefied petroleum gas is a potentially dangerous substance. A qualified person who has the necessary knowledge of the law, British Standards and Health and Safety Executive Codes of practice and guidance, should prepare this on your behalf. Heaters must be stable and appropriately sited to minimise the chance of accidents.

All furniture on the highway should be easily distinguishable to passers-by, particularly to those who are blind or visually impaired. The materials should be lightweight and portable but stable and strong enough to prevent toppling over if accidentally bumped into. Items such as A boards and menu board must be kept adjoining the premises.

To ensure the cleanliness of the high street no employee or patron is permitted to feed vermin, seagulls or birds. Signage must be displayed at all times to discourage customers from feeding the vermin, seagulls and birds.

For advice and guidance on how to complete a risk assessment please follow the link below to the Health and Safety Executive website

<http://www.hse.gov.uk/risk/index.htm>

## HOW DO I COMPLETE MY APPLICATION?

This section takes you through step by step each section of the application form with definitions and requirements.

### **Section 1 – Application details**

Applicant details must be the individual or corporate body. The Applicant can be the Director, Company Secretary or some other person who has authority to make the application on behalf of the company, including agent.

### **Section 2 – Business address**

Address details must be the company name and address in Chatham.

### **Section 3 – Type of Application**

Please identify which type of licence you require. If you are applying for a renewal please add the date of the renewal.



#### **Section 4 – Occupation of pavement and footway**

Please provide the precise area that you intend to occupy giving length and width in metres with a detailed plan and photo of the area. You must ensure that the proposed area will not obstruct any entrances to delivery hatches, fire escapes, routes for emergency vehicles or public utilities covers. The detailed plan must indicate the space you intend to occupy and the space between the proposed items in the area showing space for mobility and entrance / exits.

#### **Section 5 – Storage**

Please provide details on where you intend keep your street furniture during closed periods or due to inclement weather.

#### **Section 6 – Opening times**

Please indicate the days and time you intend to occupy the area if approved. Should these details change please notify the Streetworks Team who will review your amendments. For licenced premises tables and chairs must only be in operation between 10:00hrs and 21:00hrs. All outdoor furniture must be removed by 21:30hrs, unless an extension is agreed in advance.

#### **Section 7 – Details of furniture**

Please provide details and where possible furniture specifications.

#### **Section 8 – Cleanliness of site**

Please provide details of your cleaning regime for the application site in accordance with the guidance given in this document.

#### **Section 9 – Public liability**

You must supply a copy of your public liability insurance or your application will be declined. Ensuring that a copy of your 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.

#### **Section 10 – Additional notes**

Please use this area to add any additional notes that you feel would help the streetworks team or your application.

#### **Section 11 – Payment**

Please provide payment with your application. Payment can be made by Cheque to Medway Council or by card. Application and Payment should be taken to Chatham Community Hub Monday – Friday 9:00am - 18:00pm. Cash will not be accepted.

## **Section 12 – Declaration**

Please ensure you read and understand the declaration and Terms and Conditions of your application. Should you have any questions on the application please contact the Streetworks Department on 01634 333333 or by email: [streetworks@medway.gov.uk](mailto:streetworks@medway.gov.uk)

### **WHAT HAPPENS AFTER YOU APPLY**

Once your application has been received we will aim to process it within four weeks.

Enforcement will start from 1 July 2016.

Before approval is given, a Street Works Officer will visit your premises and assess the highway against the photographs and plans that you have provided. Once this is completed we will inform you of the outcome of your application in writing.

If your application is successful you must adhere to the terms and conditions of the licence. Ensure your licence details are displayed correctly and can be read by our Community Wardens when visiting your premises from the outside.

If your application is unsuccessful you can appeal. Until your appeal is determined the street furniture will be permitted to remain on the highway in accordance with the Terms and Conditions until the outcome of the appeal is determined.

If any query or report of a trader deviating from the agreed upon terms is received the Council will investigate but it is likely that the trader will be given an opportunity to rectify 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 £40.00 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.

A shop front display, and any tables 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.

On the renewal of the public liability insurance a copy must be sent to Medway Council within 10 days. The copy of your 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.

If approval is given for a licence and no alterations have been made to the quantity and positioning of the street furniture, no plans need to be submitted when renewing the licence. The fee should be paid to validate the licence for the next 12 months; this process needs to be completed on an annual basis.



## **A P P E A L S**

If your application is unsuccessful you can appeal in writing to:

Head of Integrated Transport, Regeneration, Culture, Environment and Transformation, Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR

OR

Email: [streetworks@medway.gov.uk](mailto:streetworks@medway.gov.uk)

## **H E L P U S T O H E L P Y O U**

- Before submitting your application check that all the sections have been completed correctly and the information is up to date.
- Avoid the rush; enforcement begins 1 July 2016.
- Following approval ensure your licence details are displayed correctly and can be read by our Community Wardens when visiting your premises.

## **R E M E M B E R**

- If you decide to make some changes to your outdoor operations such as changing the furniture or other items, altering the licenced area or trading times, you must let Traffic Management Team know immediately using the contact details overleaf. You may require a new or revised licence and any changes made before the new licence is issued could result in prosecution.
- You may need to apply for a separate liquor licence if you wish to sell alcohol.
- All food premises must be registered with Medway Council Environment Health Team.
- Check the condition of your street furniture regularly to ensure it is safe to use.
- Using furniture on the highway without Medway Councils unwritten approval is unlawful and should be removed immediately.
- Ensure you note the expiry date of your licence and leave plenty of time to apply for the renewal.

## CONTACTS

For advice contact.....

Traffic Management,  
Regeneration, Culture, Environment and Transformation  
Gun Wharf  
Dock Road  
Chatham  
Kent, ME4 4TR  
Tel: 01634 333333  
Email: [streetworks@medway.gov.uk](mailto:streetworks@medway.gov.uk)

Environmental Health  
Regeneration, Culture, Environment and Transformation  
Gun Wharf  
Dock Road  
Chatham  
Kent, ME4 4TR  
Tel: 01634 333333

Licensing  
Business Support Department  
Gun Wharf  
Dock Road  
Chatham  
Kent, ME4 4TR  
Tel: 01634 337107  
Email: [licensing@medway.gov.uk](mailto:licensing@medway.gov.uk)

Chatham Community Hub  
Dock Road  
Chatham  
Kent ME4 4TX  
Tel: 01634 336000

Town Centre Managers  
Regeneration, Culture, Environment and Transformation  
Gun Wharf  
Dock Road  
Chatham  
Kent, ME4 4TR  
Tel: 01634 338113  
Email: [tcm@medway.gov.uk](mailto:tcm@medway.gov.uk)



## *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.

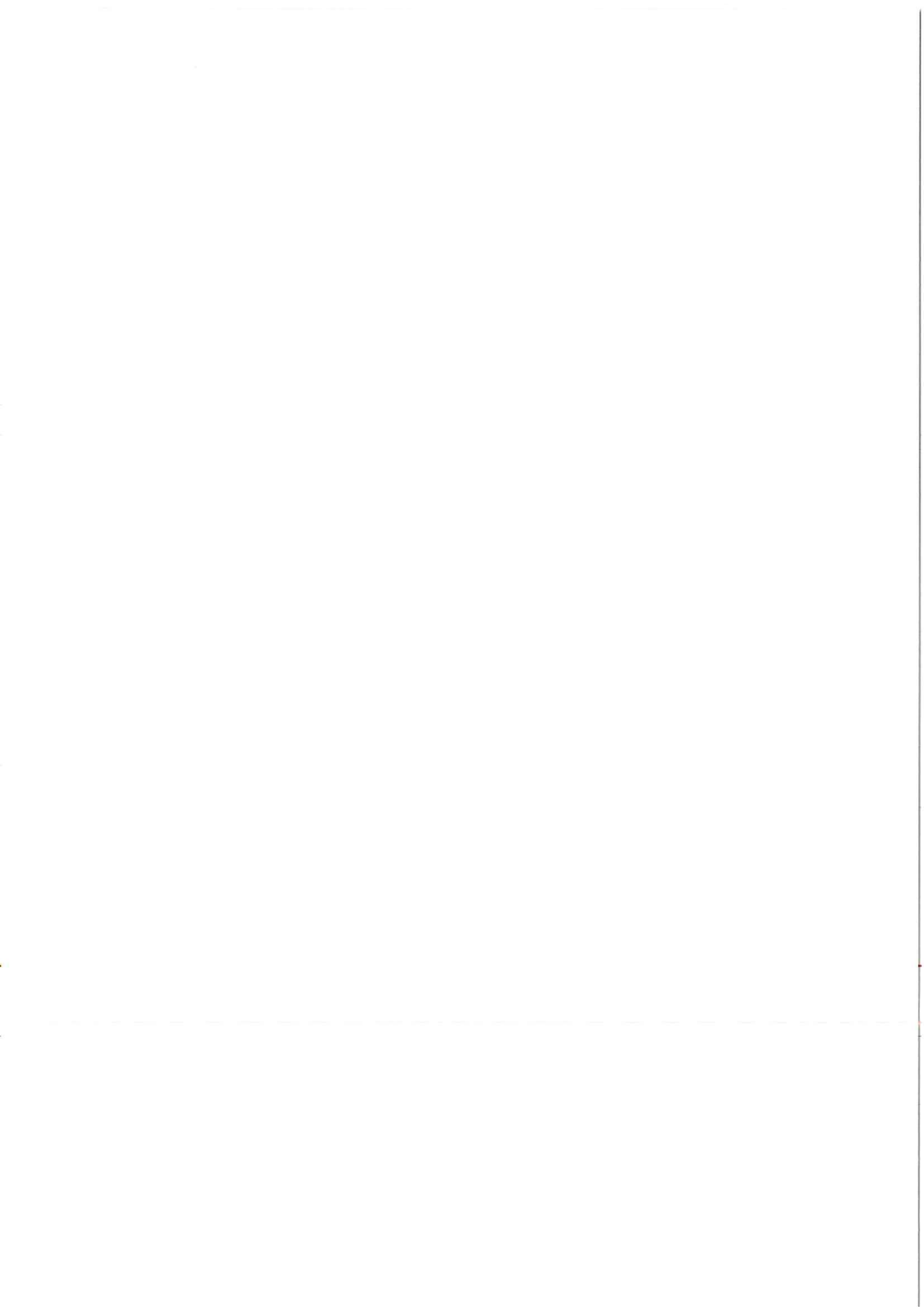
*The Council-* Refers to Medway Council.

Free Standing – i.e. suitcases

Bike Racks – would be permitted as long as rack were floor level and against shop frontage.

*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



Appendix B

Figure 1 – Protocol for table and chair designs.



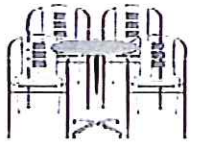
- Seat 55x55x81(cm)
- Overall height 72(cm)
- Table 70x70x74(cm)



- Table 60x60x74(cm)
- Seat 55x55x81(cm)
- Overall height 72(cm)



- Seat 62x62x81(cm)
- Overall height 72(cm)
- Table 60x74x74(cm)



- Seat 60x62x81(cm)
- Overall height 72(cm)
- Table 60x74x74(cm)



- Seat 55x55x85(cm)
- Overall height 85(cm)
- Table 70x70x74(cm)



- Table 70x70x74(cm)
- Seat 55x55x81(cm)
- Overall height 72(cm)

Specified standing outdoor

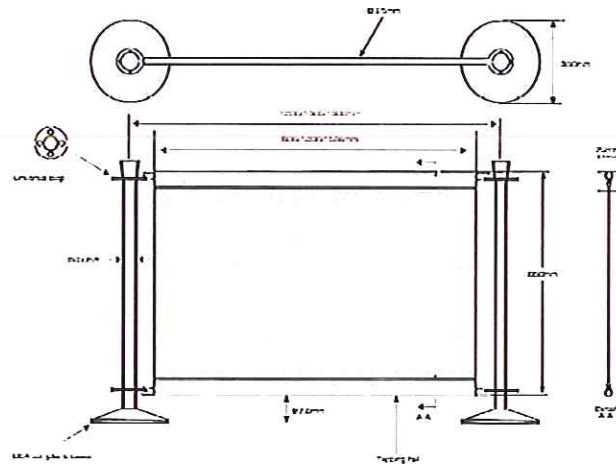
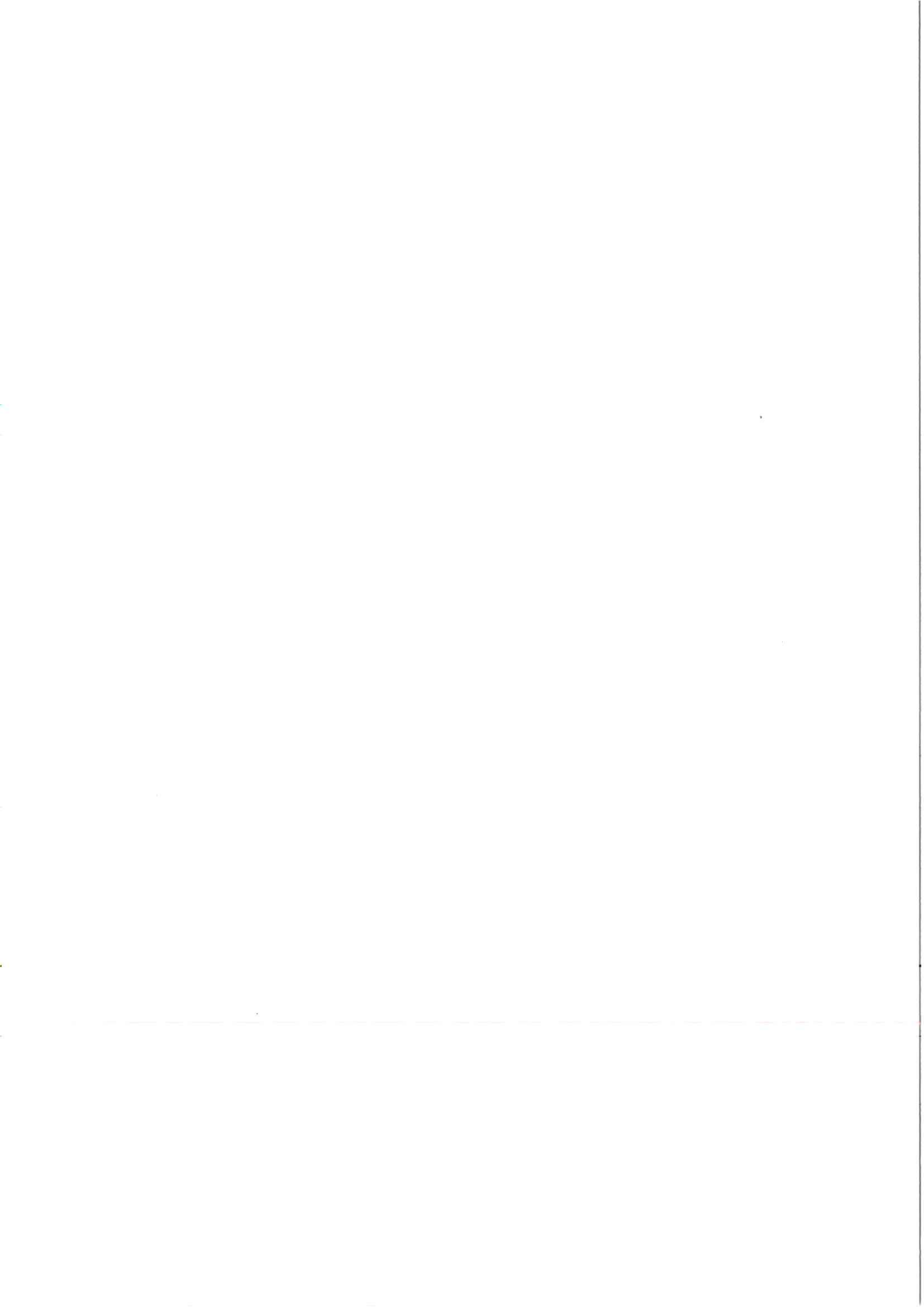


Figure 2- dimensions for free partitions





## Appendix C

### Section 1

Commodities which cannot be displayed on shop front displays:

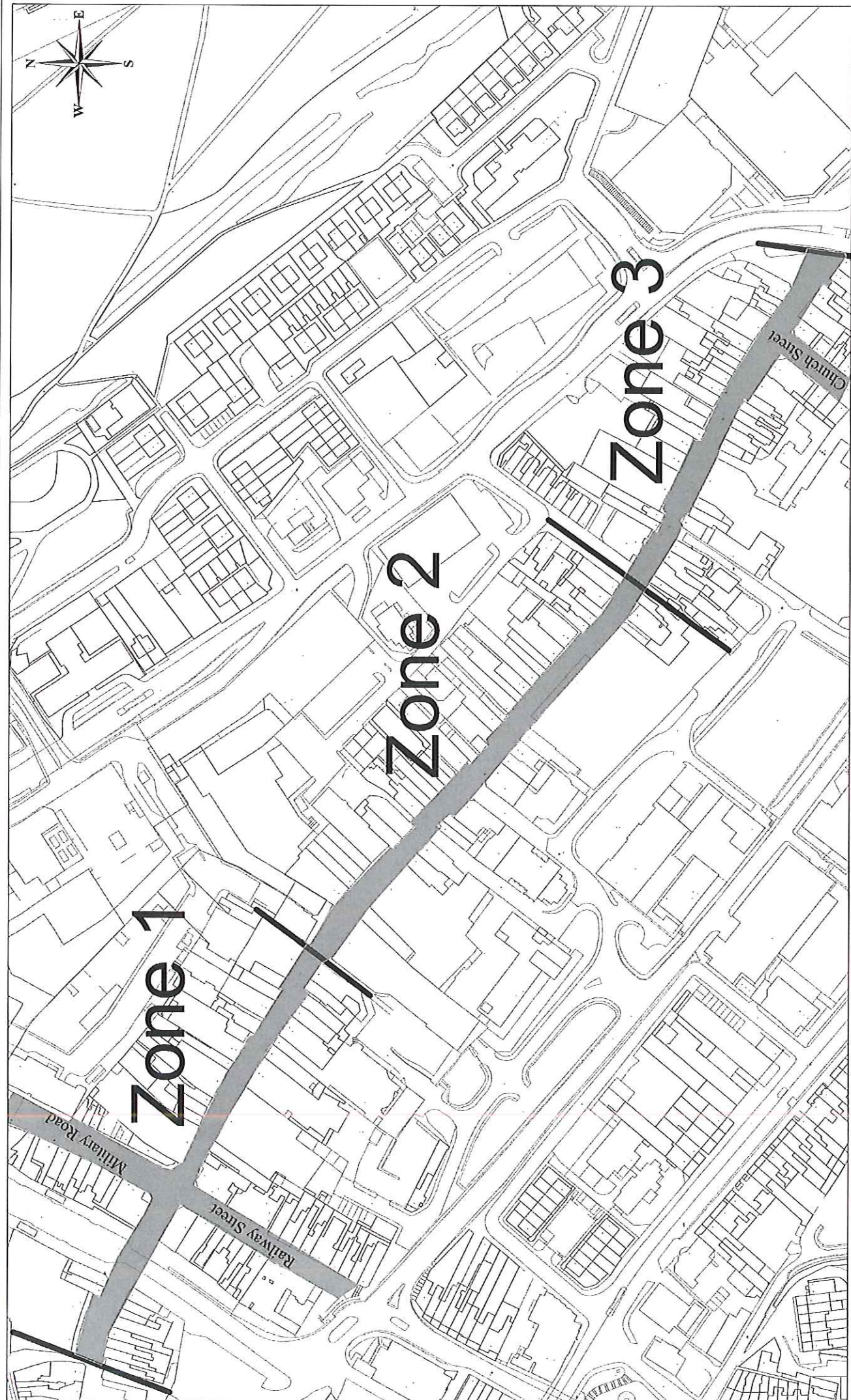
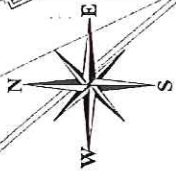
- a. Alcoholic beverages, tobacco and tobacco products;
- b. Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
- c. Medicines, drugs and other prescribed substances;
- d. New and used cars and motorcycles;
- e. Pets and livestock
- f. Containers of Liquid Petroleum Gas (LPG) 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.





zone 1

zone 2

zone 3

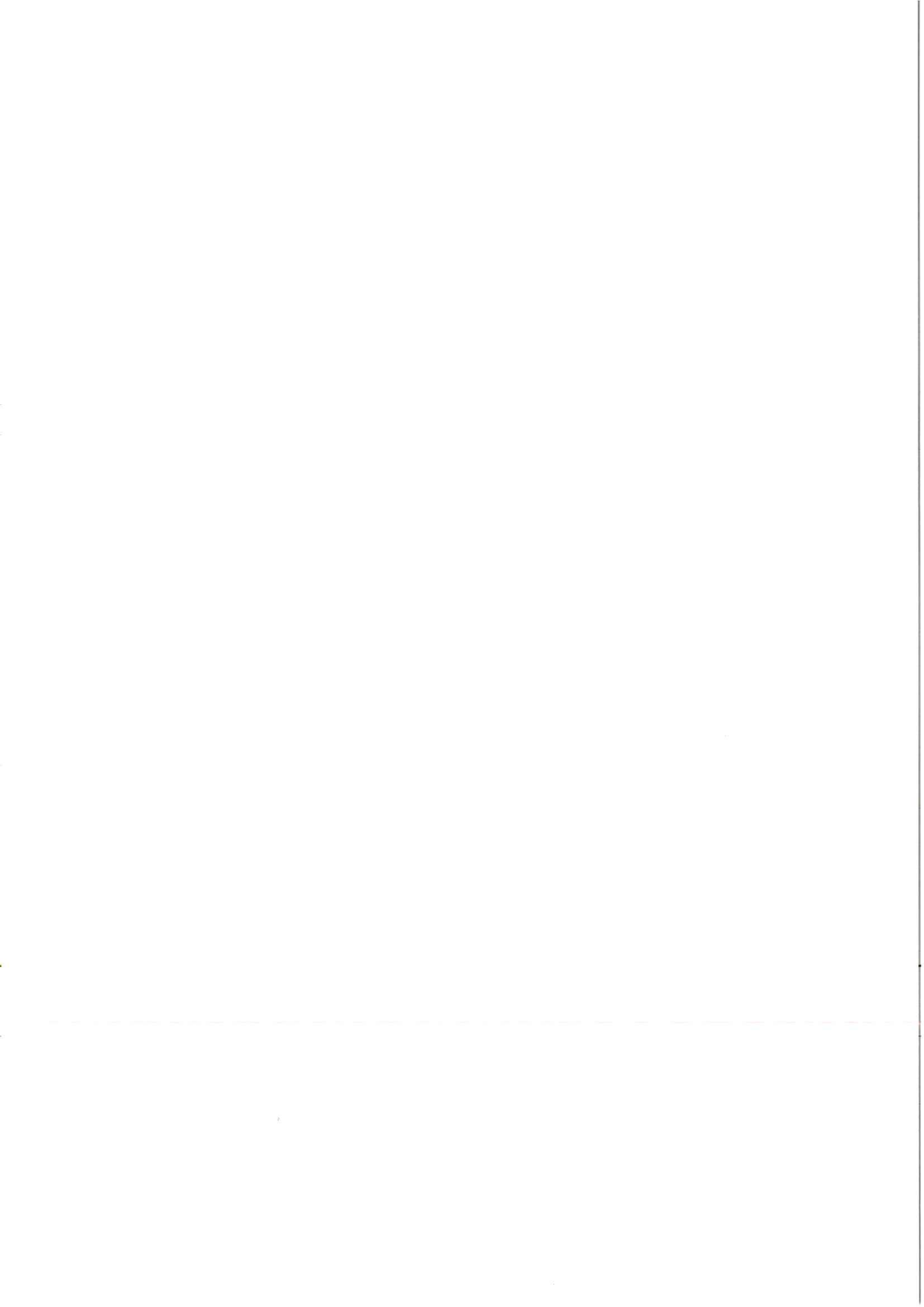
Military Road

Railway Street

Church Street

# Chatham High Street







**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*

