
By: Caroline Bruce, Interim Director
To: Highways Advisory Board – 5 May 2009
Subject: Interim Director's Update
Classification: Unrestricted

Summary: This report provides members of the Highways Advisory Board with a brief update on issues that are a priority for members, or may be of particular interest.

1. Road Safety

- 1.1 The DfT's draft road safety strategy for 2010-2020 - A Safer Way: Consultation on Making Britain's Roads the Safest in the World - was published on 21 April for consultation. The closing date is 14 July 2009.
- 1.2 Part of the **consultation** relates to speed limits and revised guidance on ensuring that all roads have the appropriate speed limit. Members are of course aware that KHS is already undertaking the speed limit review, but the consultation takes this beyond the current scope of this review.
- 1.3 Once we have looked at the consultation document in detail, we will respond after seeking the Highways Advisory Board's view.

2. Frost Damage and Potholes

- 2.1 In early January, a further £500,000 was allocated to fund additional work required as a result of the cold weather. This was increased in February so that a total of **66** crews were working on minor and major surface repairs across the County.
- 2.2 At the peak KHS staff were repairing approximately 3,000 potholes and larger patches per week.
- 2.3 Even at this resource level, for a number of weeks demand outstripped repairs, although this was to be expected following such a prolonged winter event. However, by keeping staff and crews fully focused on the task at hand, completion times quickly improved.
- 2.4 The high level of resource has been maintained until the end of April.

2.5 Key Statistics from January to March 09

*Number of pothole reports from the public: 6,488
 *Number of pothole reports from highway inspectors: 5,971

Number completed: 9,560

Average time to resolve public enquiry: 11.8 days
 Average time to resolve inspectors defect: 18.1 days

* It should be noted that on many occasions a pothole report will contain more than one pothole

3. Members' Grant

- 3.1 The members' highway grant scheme is being developed so that it can be implemented quickly after the June elections. Work is underway to determine the likely scope and scale of grant-funded schemes.
- 3.2 Details of the scheme, and guidance for members about the likely cost of various works are being written and will continue to be discussed with the Informal Members' Group which has been looking at the arrangements for the scheme already. The IMG last met on 15 April and recommended that the grant scheme should be named 'Members' Highway Fund (MHF)' and that its purpose will be 'to enable elected members to resolve local highways issues'. We will ensure that members, existing and new, have every support they need when the scheme starts in June.

4. Mercury streetlight replacement

- 4.1 A capital programme to replace the 8100 mercury streetlights in Kent began in March. So far 1500 lights have been replaced with the remaining lights due for replacement during 2009/10. Mercury lights are environmentally unfriendly, and it is also increasingly difficult to source stock when parts fail. The new lights are more energy efficient and will therefore provide savings – both financial and carbon.

5. S38 Cold Cases

- 5.1 175 'cold case' Section 38 road adoptions have been inherited from the Highway Units which are pre 2002. They all have specific problems such as land transfer or significant maintenance issues. A great deal of work has been undertaken to reduce the backlog, which stands at 38 at the end of April. It is expected that the majority will be completed early in the new financial year.

6. Scheme Prioritisation

- 6.1 All submitted Transport and Safety package scheme assessments will go through a new scheme prioritisation validation process following Highways Advisory Board and Cabinet approval of the suggested changes to the scheme. Item 11 on this agenda refers.
- 6.2 Following this process the Transport & Development Team Managers will present the draft list of schemes to the next round of Joint Transportation Boards (JTB).

7. Conclusion

- 7.1 This report is for Members' information.

Background Documents:

None.

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By: Kim Hills, Head of Community Operations
To: Highways Advisory Board – 5 May 2009
Subject: Concrete Roads
Classification: Unrestricted

Summary: The purpose of this report is to describe the progress made in developing the approach and to promote a programme of repairs to concrete roads.

1. Introduction

- 1.1 This report is in response to the issues concerning Magnolia Avenue, Cliftonville reported to the Board on 8 July 2008 (minute 3) and the subsequent discussions about the new KHS approach to maintaining the authority's minor concrete roads asset on 6 January 2009 (minute 6).
- 1.2 The purpose of this report is to describe the progress made in developing the approach and to promote a programme of repairs to concrete roads.

2. Survey Approach

- 2.1 The condition assessment of Kent's minor roads is achieved by a visual survey carried out on a two-year cycle. Six Districts are surveyed one year with the remaining Districts surveyed the next.
- 2.2 In order to make an assessment of the condition of the concrete road asset, the 2008/09 survey was extended to cover concrete roads in the other six Districts that the local Highway Inspector considered were in urgent need of attention. Concrete roads in those same six districts which were not considered in need of attention will be surveyed by default in 2009/10.
- 2.3 This year's visual survey was enhanced to enable a comprehensive assessment of the needs for maintaining the Authority's concrete roads. As a result, the concrete road survey has been separately analysed to develop a specific programme of repairs for the County's concrete estate roads.

3. Approach to Programme Development

- 3.1 The visual survey data has been analysed to identify potential schemes and to calculate a Road Condition Index (RCI) for each scheme. Thresholds are applied to the RCI values for every 10m of the County's minor roads and each section is colour-coded red, amber or green depending on the severity of defects recorded in the survey.
- 3.2 This approach has enabled all minor concrete roads surveyed to be included in the Carriageway Asset Manager system (JCAM). JCAM identifies clusters of red and amber 10m sections to identify potential schemes across the minor road network. JCAM then lists potential schemes in a priority order, suggests an outline treatment and provides a broad cost of repair for each scheme.
- 3.3 The outline treatments included in JCAM are:

- Concrete roads: Strengthening, Localised Repair and Micro-asphalt
- Covered concrete roads: as for bituminous roads
- Block-paved roads: Strengthening and Relay Blocks

3.4 The construction type was recorded during the visual survey, and this information has been included in JCAM. This enables KHS to provide, for the first time, potential scheme programmes targeted for concrete, covered concrete and block-paved minor roads. These programmes will be finalised in June/July 2009 using the JCAM data published on the Kent Gateway.

3.5 The role of the Highway Resurfacing Team is to now carry out detailed assessments of each of the high priority schemes to develop specific treatment requirements for each scheme. However, the outputs from JCAM allow for the overall investment needs to be assessed, and to target concrete roads for detailed assessment and repair.

4. Assessment of Need for Concrete Roads

4.1 The separate programmes of work have been collated and assessed to provide the following summary of value of schemes identified:

Road Type Treatment	Concrete Roads (£k)	Covered Concrete Roads (£k)	Block-paved Roads (£k)	Totals (£k)
Strengthening	12	0	0	12
Localised Repair	134	N/A	N/A	134
Micro-asphalt	3	926	N/A	929
Surface Dressing	0 Due to 1km rule*	0 Due to 1km rule*	N/A	0
Thin Surfacing	N/A	445	N/A	445
Relay blocks	N/A	N/A	0	0
Totals	149	1,371	0	1,520

* Surface Dressing schemes are currently restricted to those 1km in length or greater. Schemes on concrete roads tend to be shorter than this minimum length and therefore are treated with Micro Asphalt, Thin Surfacing or localised repairs in the model.

4.2 The above table indicates that the total cost of repairing all potential schemes identified on concrete, covered concrete and block-paved minor roads is £1.52m.

4.3 The cost of all schemes identified on the minor network is £18.37m – this includes a majority of schemes on bituminous roads.

4.4 The schemes on concrete, covered concrete and block-paved minor roads make up 8.5% of the total minor roads schemes by cost.

5. Recommendation

5.1 It is recommended that HAB accepts the new approach to identifying investment needs for the minor concrete road network in Kent, and that the Highway Resurfacing team now assess detailed requirements for repair of the top priorities to finalise the programme of repairs for 2010/11 onwards.

5.2 It is also recommended that, on the basis of the need for investment in concrete roads as demonstrated by the table above, £0.34m (8.5% of the indicated minor roads allocation) is dedicated to the repair of concrete roads annually from the 2010/11 programme onwards.

Background Documents:

None.

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By: David Hall, Head of Transport & Development
To: Highways Advisory Board – 5 May 2009
Subject: Smarter Choices – 2009 Progress Report
Classification: Unrestricted

Summary: Following on from a report to this Board on 8 July 2008, this updated annual progress report indicates the breadth and scale of Sustainable Travel initiatives currently underway. They complement the wider 'Greener Kent' agenda and ensure that Kent Highway Services and its partners continue to make a substantial contribution to tackling congestion, pollution and greenhouse gas emissions across the county.

1. Introduction

- 1.1 In July 2004, the DfT published 'Smarter Choices - Changing the Way We Travel'. The document was the result of a project that looked at the potential impact that 'soft factor' or indirect interventions can have on travel demand. These 'soft' transport policy measures included workplace and School Travel Plans. The report demonstrated that, for relatively little investment compared to large capital infrastructure schemes, 'soft' measures have a key role to play in changing travel patterns and improving accessibility.
- 1.2 In 2004 KCC secured additional funding from the DfT and DfES (DCSF) to employ a team of School Travel Advisors whose principal role would be to work with schools across the county to deliver School Travel Plans. School Travel Plans are a strategy developed by the whole school community to address issues of local congestion, pollution and safety attributable to the school-run. They contain clear objectives and targets and a range of measures tailored to the circumstances of that school.
- 1.3 Since 2004 the team has developed and expanded its remit, working collaboratively with partners both inside and outside of KCC to deliver a broad range of targeted measures aimed at promoting and facilitating 'smarter' travel choices for people of all ages across the county.
- 1.4 This report indicates the breadth and scale of the work that is currently underway to complement the wider 'Greener Kent' agenda, ensuring that Kent Highway Services and its partners make a substantial contribution to tackling congestion, pollution and greenhouse gas emissions across the county.

2. Key Achievements

- 2.1. Some headline achievements in 2008/09 include:
 - 50-60 new School Travel Plans, taking the Kent Total to **470** (approx) or **78%**
 - A **1%** shift to sustainable modes of travel to school (against 2006/07 school census base data)
 - **114,000** school-run journeys saved through walk to school initiatives (as of March 09)

- Over **13,000** Kent Freedom Passes issued, with an estimated **2%-6%** improvement in journey times outside those schools with a significant uptake of the scheme
- **400** personal pledges from Maidstone residents to make 'greener' travel choices as part of In Town Without My Car (September 2008)
- **£100,000** of capital investment in sustainable travel to school facilities, within school grounds (Local Transport Plan)
- A projected **3,163,283** car journeys saved in 2009 through Kentcarshare which equates to a saving of over 1000 metric tonnes of CO₂

3. School Travel Plans

- 3.1 The highly successful School Travel Plans project is now entering its final 'official' year. As part of funding secured by the Government's "Travelling to School" initiative, KCC – along with all other Local Authorities – is expected to deliver School Travel Plans at 100% of schools in the County by March 2010. At the time of writing, it is expected that between 50 and 60 Travel Plans will have been completed during 2008/09, bringing the total to approximately 470 schools (78%). While this still leaves a further 130 (22%) schools to achieve in 2009/10, this is considered achievable, particularly if a more direct and prescriptive approach is taken to producing these documents at harder to reach schools. Regardless of the final tally at March 2010, the project represents a huge achievement, having built on a baseline of just 7 schools with Travel Plans in 2004.
- 3.2 As well as showing a demonstrable impact on the school-run, the initiative has also secured in excess of £2.3 million of additional Capital funding to schools in Kent which have been spent on a wide range of initiatives to support the objectives of School Travel Plans e.g. cycle storage, sheltered waiting areas for parents, footpaths etc
- 3.3 A recent announcement confirmed that the School Travel Advisor funding, currently received as part of KCC's Area Based Grant, will be continued in 2010/11. We await further guidance from Government as to their priorities for delivery beyond 2010.

4. Local Transport Plan School Capital Grant Funding

- 4.1 For the first time in 2008/09, funding was made available through Kent's own Local Transport Plan to schools proactively driving forward their School Travel Plans and providing solid evidence of modal shift away from the car. £100,000 of funding was split between 12 schools across the county leading to the development of a range of initiatives including secure cycle/scooter storage, improved pedestrian access, signage and sheltered parent waiting areas. The scheme has been an excellent tool to secure the longevity of School Travel Plans and to further engage schools in taking responsibility for their carbon footprint and impact on local traffic congestion. A new set of submissions are currently being assessed for funding in 2009/10.

5. Kent Freedom Pass

- 5.1 KCC first introduced the Kent Freedom Pass scheme in June 2007, providing bus travel free at the point of use to students attending school in three pilot areas (Canterbury district, Tonbridge town and Tunbridge Wells district). Since then it has proven very successful, encouraging children away from car travel and on to Kent's bus network. By the end of the first year, pass holders had made more than 1 million journeys and over 13,000 passes have now been issued.
- 5.2 The original pilot scheme was intended to run until 2009 however its success led to it being extended to the remainder of Tonbridge & Malling, Dover, Maidstone and Shepway districts in June 2008 and Swale and Thanet in January 2009. The scheme

will be extended to its final countywide phase in June 2009 by covering schools in the districts of: Ashford, Dartford, Gravesham and Sevenoaks

5.3 Preliminary research has indicated that:

- 30% of those applying for a Kent Freedom Pass, were previously driven to school (it is unclear at this stage what proportion of these students have actually made the switch for their home to school trips)
- Journey times have improved between 2% to 6% outside those schools with a good uptake of the scheme

6. Sustainable Travel to School Strategy and supporting initiatives

6.1 The Education and Inspections Act 2006 places a duty on local authorities to promote the use of sustainable travel and transport on the journey to school. Kent's Sustainable Travel to School Strategy was duly published as a consultation draft on 31 August 2007 and was published in its final form on 31 August 2008.

6.2 Good progress is being made on the delivery of the Strategy and its development has led to improved joined-up working between directorates involved in co-ordinating travel to school, including KHS, CFE and Commercial Services.

6.3 As part of its Area Based Grant, Kent receives £112,865 per annum (5 years from 2007/08) from Government to support the delivery of this strategy. The following have been delivered in 2008/09, as required by the Act.

- An infrastructure audit, highlighting sustainable transport provision at all Kent schools
- A Sustrans Bike IT officer promoting cycling to schools in Ashford
- Partnership funding for the Kent and Medway Walking Bus Group Charity
- Improving web based travel information for schools, pupils and parents

6.4 In 2009/10 it is intended to explore the potential for Theatre in Education to support key messages and also software to support and streamline the ongoing monitoring and auditing of Travel Plans (see para 7.5 re. iTRACE)

6.5 Additionally two new initiatives are being piloted including a hard hitting campaign targeting parents parking on 'School Keep Clear' zig zags and a scheme called *Journease* which aims to engage secondary school aged children in providing journey planning information and resources to their peers. This is a similar concept to the Junior Road Safety Officer scheme where pupils act as a conduit within the school, promoting key messages.

7. Employer / Developer Travel Plans

7.1 Changes in Government Guidance have led to a significant increase in Travel Plan Conditions secured through the planning process. In this context a Travel Plan can be defined as 'A strategy for managing multi-modal access to a site or development focusing on promoting access by sustainable modes'. The main objective of a Travel Plan is to reduce the number of single occupant car trips to a site. A successful Travel Plan will give anyone travelling to and from a business or organisation a choice of travel options and encourage them to use the more sustainable ones.

7.2 Provision of an effective Travel Plan will never be able to justify the siting of a development in a totally unsuitable location. However, a sufficiently strong Travel Plan may help to counterbalance the disadvantages of a site where sustainable access without Travel Plan measures would be less than ideal. A Travel Plan will need to be

robust enough to give assurance that the sustainable travel patterns predicted by the developer will be delivered once the site is complete and operating.

- 7.3 Significant progress has been made in the last year in clarifying protocols and processes between KHS, District Planning Authorities and the Highway Agency for the scoping, implementation, monitoring and enforcement of Travel Plan conditions. This has included the publication of Kent's "Guidance on Transport Assessment and Travel Plans" which is intended for adoption by KCC as a material consideration in Planning.
- 7.4. The five tests relating to the appropriate use of planning obligations (as set out in ODPM Circular 05/2005) will be adhered to when considering the Travel Plan as part of the legal agreement. The use of conditions will also need to be in line with the guidance outlined in the DoE Circular 11/95. This is particularly important in the current economic climate where KHS and the Planning Authority need to balance what is 'reasonable' and viable with environmental and sustainability considerations.
- 7.5. KHS are seeking to procure a bespoke piece of software called iTRACE to substantially streamline and improve the tracking and monitoring of these Travel Plans. iBase Systems Ltd (iBase) has developed and implemented the iTRACE system for capture management and reporting of work place and schools Travel Plans across London. iTRACE has been developed over the last 4 years with the support of Transport for London.

8. National Rail Station Travel Plan Pilot

- 8.1 In 2008 a partnership led by Kent Highway Services, Southeastern and Ashford's Future made a successful bid to participate in a National Rail Station Travel Plan Pilot. The 2007 Rail White Paper proposed that station travel plans be tested through a series of pilots, and ATOC is co-ordinating a national pilot scheme on behalf of the Department for Transport DfT. Ashford station was selected as one of 31 successful applications across England out of a total of 70 bids.
- 8.2 The National Rail Station Travel Plan Pilot provides an exciting opportunity for Kent to participate in a national initiative to promote sustainable travel to rail stations. The development of the Travel Plan and supporting initiatives will assist the sustainable expansion of commuter rail travel in Kent as a result of the new High Speed (HS1) services. It is intended that best practice be rolled out to other stations in due course.
- 8.3 The Ashford Station Travel Plan is due to be launched in May 2009, with a series of innovative measures, including personalised travel planning and marketing tailored to the specific needs of individual commuters.

9. Kentcarshare / Kentjourneyshare

- 9.1 In the context of the Ashford Station Travel Plan (highlighted above), the successful Kentcarshare journey matching facility is being developed and expanded to include greater flexibility for journey matching.
- 9.2 This will include new 'budi' elements for walking, cycling and taxi trips aimed at improving personal security, knowledge and confidence of local cycle routes and cost sharing opportunities.
- 9.3 The Kentcarshare scheme currently has 3000 members with 3117 journeys registered. Based on current matches it is estimated that in 2009 the scheme will save:

- 3,163,283 miles

- £577,312
- 1,040.7 metric tonnes of CO2

10. Streetcar

10.1 Kent's partnership with Streetcar to promote and develop Car Clubs in the county continues. The core scheme at County Hall has recently expanded to include an additional third car and the intention is that this will ultimately be located in The Mall car park, with the potential to serve Maidstone Borough Council and Jacobs employees, as well as being more readily available to residents to the south of the town centre.

10.2 Positive discussions have taken place with District Council partners and developers, raising awareness of the potential for such schemes to address parking limitations on new town centre residential developments. A number of developments across the county have the provision of a Car Club facility conditioned as part of S106 Agreements and it is hoped that this model will serve to quickly develop a viable network of Car Club cars across the County, presenting a genuine alternative to traditional car ownership

11. Travel Awareness Campaigns

11.1 A key part of our strategy is to carry the sustainable travel message to people through a series of campaigns, promotions utilising the media and face to face communication. Examples of such activities in 2008/09 have included:

- *Maidstone Goes Green*

The development of an exciting new partnership between KCC, Maidstone Borough Council, The Maidstone Town Centre Management Group and Maidstone's three main shopping centres (The Mall, Fremlins Walk and Royal Star Arcade) led to opportunities to promote sustainable transport in the town under the umbrella of 'Maidstone Goes Green'. Free space was made available in all three of the shopping centres to promote KCC led 'green' initiatives and it's hoped that this activity will prelude a major event on 'In Town Without My Car Day' on the 22 September. This is traditionally the culmination of European Mobility Week (13-21 September).

- *In Town Without My Car*

Building on the success of the Maidstone Goes Green partnership, In Town Without My Car held in Maidstone in September 2008, represented the largest promotional and awareness raising campaign that KHS have delivered to date. A week of activity and promotion in all 3 major shopping centres, culminated in a day when all Maidstone residents and employees were encouraged to leave their car at home and try a sustainable alternative. A partnership with the KM helped to ensure excellent and positive publicity for the event.

11.2 Through the development of these initiatives, KCC have forged excellent partnerships with local organisations e.g. Maidstone Town Centre Management, local shopping centres, retailers, lobby groups and the media. This partnership working has maximised the potential of such initiatives and has also allowed them to be delivered in a very cost effective way through sponsorship in kind. KHS aim to build on these partnerships in 2009/10, facilitating the delivery of our core messages at the local level through funding to support locally led campaigns and initiatives. A Maidstone Goes Green/In Town Without My Car event is planned for Maidstone in 2009 and is to be led by the Town Centre Management. Early discussions are also underway with

Canterbury City Council and the Canterbury Employers' Travel Plan Forum regarding a similar event later in the year.

12. Conclusion & Recommendation

- 12.1 The success of Smarter Choices relies on developing partnerships with people and organisations across Kent. A fundamental principle of Smarter Choices is to develop and deliver highway schemes and services, which are aligned with people's travel needs. This can be achieved by continuing to engage with the public and other stakeholders to raise awareness and ownership, leading to the development of effective schemes that deliver real behavioural change.
- 12.2 Smarter Choices gives Kent an opportunity to make good progress towards improving access, tackling congestion and delivering sustainable development as defined in the LTP2. The plan builds on good practice and is achievable and cost effective. Members are asked to note the good progress being made and continue to support the delivery of the programme.

Background Documents:

None.

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By: David Beaver, Head of Network Management
To: Highways Advisory Board – 5 May 2009
Subject: Stopping Up The Highway – Stopping Up Order (Section 116 of the Highways Act 1980)
Classification: Unrestricted

Summary: This report proposes the introduction of a new policy on the management of stopping up orders under Section 116(1)(a) of the Highways Act 1980

1. Introduction

1.1 The proposed policy sets out how Kent Highway Services will comply with the requirements of the Highways Act in relation to applications where the highway is unnecessary, in a manner which is functional, effective, transparent and does not expose the Council to financial risk. The policy covers financial matters and the processes involved in managing an application, including declaring the highway unnecessary and land ownership matters.

2. Recommendation

2.1 Subject to the views of this Board, it is proposed to recommend to the Cabinet Member for Environment, Highways and Waste that Kent Highway Services introduce a new policy on how the Council carry out the management of stopping up the highway (Stopping Up Order) under Section 116(1)(a) of the Highways Act 1980.

Background Documents:

Policy for Stopping Up Order (under Section 116(1)(a) of the Highways Act 1980)

Section 116 of the Highways Act 1980.

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APPENDIX A

STOPPING UP THE HIGHWAY

POLICY FOR STOPPING UP ORDERS (UNDER SECTION 116(1)(a) OF THE HIGHWAYS ACT)

AUTHOR	Andy Smart	Network Planner	01/04/2009
REVIEWER	Lloyd Holliday	Network Performance Manager	01/04/2009
APPROVER	David Beaver	Head of Network Management	01/04/2009

1. INTRODUCTION

- 1.1 A publically maintained highway is created by a process known as adoption. In the past highways were created by usage. Once a highway is created, it is protected by law and exists in perpetuity. At times, an existing highway needs to be removed so that the underlying land can be used for other purposes such as development or where the highway is no longer required when a more effective alternative has been created. This policy considers only those cases where the highway is considered unnecessary. The process for removing highway rights from a piece of land is known as "Stopping Up the Highway".
- 1.2 Section 116 of the Highways Act 1980 sets out the process by which this can be achieved. It requires an application to the local magistrates' court where the Council must show that the highway is unnecessary. In addition it requires that district and parish councils, who have an effective right to veto an application, are notified, as are adjoining land owners and occupiers, and also statutory undertakers. If the highway is a classified road, the Secretary of State must also be notified. Notices must be placed in the press and on site. It should be noted that the process laid down in the Act only allows for objections to be made when the application is heard at the magistrates' court..

2. FINANCIAL MATTERS

- 2.1 Throughout the life of a stopping up order application there will be several KHS staff involved in the delivery and management of the process from start to end. In addition there will be external costs associated with the notification and advertising of the proposed stopping up order. The staff time and external costs can financially burden the Council to the value of £3000 or more. Under Section 117 of the Highways Act 1980 any Council involved with processing stopping up orders are entitled to recover its reasonable costs.
- 2.2 Therefore the Council will exercise these powers under Section 117 to ensure that the processing of a stopping up order will be cost neutral to Kent Highway Services by recharging all their reasonable costs to the applicant whether this is an internal (ie. KCC) or external customer.
- 2.3 External customers shall make payments in advance to prevent the Council being exposed to any financial risk. Should an external customer be unwilling to make such payments, their request would not be progressed. As described in paragraph 3.1 the likely cost of an application is currently in the region of £3,000. However, the total cost could be higher or lower depending upon the complexity or ease at which the stopping up order is obtained.
- 2.4 Upon receipt of an application the Council will request an initial payment of £1,000 with the application and then a second payment of £2,000 once the highway has been declared unnecessary. These sums are subject to continual review and may be revised by the Network Performance Manager from time to time. Additional payments may be requested from the applicant at any time should it appear that there are insufficient funds for the application to proceed without exposing the Council to financial risk.
- 2.5 Throughout the processing of an application, the costs incurred by the Council shall be continually monitored.
- 2.6 Payments shall be made within 14 days of request. If a payment is not received within 14 days then work on the application will cease until such time as payment is

received. Any consequential or additional costs incurred by any delay caused by non-payment upon request are the sole responsibility of the applicant. If payment is not received within 56 days of request the application will be closed and any unspent funds refunded to the applicant as soon as practicable.

- 2.7 The applicant may, at any time, ask that the application be terminated and any funds unspent and uncommitted at that time will be refunded as soon as practicable.
- 2.8 Upon the successful completion of the application, any funds unspent and uncommitted will be refunded to the applicant as soon as practicable.
- 2.9 The applicant shall be charged for all officer time involved in processing the application, including mileage and travelling costs, and for all costs incurred. Travelling time and mileage shall, in all cases, be measured from Invicta House, Maidstone, Kent. Mileage shall be charged at the current casual user rate for mileage below the threshold. Kent Highway Services officer time shall be charged at the external charge out rate appropriate to the top of the grade for the post involved. Officer time in other services (e.g. KCC legal department) shall be charged at the rate determined by that service.

3. PROCESS, GENERAL

- 3.1 When an application is received for a stopping up order, if the KCC Lead Officer believes that it is unlikely to be successful, the applicant shall be informed immediately, full payment shall be returned to the applicant and the file closed.
- 3.2 A stopping up order is granted under Section 116 of the Highways Act 1980 if it appears to a magistrates' court, after a view, if the court thinks fit, that a highway is unnecessary; and if the requirements of the Act as set out in Section 16 and Schedule 12 have been complied with in full.
- 3.3 The applicant shall be regularly informed of progress and where problems occur; the applicant shall be informed promptly of the problem and its likely consequences.
- 3.4 All notices and correspondence sent in pursuance of a requirement of the Act will be sent first class, recorded delivery. Other correspondence may also be sent first class, recorded delivery if this is considered appropriate.

4. PROCESS, IN DETAIL

- 4.1 Once a request for a stopping up order is received an application form will be sent along with a request for the initial payment of £1000, or other such sum as may be determined from time to time.
- 4.2 Upon the initial payment being made, the following investigations will be undertaken:
 - Obtain highway boundary plan from the KCC Highway Definition Team, and;
 - Obtain all necessary land ownership details from Land Registry, and;
 - Consult internally with Kent Highway Services to determine if the highway is unnecessary or necessary.
- 4.3 Subject to a satisfactory outcome above, the following will be notified of the intention to seek a stopping up order:
 - District council
 - Parish council (if there is one)
 - Owners of adjoining land
 - Occupiers of adjoining land
 - All statutory undertakers likely to be affected.

- Local Member for the Division
 - The Secretary of State if the highway is a classified road.
- 4.4 KHS lead officer will write a report summarising the request and responses received will be prepared for consideration by the Network Performance Manager under existing delegated powers. If the request is considered contentious, or if the local Member opposes the application, the request will be referred to the next appropriate meeting of the Highways Advisory Board or Joint Transport Board.
- 4.5 Subject to the highway being declared unnecessary, but before proceeding with the application, the future ownership of the underlying land must be resolved. KHS will write to the applicant with a progress report and request clarification of future land ownership unless already resolved. The policy on land ownership is;
- If the underlying land is owned by Kent County Council, the applicant will be required to successfully negotiate for the purchase of that land if the stopping up order is granted prior to the application proceeding.
 - If the underlying land is owned by a third party, the applicant will be required to indemnify the Council against any and all claims and costs should the applicant fail to secure title to the land in future before the application shall proceed.
 - If the underlying land is owned by the applicant the application shall proceed.
- 4.6 KHS lead officer will write to the applicant and request a further payment of £2000, or other such sum as may be determined from time to time, before progressing further with the application.
- 4.7 KHS lead officer will make contact with the appropriate local magistrates' court and book a date for the application to be heard.
- 4.8 KHS lead officer will notify the following of the court date,
- District council
 - Parish council (if there is one)
 - Owners of adjoining land
 - Occupiers of adjoining land
 - All statutory undertakers likely to be affected.
 - Local Member for the Division
 - The Secretary of State if the highway is a classified road.
- 4.9 KHS lead officer will prepare and submit a progress report for the applicant and advise of the court date.
- 4.10 KHS lead officer will prepare and place newspaper advertisements in the London Gazette and two local newspapers.
- 4.11 KHS lead officer will prepare erect and maintain notices on site.
- 4.12 KHS lead officer will prepare documents for the application of the stopping up order to KCC Legal Department at least 14 days prior to court date and then submit a copy of the documents to the magistrates' court at least 7 days prior to the court date.
- 4.13 KCC Lead Officer and a KCC legal representative will attend the magistrates' court to present the application and give witness as required.
- 4.14 Subject to the success of the court hearing a legal stopping up order will be issued and the applicant will be advised in writing of the outcome of the application.

By: David Beaver, Head of Network Management
To: Highways Advisory Board – 5 May 2009
Subject: KHS Policy for managing skips on the Highway
Classification: Unrestricted

Summary: This document sets out the policy for Kent Highway Services to manage skips placed on the public highway. It covers the need for licensing of skips (or equivalent type of container) placed on the highway, charges to be applied and action to be taken in cases of non-compliance. This matter will be included in the next edition of the Forward Plan.

1. Introduction

- 1.1 Control of skips placed on the highway under S139 of the Highways Act, requires permission of the highway authority for the skip (or equivalent type of container) to be placed. This has driven the need for formal licensing of skips in Kent at a minimal charge, currently £20 per week or part week, in order to be able to fully consider the safety and disruption factors for highway users whilst the skip is in place.
- 1.2 If any skip is placed upon the highway without a licence the operator will be required to immediately apply for a licence and pay the respective charges – including for time already spent on the highway. Regular inspections will be carried out by local inspectors, checking skips for valid licences and compliance and investigating any complaints received. A penalty charge of £47 (in line with the NRSWA defect site inspection fee) is to be applied when a skip is on the public highway without a licence. Records will be kept of offending operators and where there are repeated offences, we reserve the right to refuse an operator permission to place skips on the highway. Where circumstances dictate we can remove offending skips and recharge costs to operators where known. In exceptional cases, we have the option to prosecute the skip operator.

2. Recommendations

Subject to the views of this Board, it is proposed to recommend to the Cabinet Member for Environment, Highways and Waste that

- the policy to actively manage skips placed on the highway be approved;
 - continued licensing of skips on the highway be approved;
 - continued charging for licences at current levels of £20 per week or part week be approved; and
 - a penalty charge of £47 (in line with the NRSWA defect site inspection fee) to be applied when skips are placed on the public highway without a licence be approved.
-



POLICY FOR
THE MANAGEMENT AND
LICENSING OF SKIPS AND
EQUIVALENT WASTE CONTAINERS
LOCATED ON THE PUBLIC
HIGHWAY

Author - Highway Activities Enforcement Team April 2009
Contact – Claremarie Vine

POLICY FOR THE MANAGEMENT AND LICENSING OF SKIPS AND EQUIVALENT WASTE CONTAINERS LOCATED ON THE PUBLIC HIGHWAY

1.0 Introduction

The Policy - This policy sets out the requirements relating to management of applications for permission to place a skip (or equivalent waste container) on the public highway. It explains why there is a need to control and manage items placed on the highway, the issues to be considered and the conditions that apply when a licence is granted. The policy has been defined in order to increase clarity and consistency across the county in the management of skips placed on the public highway.

Current situation – Thousands of skips for the managed disposal of large volumes of waste are placed on Kent's roads annually, creating both a potential hazard and cause of congestion on our roads. The high number of skips placed, increasing traffic volumes and existing road conditions in Kent demand that conditions are specified at the time permission is given. This demonstrates the need for continued formal licensing (or permitting) of skips as outlined in this policy, at a minimal charge, in order to be able to fully consider the safety and disruption factors for highway users whilst the skip is in place, when carrying out our duties as a highway authority. The policy also supports progressive active monitoring and enforcement of skips licences.

Responsibilities – Certain duties are placed on Kent County Council (KCC) as the relevant Highway Authority in the County of Kent. Kent Highway Services on behalf of KCC is responsible for maintaining the highway and also must ensure that the highway is available for the public to use, to travel freely on the highway without obstruction, ensuring also that skips not obstruct drainage, sight lines or road traffic signs and that the area is safe. S130 Highways Act 1980 states the highway authority has a duty to 'assert and protect the rights of the public to the use and enjoyment of any highway' and S.16 Traffic Management Act 2004 states that it is the network management duty of the local traffic authority to 'secure the expeditious movement of traffic' where traffic includes all groups of highway users. These acts together place an obligation on us to ensure that we regulate items placed on the highway to minimise risk and to make sure that there are no severe hazards particularly for the visually impaired, for those with mobility problems, the elderly and those with young children. We must consider all aspects that affect traffic flow and the effects and duration of any disruption on all highway users.

Powers – KCC has certain powers with respect to skips under S139 of the Highways Act 1980, which grants us as a highway authority control of builders skips by requiring that permission be obtained from the highway authority before the skip is placed on the highway. Skip operators must apply to Kent Highway Services who grant permission on behalf of KCC in the form of a recorded licence (or permit) for each skip location. Conditions may be specified for each skip as appropriate on the licence; these may include exact location, time windows for delivery and collection, limited duration on site due to other planned works etc. Skips may not be placed without a licence and S140 of the Highways Act gives us the power to remove skips from the highway, wherever there is a need to do so.

2.0 Requirements and Considerations for Licences

Requirements and fees for applications – Certain requirements must be met by skip operators in applications, separately from considering the safety of the proposed location and these are detailed in the licence for the applicant's attention. These include the need for £5 million public liability insurance, the need to indemnify the council against all claims, provision of a clearly marked skip (high visibility markings and owner identification) and payment of licence fees (currently £20 per week or part week). The weekly charge as set by HAB was effective 1st Dec 2008 through 2009/10 year and is currently proposed to remain unchanged – this level of fee helps to meet costs of administering the system, but is not as great as would deter the majority of operators from complying with licensing and their conditions.

Site considerations and applicable legislation – As part of the approval process the location for the skip will be assessed as to whether it is suitable. This process includes many legislative considerations. Health and Safety here primarily considers major risks likely when loading and unloading and actual site location, S17 of the Crime and Disorder Act 1998 is instrumental in considering the effects of siting, to reduce crime and perception of crime and Ch 8 Traffic Signs Manual (revised 2009) is used as guidance for the safe guarding of skips especially where traffic management is required. The process will include ensuring the skip does not pose a hazard to footway users, that there is adequate width for the anticipated type of traffic (2 way, unless traffic management is appropriate and reasonable, or if the street is one way) and considering any possibility of obstruction, impaired visibility, clash with other street activities, general risk assessment for the site and access for Emergency vehicles. Due to the increasing volume of skips and our Network Management duty under the TMA, placing of skips is being considered in similar terms to a temporary works site when co-ordinating activities on the highway and this can only serve to improve our performance as a Highway Authority. The majority of skips are placed for a short duration – days or one to two weeks, and prompt removal from site is to be actively encouraged. Where skips cannot be placed safely as requested, an alternative site or date may be offered or the application refused.

Conditions of licence – A licence must be obtained before the skip is placed on site and will include general conditions such as skip identification and marking (Building skips (Marking) Regulations 1984), permitted and excluded types of waste and its transfer (Environmental Protection (Duty of Care) Regulations 1991, load level and guarding and lighting of skip, it will also include any special condition referring to that site and/or the skip occupation time(s) for that site. Maintaining a valid licence is dependent on abiding by all set conditions.

3.0 Education, Monitoring and Enforcement

Education – This has been identified as a key factor in improving standards for skips on the highway and is being integrated into KHS web pages, public information and licensing procedures. The public are not fully aware of the need to use reputable skip companies and the need for licensing skips on the highway - by improving their understanding, helping them to make an informed decision on their supplier, this will help to raise standards of operators placing skips on the highway. By working with operators too, increasing their awareness of highway issues and encouraging prompt removal, we can reduce potential hazards and causes of congestion and disruption.

Recording of skip licences – All licences are recorded for monitoring and reference which assists with handing of enquiries or complaints and processing of renewal applications. Licences are obtained by the skip operator, and do not rely on householder knowledge of this requirement, which allows us further opportunities to increase compliance across the county, as we work closer with operators and aim to increase their understanding of how skips affect highway safety and users of the highway. Application for licences via an online system is being developed and will be the preferred method of application when in operation to improve recording methods, increase efficiency and improve the service to the skip operator.

Handling of complaints and enquiries – Any complaints received regarding skips placed, will be investigated and resolved with the operator (where known). By involving operators more in future in enquiries and complaints, improving their awareness of highway issues and feeding back on their performance as an operator on the highway, the aim is to raise standards of operators placing skips on the highway, reduce times on site and help to reduce fly tipping of waste on the highway. Records will be kept of offending operators to show where we need to concentrate on repeat offenders, where further action is necessary and more positively where direct contact has had a desirable effect.

Random inspection - Inspections will be carried out by local inspectors at regular intervals, checking skips in the area for valid licences and compliance, operators will be contacted directly, usually by phone and licences/ compliance requested straight away, this may include repositioning or removing the skip as appropriate.

Skips without licence - If any skip is placed upon the highway without a licence, upon identification, the operator will be required to immediately apply for a licence and pay the respective charges – including for the time already spent on the highway. Local investigation will be carried out as necessary, to find out from local residents (or in some cases from identifying skip contents) the hirer and from them, the owner of the skip where this is not known. On occasion where the operator cannot be identified, the skip will be removed by KHS.

Repeat offenders - Where there are shown to be repeated offences, we reserve the right to refuse an operator permission to place skips on the highway. Unless there is an immediate urgent problem, the applicant will be served with up to two written notices/warnings to comply. A failure to still comply will result in a third communication indicating that action will be taken. Where individual circumstances dictate we can remove offending skips and recharge costs to operators where known. In exceptional circumstances, where we have a persistent offender operating in Kent, we have the option to prosecute the skip operator.

4.0 Conclusions

Effective management of skips on the highway is dependent on a formal licensing arrangement and KHS need to continue with the licensing system currently in use for KCC, developing and improving processes as needs arise.

Education of public and skip operators is key to improving the management of skips on the highway, improved levels of applications for licences and reduced levels of crime, especially waste related like fly tipping, and just as importantly, perception of crime.

The combined approach for skips of education and feedback, licensing and enforcement, will help us raise safety standards on the highway and improve highway availability. The licence document itself and working practices will be subject to regular review and update in pursuit of this aim.

References

Highways Act 1980

Traffic Management Act 2004

Environmental Protection (Duty of Care) Regulations 1991

The Disability Discrimination Act 1995

Crime and Disorder Act 1998

Buiders' Skips (Markings) Regulations 1984

By: David Beaver, Head of Network Management
To: Highways Advisory Board – 5 May 2009
Subject: KHS Policy for managing Tables and Chairs on the highway
Classification: Unrestricted

Summary: This document sets out the revised policy for Kent Highway Services to licence Tables and Chairs on the public highway. It covers the need for licensing of Tables and Chairs, charges to be applied for licences and in cases of non-compliance. This matter will be included in the next edition of the Forward Plan.

1. Introduction

1.1 The existing policy for 'The Location and Licensing of Street Furniture' has been reviewed and revised to reflect current issues and working practices, and focus on Tables and Chairs on the highway, removing A boards from the policy. It is to be renamed accordingly.

2. Recommendations

2.1 Subject to the views of this Board, it is proposed to recommend to the Cabinet Member for Environment, Highways and Waste that the existing Street Furniture Policy be revised, with changes as outlined above, forming the new Tables and Chairs policy. The current annual charge of £150 is proposed to remain unchanged for 2009/10 and the penalty imposed for non-compliance with the licence on inspection, is to be increased from £25 to £47 in line with the NRSWA site inspection charge for defects.

Background Documents:

' A Policy for the Location and Licensing of Street Furniture on the Public Highway'
Licence Application Form

Appendices:

' A Policy for the Location and Licensing of Street Furniture on the Public Highway'
Tables and Chairs Policy (Draft Version)

Contact: **Jamie Baker** - Highway Enforcement Team
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A POLICY FOR
THE LOCATION AND LICENSING OF
TABLES AND CHAIRS ON THE
PUBLIC HIGHWAY

Highway Activities Enforcement Team April 2009

INTRODUCTION

- 1.01 **The Policy** - This policy sets out the processes to be considered when applying for consents to place street furniture on the public highway. It is intended to act as a guide to applicants to explain why there is a need to control and manage items placed on the highway, the issues to be considered and the conditions that will be applied upon successful application.
- 1.02 **Common law** – Common law has established that a highway is a route which all persons can use to pass and repass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these rights of way it is necessary to ensure that they are not obstructed either wilfully or without due consideration. Consequently there is an obligation to regulate features placed on the highway to minimise risk and to make sure that there are no severe hazards particularly for the visually impaired, for those with mobility problems, the elderly and those with young children.
- 1.03 **Responsibilities** - 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 placed on the highway. The KCC is responsible for the fabric of the highway and therefore must ensure that, for example, access is maintained, that furniture does not obstruct drainage, sight lines or road traffic signs and that the area is safe. These are assessed and safeguarded using Highways Act powers.
- 1.04 **Café Culture** - 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. 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.
- 1.05 **Powers** - Although, both KCC and local district/borough authorities have permissive powers to allow the highway to be occupied by certain items of street furniture such as benches and bus shelters, private sector traders have no such powers to place features on the highway. However, both authorities have under the Highways Act 1980 the powers to grant consents, (licences), to others to carry out street trading activities for amenity purposes and thus legitimise the placing of private sector features such as tables and chairs on the highway. The powers also exist to remove furniture in respect of unauthorised street trading under the same Act and the Town Police Clauses Act 1847.
- 1.06 **When can tables and chairs be placed** - An applicant is **not** in a position to place any street furniture on the highway until all the required approvals have been granted as necessary. In addition, not until evidence of public liability insurance has been provided and checked and the licence is on public display within the body of the business as specified.
- 1.07 **Forecourt Trading** – If tables and chairs are to be used on private forecourts applicants need to ensure that planning permission is not required for tables

and chairs in this area. Where there is an established right of way over a forecourt and is therefore deemed to be highway

CRITERIA TO BE CONSIDERED BY APPLICANT

- 2.01 **Issues to consider** - Prior to presenting any application consideration must be given to the following which will be taken into account as part of any formal assessment.
- 2.02 **Space** – Is there enough room for the use as proposed? An unobstructed footway width of 2.00m will normally be required for the unimpeded use of pedestrians. This allows wheelchairs and prams to pass and provides an adequate route for blind and partially sighted pedestrians. A greater width will be required in heavily trafficked locations. A distance of .75m from the face of the building is required to satisfactorily accommodate a seated customer on a chair. Tables and chairs should normally be placed adjacent to the premises at the back of the footway. In some large communal areas this requirement may be waived. The positioning of tables and chairs should never discourage pedestrians from using the footway. The available route past the café area must be straight, obvious and unobstructed. The through route must not meander between the tables and chairs or standing customers.
- 2.03 **Means of enclosure** – How will the licensed area be physically defined? The extent of the area may be formally identified by markers flush with the surface as permanent points of reference. When a street café is operational a temporary form of enclosure will normally be required with adequate openings to permit access. The intention of the enclosure is to demarcate and contain the area and to give a clear warning particularly to people with visual impairments. A low level tapping rail will be a necessary requirement. The means of enclosure must be lightweight for out of hours storage but sufficiently robust to cope with resistance to winds, especially near seafront and exposed areas. Rope or chain barriers are not considered suitable because they are potentially hazardous to pedestrians specifically the visually impaired. Portable planters may be considered but they must be well maintained, planted, kept clean of debris such as litter and cigarette stubs and be able to resist accidental or mischievous movement. Enclosures should have a minimum top rail height of 800mm but no more than 1000mm.
- 2.04 **Furniture** – Are the tables and chairs fit for commercial purposes? A standard Countywide design and colour scheme will not be imposed however, the Authority will insist upon a reasonable quality and expect the style to harmonise with the local environment. In some areas further conditions as to the fabric or colour of the furniture may be imposed, especially in areas of special interest or local conservation areas. Domestic plastic patio furniture will not be acceptable. Furniture must therefore be safe and intended for commercial use. It must be properly maintained, replaced as necessary and kept clean. Furniture must not be mixed. Furniture must not damage the surface of the highway and should not generate unreasonable noise when being moved at night. Consequently consideration should be given to using furniture with rubber feet. Materials and colours should not be too bright, garish or overly reflective.
- 2.05 **Umbrellas/Parasols** – Umbrella location, colour and material must be specified. They shall be positioned so that they do not overhang beyond the

enclosure and weighted to prevent them being dislodged by the wind. Only the company name or logo may be permitted on umbrellas but these should not be too dominant and limited to about 450mm x 150mm. In communal street café trading areas each business should select a different colour fabric to enable the customer to identify the seating area with the licence holders business.

- 2.06 **Storage** – Where will the furniture, umbrellas and other items be stored? Café furniture and other items will not be stored on the public highway when not in use e.g. during inclement weather. All furniture, umbrellas and enclosures etc shall be removed at night and stored inside the shop premises or within an alternative safe environment as agreed by the KCC.
- 2.07 **Cleanliness** – All tables must be cleared of all uneaten food, used crockery, cutlery and properly cleaned immediately. In areas where seagulls or birds may be a potential nuisance umbrellas may be required. The applicant is responsible for the cleanliness of the café area at all times, also for wind blown litter in the area around the outside of the enclosure. At least one litterbin should be available at all times of operation. If smoking is permitted and complies with relevant legislation, each table should be provided with an ashtray which is cleaned each time the table is cleaned. At the end of each day all discarded cigarette stubs must be cleared. If the site is not kept clean the work may be undertaken by KCC or its nominated contractor and recharged to the licence holder.
- 2.08 **Trade refuse** – The licence holder will not deposit trade refuse on the highway or part of the highway to which the permission relates except where it is consistent with arrangements already made by the local authority (district/borough council) for the collection of trade refuse.
- 2.09 **Environment/nuisance** –The quality of the air and the immediate environment should be suitable for the proposed use and the proposed activities must not constitute a nuisance. The area must be conducive to sitting/eating/drinking and therefore consideration should be given to traffic volume, bus stops, taxi ranks and fumes. It is recommended that the hours of operation will depend on the location, facilities available and Police guidance. Normally, it would be expected that any business be concluded on the highway by 11pm. External public address systems and amplified music will not be allowed within the licensed table and chair area. The permission holder must not cause annoyance to persons using the highway or part of the highway to which the application relates.
- 2.10 **Pedestrians/deliveries** – When in use, the pavement area will need to be clearly delineated. It is important to make the area distinguishable to other footway users and to assist the visually impaired. The means to accommodate deliveries and access for Emergency Service needs shall be considered.
- 2.11 **Neighbours** – Will the proposal affect neighbouring businesses and residents? It is good practice to always consult with neighbours, tenants and adjacent residents and to submit evidence to show that they have been consulted and present any letters of support. By giving those fronting the site or those who may materially be affected the opportunity to comment it may be possible to address any concerns prior to a formal submission. As part of the administration of the Highway Licence, there are two legal consultative

requirements. These are to seek the consent of interested frontagers close to the property and to accept representations up to 28 days after a public notice has been posted on or near the premises.

- 2.12 **Regulations** - Does the proposal to place table and chairs meet with the criteria and aspirations outlined in this policy? The use of the area may involve a number of approvals it is important to secure the appropriate approvals and have a clear understanding about the obligations and conditions that apply in respect of each approval/licence and what is covered.
- 2.13 **Public liability insurance** – Is insurance cover required? The persons to whom permissions are granted must always have valid public liability insurance for at least £5,000,000 which also indemnifies the KCC its agents, servants and workmen against any costs, claims, expenses, actions or damages arising.. **Evidence of such public liability insurance shall be provided to the satisfaction of the KCC respectively before permissions can be exercised.**
- 2.14 **Fees and charges** – Are fees and charges due? Fees will be payable within the provisions of the fees scale determined by the KCC relevant to the period for which the application/consents relate/s.

Site Specifics

- 3.01 **Pedestrianised streets with vehicle access at times** – Placing of tables and chairs will normally not be permitted during the hours of vehicular access. Vehicles and tables and chairs will only be allowed at the same time in such streets if adequate, clearly defined pedestrian space remains. Even during the hours when vehicles are normally excluded, tables and chairs should occupy only the area delineated in order to ensure a free and unobstructed route for Emergency Service vehicles.
- 3.02 **Pedestrianised streets with vehicle access at times/street markets** – Placing of tables and chairs will normally not be permitted during the hours of vehicular access. When a street market is active, tables and chairs will not be permitted unless there is sufficient space to accommodate passing pedestrians, shoppers, the stalls and stock and access is available for Emergency Service vehicles.
- 3.03 **Special areas and events** – There may be some sites where, as part of public projects or events, a share or all of the licensed trading area may be required to accommodate the proceedings. The licence holder will vacate the 'events' area for the period concerned. Alternative arrangements for tables and chairs on the highway may be considered but cannot be guaranteed. Due notice of a forthcoming event will be given. There may also be situations where high pedestrian or traffic flow may influence the placing of tables and chairs and the licence holder may be required to reduce the size of the enclosure or vacate the site. All situations will be assessed as necessary but additional conditions may need to be imposed as appropriate.
- 3.04 **Communal areas** – There may be some sites where an area of highway/public land is divided into predetermined trading areas available for different businesses to attract custom. Specific additional conditions may apply

in these situations but this policy, the terms and conditions identified herein will always apply.

Conditions

- 4.01 The applicant shall display a complete copy of all the licence in the front window at or near to the place to which the consent/s is/are applicable throughout the period of consent/s.
- 4.02 Nothing in this consent shall absolve the applicant from prosecution should the application area be used in any other way than consented to or if any use expands beyond the application area.
- 4.03 Access for Emergency Services will be allowed at all times.
- 4.04 With the exception of planning permissions and listed building consents, the consent/s may be withdrawn, at no cost to the authority involved at any time during the period of consent if complaints are received, conditions alter or if full compliance of all conditions is not achieved. Unless there is an immediate urgent problem, the applicant will be served with up to two written notices/warnings to comply. A failure to still comply will result in a third communication indicating that action will be taken. Applicants should note that consents last for one year and therefore require renewal.

PROCEDURES

- 5.01 For a licence on the highway, first contact Kent Highway Services, at the address given to establish if the principle would be acceptable
- 5.02 If an indication is given that the submission is satisfactory the applicant should then make contact with the relevant Planning Officers within the local district/borough authority to make arrangements to submit a planning application as necessary to cover all the relevant aspects of the proposal as outlined in this policy.
- 5.03 The applicant should contact the District/Borough Councils Licensing Department to determine if approval is needed to trade on street and to make the appropriate application where necessary. The applicant should also contact this department if a liquor licence or extension will be required.
- 5.04 The applicant should contact the District/Borough Council's Environmental Health Department to discuss any issues relating to noise, food health and safety and litter.
- 5.05 The applicant should contact the Kent Highway Services appropriate Roadworks Team for an application form which should be completed and returned along with all the relevant necessary documentation. To ensure that the application is processed quickly, applicants should have considered all the points listed in the 'checklist' and supply all the relevant supporting data.

5.06 It may take up to three months to process all aspects of the application which takes into consideration all representations made by interested frontagers who would be materially affected by the proposal. Consultation may include the local Superintendent of Police. Local authority planning, listed building and advertisement consents take approximately eight weeks to administer. Liquor licences are not administered until after planning permission is granted.

6.01 **The following general points should be considered:**

- Is it likely that the KCC will agree to a request in principle
- Are there any doubts about land ownership
- Are there any doubts about rights of way
- Are there any existing related planning consents
- Is the local environment suitable
- Are other frontagers likely to object
- Is the site a 'communal area'
- Is the site linked to any prohibitions of vehicular traffic
- Is the site linked to street markets or special events
- Will accessibility be preserved on the footway and within the site
- How will the area be delineated
- Is there sufficient space to accommodate customers and furniture
- Will the furniture be fit for its intended purpose
- Will umbrellas be provided
- How will items be stored
- Can cleanliness standards be achieved and maintained
- How will trade refuse be removed in relation to the street café

6.02 The application should be accompanied by the following;

- A location plan 1:1250 which clearly defines the premises
- A plan 1:50 or larger to show:

The proposed licensed area outlined in red in relation to the premises and kerb line with dimensions

The precise location of the tables and chairs, umbrellas, litter bins and means of enclosure

The position of any street furniture and trees in the immediate vicinity

The position of any dropped kerbs, pedestrian crossings, parking bays, market pitches, cellar hatches, points of access, fire escapes

- A photograph or brochure detailing the furniture to be used
- A photograph or brochure detailing any means of enclosure
- Details of the proposed hours and days of the week that will apply
- Details of the proposed place of storage
- A completed Indemnity Agreement
- Copies of any necessary local authority (district/borough) permissions such as planning, licensing etc. or written confirmation that these permissions will not be required.

REFERENCES

Highways Act 1980, Section 115A – 115H

Highways Act 1980, Section 147A & 149

Control of Pollution Act 1974

Environmental Protection Act 1990

The Disability Discrimination Act 1995

Town Police Clauses Act 1847

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990

Local Government (Miscellaneous Provisions) Act 1982

The Licence Act 2003

The Police and Criminal Justice Act 2001

KCC – Provision of amenities on certain highways – HMRB (11/2003)

By: David Beaver, Head of Network Management
To: Highways Advisory Board – 5 May 2009
Subject: Participation of Highways Advisory Board Members in the Road Safety stand at the 2009 Kent County Show
Classification: Unrestricted

Summary: This report sets out a proposal to include HAB Members in the partnership team for the Road Safety stand at the 2009 Kent County Show, with the aim of improving insight into how key road safety messages are promoted at this kind of event.

1. Background

1.1 Since 2004 the KHS Road Safety team has worked with its partners to deliver key messages to the public at the County Show under the collective banner of 'Fit for the Road'. This partnership approach involves KCC, the Kent and Medway Safety Camera Partnership, Medway Council, the Highways Agency, Kent Police, Kent Fire and Rescue, South-East Coast Ambulance Service and the Kent Probation Service.

2. The Purpose of the Road Safety stand

2.1 The primary purpose of the 'Fit for the Road' stand is to promote key road safety messages; these are agreed at the early stages of planning the project. The promotion of who is delivering these messages is seen as a lesser priority. This approach has enabled KCC to engage people with key messages in a more effective manner and maintains good partnering relationships. Significantly the stand is deliberately located amongst the car dealers and deliberately away from the Local Government or Kent Police tents.

3. The Displays

3.1 Every opportunity is taken to make the displays interactive. This year the displays will include a wide range of topics:

- Seat-belt demonstrator
- Eye-sight screening
- Pedestrian safety
- Cyclist safety
- Road crashes and their causes
- Driver impairment
- Collision investigation
- Safety Cameras (with real cameras and speed limit information)
- Motorcyclist safety.

3.2 This approach engages people of all ages in these important areas of concern and for this reason the stand was awarded second prize in the Public Sector category in 2008.

4. Evaluation

- 4.1 Typically the stand attracts over 5,000 visitors each year. Completed questionnaires about our displays provide valuable feedback. These findings indicate consistently high levels of satisfaction, with visitors being able to recall important messages and how they were delivered on the day. The findings also enable the road safety team to better understand which aspects have the most appeal and where improvements are needed. This has been particularly usefully in the development of our current approach.

5. Role of Member as Participants

- 5.1 It is proposed that Highways Advisory Board Members be invited to participate in the Road Safety stand in support of the team drawn from the various partners. The objectives of this proposal are to:
- Make a clear leadership statement by demonstrating political support for the road safety priorities
 - Provide encouragement to team members
 - Enable members to gain a greater insight into how people react to our messages.

- 5.2 It is envisaged that each Member will spend around two hours at the stand and will be asked to attend pre-event briefings.

6. Recommendation

- 6.1 The Highways Advisory Board is asked to indicate whether it can support the Kent County Show Road Safety stand in the manner described in this report.

Background Documents:

None.

Contact: **Ian Procter** - Road Safety Manager
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