

Temporary Street Furniture

A report by the Director, Kent Highway Services, to the Swale Joint Transportation Board on 25th June 2007

Introduction

1. The Traffic Management Act, which received Royal Assent in July 2004, requires Highway Authorities to enable the expeditious movement of all traffic on the road network. In November 2004, the Government issued the Network Management Duty Guidance, which describes how an Authority should meet the requirements of the Traffic Management Act 2004. As part of the Network Management Duty the local Highway Authority is tasked with ensuring that temporary street furniture does not create congestion or a disturbance on the public highway and that the needs of all traffic including pedestrians, paying particular attention to the visually and mobility impaired, is taken into account.

Background

2. In the County of Kent, this obligation rests with the Kent County Council (KCC), as Highway Authority, and the owners of any features or structures on the highway. Private sector traders have no powers to place temporary street furniture on the highway but under the Highways Act 1980, both KCC and local district/borough authorities have powers to grant licences to others to legitimise the placing of private sector features such as tables and chairs. The powers also exist to remove furniture under the same Act and the Town Police Clauses Act 1847.
3. KCC wish to encourage the provision of amenities on the highway where they are consistent with the protection of the public and where they will not be disruptive. The KCC is very keen to stimulate a 'café culture' to improve the town centre areas in a general move towards a vibrant 21st century environment where external 'pavement' dining using furniture placed on highway and public land can be a vital part of the life and character of the area.

Required Measures

4. In order to meet the requirements of the Traffic Management Act 2004 and the associated Network Management Duties it is necessary to put a Policy (on display) into place to ensure both the effective management of temporary street furniture on the public highway and a consistent approach across the County. This Policy will be adhered to by both KCC and any local district/borough authority who, with the agreement of KCC, wish to issue licences for temporary street furniture within their administrative boundaries.

Policy Summary

5. The Policy will set out the processes to be considered when applying for a licence to place temporary street furniture on the public highway. It will also outline the criteria that must be considered by an applicant, the good practice that should be followed and the conditions to be adhered to by the applicant. The Policy will illustrate all pre-application considerations and lay down the necessary procedures to be followed when applying for a licence for temporary street furniture.

Conclusion

6. Subject to the views of this Board it is proposed to recommend to the Cabinet Member for Environment, Highways and Waste that approval is given to the publication of the Policy for the Location and Licensing of Temporary Street Furniture on the Public Highway.

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Background Documents:

The Traffic Management Act 2004

The Network Management Duty Guidance

The Draft Policy for the Location and Licensing of Street Furniture on the Public Highway

The Highways Act 1980

The Town Police Clauses Act 1847