



Licensing Guidelines for the placing of Street Furniture on the Highway – Chatham High Street

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

The application form and this guidance document can be downloaded online via the following weblink -

https://www.medway.gov.uk/info/200179/licensing/302/street_furniture_licence

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 your licensed area, e.g. number of chairs, tables, heaters and umbrellas etc.
- d) The hours you propose having your items out on the highway (items must be taken off the highway and securely stored at night)
- e) 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
- f) Detailed plan of your proposed 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.

C O N T E N T S

	Page
1. Background	2
2. How This Guide Will Help You	2
3. Shop Front Displays and Booths	3
4. Tables and Chairs	4
5. Shop Front Displays and Tables and Chairs	5
6. Advertising Boards	5
7. Fees	7
8. Selecting the Right Type of Furniture	7
9. Reducing Crime	8
10. Safety Issues	8
11. How Do I complete my application?	9
12. What happens after you apply	11
13. Appeals	12
14. Remember	12
15. Contacts	13
Appendix A – Policy Area	
Appendix B – Street Furniture Design	

1. BACKGROUND

Chatham High Street is subject to a Street Furniture Policy. The area covered by the Policy is shown in red on the diagram in Appendix A, and runs from Holborn Lane to the intersection between High Street and The Brook. The Policy area also includes parts of Military Road, Railway Street, Union Street and Church Street.

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. The licensing of the highway has been found to improve the look and feel of the area, promoting quality and reinforcing safety measures. 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. It also clarifies to traders what is and is not acceptable, and ensures emergency vehicle access to the High Street is not impeded.

If you wish to place furniture items such as tables, chairs, goods, shop displays, or advertising boards outside of your premise you will need to apply for a licence under this policy. Your licence will be for a twelve-month period and will need to be renewed annually if you wish for it to continue. This guidance documents sets out how to apply for your licence.

2. HOW THIS GUIDE WILL HELP YOU

This guidance document explains the approach we will take to allow us to make a decision on your application. It has information on highway 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 application drawing/diagram. 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 guide.

PLEASE NOTE: If your application is completed incorrectly, the required supporting documentation is not provided, or payment (non-refundable) is not received, then your application will not be processed.

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 highway, 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. The Council reserves the right not to grant a licence to any applicant.

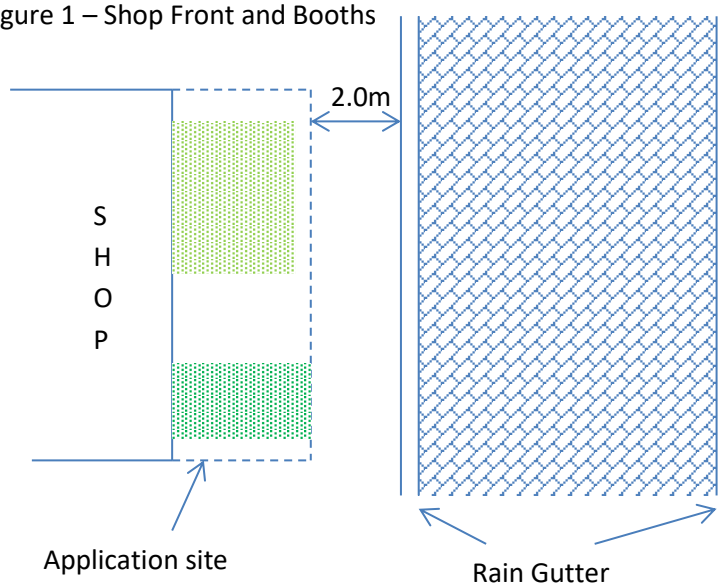
3. SHOP FRONT DISPLAYS AND BOOTHS

Applicants are permitted to have appropriate shop front displays and / or booths outside their front of their shop premises, subject to a successful application for a licence under this policy and payment of the accompanying annual fee (see '4. Fees')

Below are the criteria for shop front displays and booths:

- Free standing items must 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) must be maintained, to cater for pedestrians and ensure access for those with mobility issues and pushchairs; see Figure 1 below. 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 in front of the applicants shop front only.
- 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.

Figure 1 – Shop Front and Booths



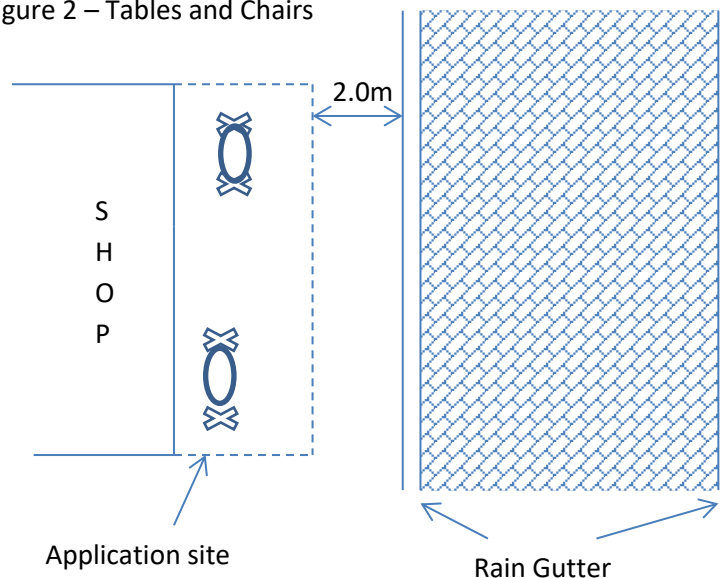
4. TABLES AND CHAIRS

Applicants are permitted to have tables and chairs outside their premises, providing the tables and chairs conform to the necessary standard (see below), and subject to a successful application for a licence under this policy and payment of the accompanying annual fee (see '4. Fees')

Below are the criteria for tables and chairs:

- The furniture must 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 area covered by the licence.
- 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; see Figure 2 below. 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 specific approval
- 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 year.

Figure 2 – Tables and Chairs

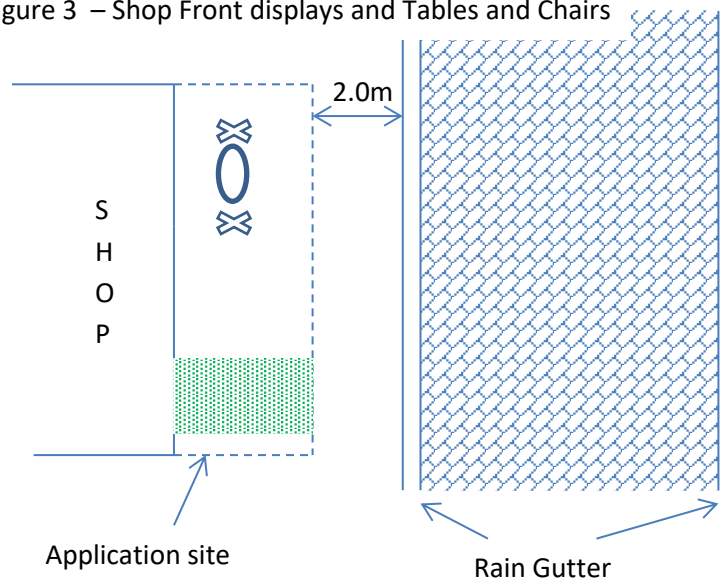


5. SHOP FRONT DISPLAYS & TABLES AND CHAIRS

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.
- As previously stated, 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; see Figure 3 below.
- All other requirements as detailed in Section 3 and Section 4 above must be complied with.

Figure 3 – Shop Front displays and Tables and Chairs



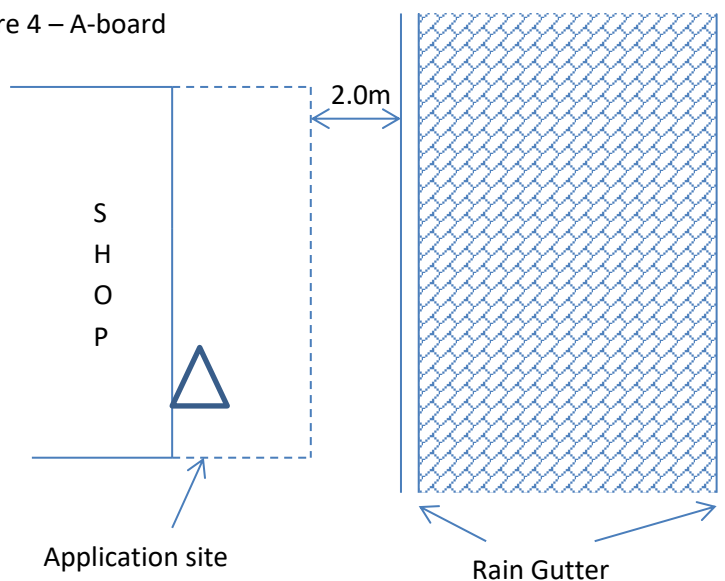
6. ADVERTISING BOARDS

The use of advertising boards (also known as A-boards), floor standing boards, signs, and banners on the public highway, i.e. the footway, footpaths or carriageway will require permission from Medway Council under the Highways Act 1980, and an application under this policy. There is however no accompanying fee for the placement of an A-board.

- 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, and should be easily removable.
- Advertising boards must 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 Streetworks 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; see Figure 4 below. 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.

Figure 4 – A-board



7. FEES

The below table sets out the required fee payable with each annual application for your requested licence. Fees may be subject to annual inflationary uplift.

ITEM	FEE
1. Shop front display or booth	£162.00 per year
2. Tables and chairs	£162.00 per year
3. Shop front display with tables and chairs	£162.00 per year
4. Advertising A-board	None

Traders contravening this policy, not obtaining the appropriate licence for their street furniture, or not complying with the terms of the licence issued to them will be charged £40.00 per enforcement visit.

8. SELECTING THE RIGHT TYPE OF FURNITURE

Medway Council is committed to good civic design and will ensure that items selected enhance the appearance of the area. Guidelines for appropriate street furniture design are outlined in 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.

9. 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, within licensing laws, between 10:00hrs and 21:00hrs in order to reduce the risk of anti-social behaviour or noise disturbances.

10. SAFETY ISSUES

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 boards 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>

11. HOW DO I COMPLETE MY LICENCE APPLICATION?

This section takes you step by step through each section of the application form with definitions and requirements. The application form and this guidance document can be downloaded online from the following weblink -

https://www.medway.gov.uk/info/200179/licensing/302/street_furniture_licence

Section 1 – Application details

The applicant details must be the individual or corporate body applying for the licence. 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. Company registered office address will also be required.

Section 3 – Type of Application

Please identify which type of licence you require. If you are applying for a renewal please add the date for when you want the renewed licence to commence from.

Section 4 – Occupation of pavement and footway

Please describe what you intend to use the area for, including the number of any tables and chairs you intend to place and what type, or details of the shop display you intend to place including the types of goods that will be displayed.

You must also include with your application a plan of the area you propose to use indicating where your items will be placed. Please ensure you detail the length and width in metres. The detailed plan must also show the space between the proposed items in the area showing space for mobility and entrance / exits. 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.

Section 5 – Storage

Please provide details on where you intend to keep your street furniture during closed periods or during periods of 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 by the Council.

Section 7 – Details of furniture

Please provide details of the furniture items you intend to use and where possible furniture specifications. Please ensure you included the numbers of chairs and tables if you are intending to use them, and what goods will be displayed in any shop front display.

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. If your insurance runs out prior to the end of your twelve month furniture licence, it will be your responsibility to provide the Council with a copy of your new insurance within ten days. If you do not provide this document your licence will be revoked by the Council.

Section 10 – Additional notes

Please use this section to add any additional notes or information you feel would help the Sstreetworks Team process your application.

Section 11 – Payment

Your application must be accompanied by payment of the appropriate fee (see '4. Fees' above). If payment has already been made in advance of your application please indicate 'Yes' and provide the relevant receipt number and cheque number (if payment was made by cheque).

To pay by cheque please take your cheque and application to the Chatham Community Hub, Chatham Library, Dock Road, Chatham, Kent, ME4 4TX. The Hub is open 9:00 to 18:00 Monday to Friday, and 9:00 to 17:00 Saturday. Cheques should be made payable to Medway Council. Please add your company name and address on the reverse of the cheque.

To pay by card please contact the Council's Customer Contact Centre on 01634 333333. When requesting to make payment you must provide the Contact Officer with the "Cost Code" number 4T929 95000 733034. Please also provide the address of your business premise and ask the Contact Officer to email a copy of your receipt to streetworks@medway.gov.uk

Payment by cash will not be accepted.

Section 12 – Declaration

Please sign the declaration section where indicated, also providing your name and date below your signature. Please also ensure that 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 Team on 01634 333333 or by email: streetworks@medway.gov.uk

12. WHAT HAPPENS AFTER YOU APPLY

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

Before approval is given, a Streetworks Officer will visit your premises and assess the highway against the plan and information 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 throughout the twelve-month. You must also ensure that your licence details are displayed correctly and can be read by our Community Wardens and Streetworks Officers when visiting your premises from the outside.

If your application is unsuccessful we will write to you to confirm why your application was refused. You can appeal to the Head of Integrated Transport at Medway Council via email to streetworks@medway.gov.uk . Until your appeal is determined you will not be permitted to place items on the highway outside of your premises.

All reports of deviation from the agreed upon terms and conditions of this policy and your licence will be investigated. If proven you will be given an opportunity to rectify in the first instance and will be issued a deadline to rectify the contravention. Spot checks will also be performed. If, at a later date you are still contravening the policy you will be charged a call out charge per enforcement visit, currently £40.00. 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.

Furniture outside of your premises must be removed or repositioned with immediate effect if requested by an officer from Medway Council, a contractor on behalf of a utility company attempting to undertake works, or a member of the emergency services.

If approval is given for a licence and no alterations have been made to the quantity and positioning of the street furniture or the road/pavement layout, no plans need to be submitted when renewing the licence. The fee will need to be paid to validate the licence for the next twelve months; this process needs to be completed on an annual basis if you wish to continue placing furniture outside of your premises.

13. APPEALS

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

Head of Integrated Transport,
Integrated Transport Service,
Gun Wharf – Level 3,
Dock Road,
Chatham,
ME4 4TR

- OR -

Email: streetworks@medway.gov.uk

14. REMEMBER

- If you decide to make to changes to the items outside of your premises, such as changing the furniture or other items, altering the licenced area or trading times, you must let Streetworks Team know immediately using the contact details set out herein. 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 written approval is unlawful and said furniture will be removed immediately.
- Please ensure you note the expiry date of your licence and leave plenty of time to apply for the annual renewal.
- Not all goods are allowed to be placed outside of shop premises. Commodities which cannot be displayed on shop front displays include: *Alcoholic beverages, tobacco, tobacco products, lottery tickets, phone cards, raffles tombola or other games of chance, medicines, drugs or other prescribed substances, new and used cars or motorcycles, pets and livestock, containers of liquid petroleum gas, explosives including fireworks, goods posing a safety risk to the public, any product deemed inappropriate by the Council.*

15. CONTACTS

Integrated Transport Service – Streetworks Team

Email: streetworks@medway.gov.uk

Gun Wharf

Dock Road

Chatham

ME4 4TR

Tel: 01634 333333

Environmental Health

Regeneration, Culture, Environment and Transformation

Gun Wharf

Dock Road

Chatham

ME4 4TR

Tel: 01634 333333

Licensing

Email: licensing@medway.gov.uk

Business Support Department

Gun Wharf

Dock Road

Chatham

ME4 4TR

Tel: 01634 337107

Chatham Community Hub

Dock Road

Chatham

ME4 4TX

Tel: 01634 336000

Town Centre Managers

Email: tcm@medway.gov.uk

Gun Wharf

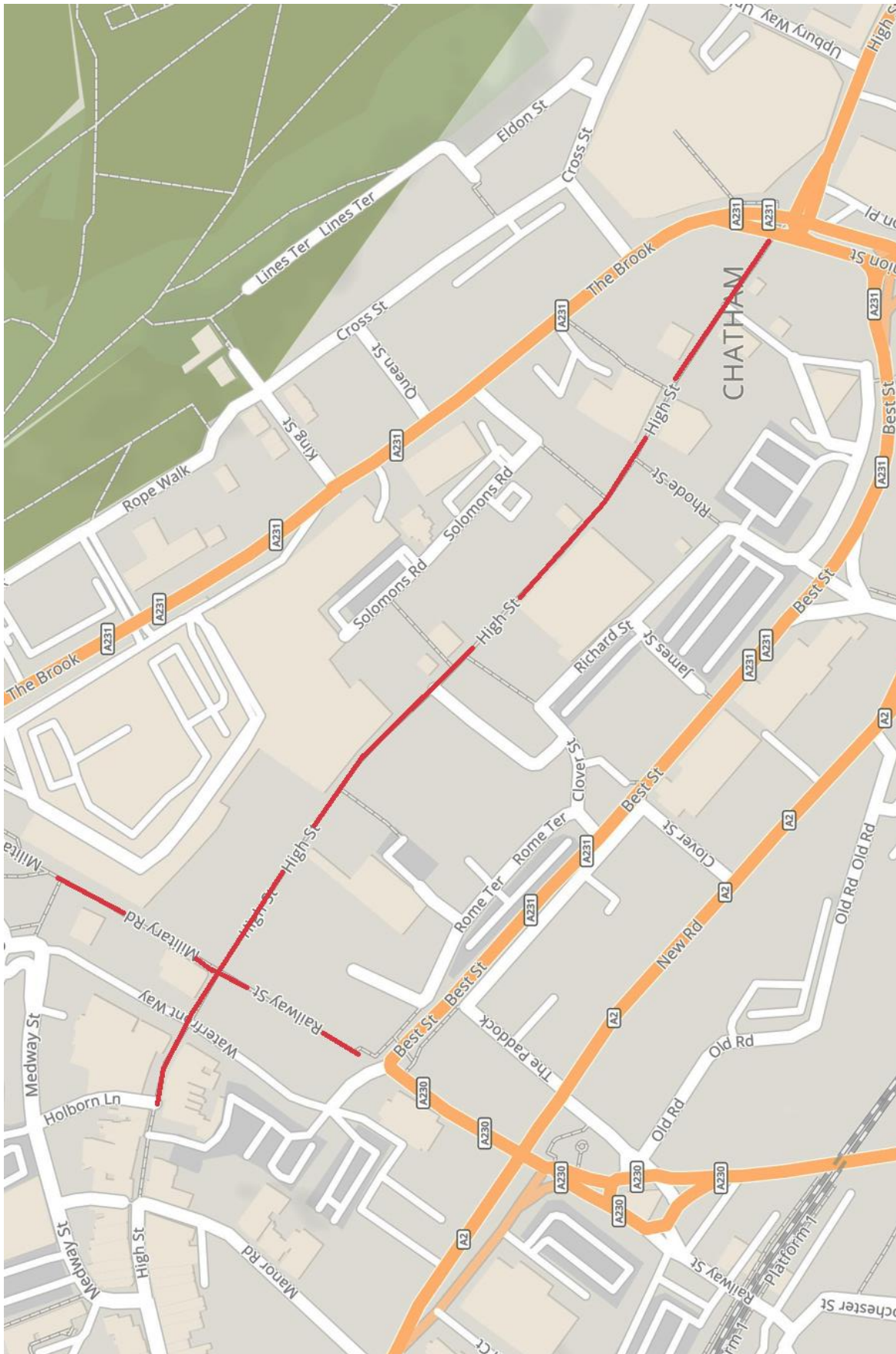
Dock Road

Chatham

ME4 4TR

Tel: 01634 338113

APPENDIX A – POLICY AREA



APPENDIX B – STREET FURNITURE GUIDANCE

Figure 1 - Specified dimensions for free standing outdoor partitions

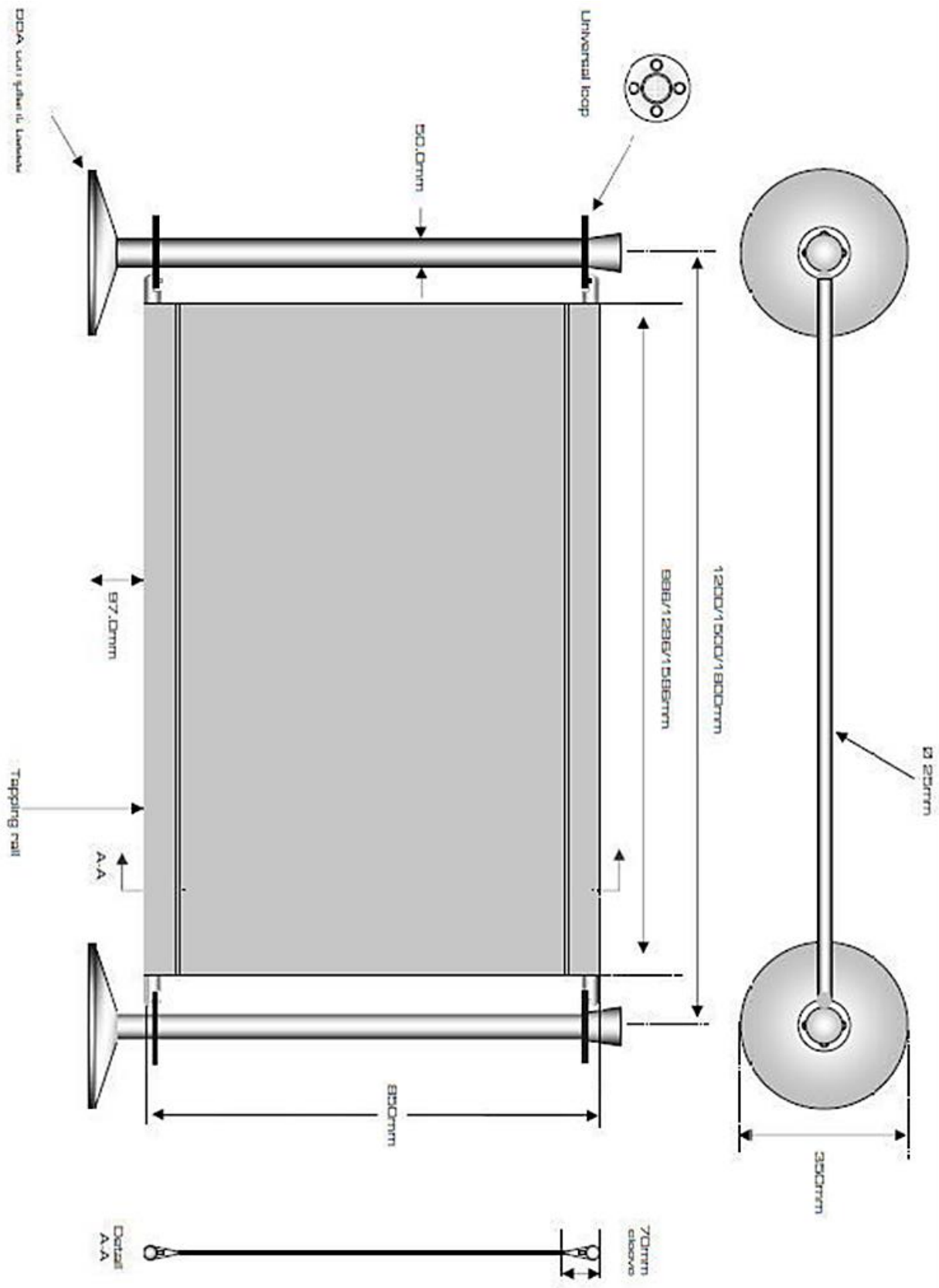


Figure 2 – Guidelines for table and chair design (measurements in centimetres)



Seat – 55w x 58d x 44h Table – 70w x 70d x 74h Overall height - 72	Seat – 54w x 54d x 44h Table – 80diam x 74h Overall height – 72	Seat – 40w x 42d x 44h Table – 60diam x 74h Overall - 72
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Seat – 50w x 53d x 44h Table – 70diam x x74h Overall height - 72	Seat – 35w x 35d x 46h Table – 70diam x 76h Overall height – 85	Seat – 40w x 42d x 44h Table – 60diam x 74h Overall - 72
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