

Amenities on the Highway Policy (Consultation Draft)

Status Notice

This document is a consultation draft of the Amenities on the Highway Policy. It does not represent final Council Policy

The purpose of consultation is to seek views on the proposed approach, principles and controls set out in this draft. Feedback received will be used to inform revisions prior to further internal review, legal checking and Member consideration.

Nothing in this draft should be taken as indicating that decisions have already been made or that the approach described is fixed.

Certain elements of this Policy are defined by statute, including the Council's duty to maintain safe passage on the highway and its obligations under the Equality Act 2010. These elements are not open to change through consultation.

June 2026

Section 1 – Strategic Context and Purpose.

1.1. Streets Strategy Framework. This Policy sits within Bath & North East Somerset Council's Streets Strategy, which provides the overarching framework for managing activity in the public realm. The Streets Strategy recognises that streets are shared spaces where movement, trading, seating, performance, servicing and social activity all take place. It establishes a coordinated approach to managing these activities so that streets remain safe, accessible, inclusive and welcoming, while continuing to support economic vitality and cultural life. This Policy forms part of a wider programme of work under the Council's Streets Strategy.

The Amenities on the Highway Policy is one of a coordinated suite of policies developed as part of the Streets Strategy, alongside policies covering street trading and street performance and busking. These policies are intended to work together, ensuring consistency, transparency and effective decision-making across all activities that affect how the public realm is used and experienced. These policies are being developed in parallel, but each operates independently within its own scope.

In applying this Policy, Bath and North East Somerset Council ("the Council") will have regard to the cumulative use of street space, recognising that streets are shared environments where multiple activities may operate at the same time.

1.2. Purpose of the Policy. From time-to-time businesses and organisations may wish to place items in, on or over the public highway to support trading, improve visual appeal and or provide incidental amenities for customers and highway users. As Highway Authority, the Council has a responsibility to

ensure that such use of the highway does not compromise pedestrian movement, accessibility, public safety, or detrimentally impact on the character, appearance and function of streets and public spaces. The purpose of this Policy is to provide a clear, transparent and proportionate framework to guide applicants and decisions makers in considering when, where and how items may be placed on the public highway. As well as this Policy applicants and decision makes have regard to the objectives of the Streets Strategy and comply with the Council's wider statutory duties.

1.3 Policy Principles. In line with the Streets Strategy, this Policy recognises the following principles:

- Public highway exists for safe and inclusive public passage.
- Any permission to place items on the public highway is time limited and revocable and does not confer any permanent right.
- All permits issued by the Council, to place items on the highway, will be time limited and may be suspended or revoked
- Accessibility, safety and equality considerations will be prioritised.
- A consistent approach to decision making will be adopted in accordance with the Streets Strategy and necessary Statute
- Decisions taken will be reasonable, proportionate and transparent, and will not unreasonably withhold consent.
- The cumulative impact of objects on the highway and permits in a given area will be taken into account.

These principles are intended to support a high quality public realm that works for residents, businesses, visitors and all highway users.

2. LEGAL FRAMEWORK.

2.1. Statutory Basis

This Policy provides a framework for the exercise of the Council's powers under Sections 115A to 115K of the Highways Act 1980 ("The Act"), for the Council, as the Highway Authority, with powers to grant permission for objects or structures to be placed on the public highway.

Under sections 115A to 115K of the Act the Council may grant or refuse permissions, attach conditions, charge reasonable fees, and vary, suspend or revoke permissions.

The Council may not grant a person permission to do anything which is capable of being authorised by a pavement licence under section 1 of the Business and Planning Act 2020.

2.2. Exercise of Powers and Delegations. While the powers under sections 115A to 115K of the Act sit with the Council as Highway Authority, the

administration and determination of applications under this policy will be carried out in accordance with the Council's scheme of delegation. In applying this Policy, the Licensing Authority will consult relevant internal services, including the Highway Authority, as part of the assessment and decision-making process.

- 2.3. Other Relevant Legislation.** Applicants, permit holders and decision makers must comply with all relevant legislation, including (and not limited to) the Equalities Act 2010, Crime and Disorder Act 1998, and planning and listed building, road traffic and health and safety Acts and Regulations.

A permit or consent issued under this Policy does not remove the need to obtain any other relevant statutory consents where required.

3. Scope and Definitions

For the purposes of this Policy, references to the "public highway" have the meaning given in the Highways Act 1980 and include footways (pavements), pedestrian areas and other land over which the public has a right of passage.

- 3.1 What this Policy applies to.** This Policy applies to items placed on the public highway that are not authorised under the pavement licensing regime or another specific statutory provisions.

Items covered by this Policy may include (but are not limited to):

- A-boards and advertising boards.
- planters and planting containers.
- benches or other incidental seating.
- merchandise displays; and
- decorative or functional items occupying highway space.

Standard permit conditions are set out in Appendix A, with item specific requirements provided in the relevant appendices.

Item specific requirements are provided in appendices for commonly encountered items to support clarity and consistency in decision-making.

For the avoidance of doubt, objects placed on, in or over the highway permitted pursuant to a Pavement Licence are not covered by this Policy.

Where applications are received for objects required to delineate areas for purposes other than defining a Pavement License the Council will determine each matter on its merits and in accordance with the necessary legislative provisions.

3.2 What this Policy does not apply to

This Policy does not apply where:

- All items are placed entirely on private land
- Items fall wholly within, and comply with, the pavement licensing regime
- Items are installed by the Council as highway furniture
- Items permitted under other statutory regimes or legislation.

Where there is uncertainty over land status, the Council will determine whether land forms part of an adopted highway.

3.3. Relationship to the Streets Strategy and Related Policies

This Policy forms part of Bath & North East Somerset Council's wider Streets Strategy programme, which seeks to support a transparent, proportionate and consistent approach to decision making in relation to activities taking place on the public highway. In developing and applying this Policy, the Council aims to ensure that the use of streets and public spaces is managed in a way that balances accessibility, safety, and the effective use of the public realm. This Policy operates within its own scope. Where activities or items fall within the scope of a different statutory regime or Council policy, the relevant legislation or policy will apply.

4. Acceptability and Assessment Criteria

4.1. General approach. In line with the Streets Strategy, applications for items on the highway will be assessed on a case-by-case basis, taking account of the criteria set out in this section. The purpose of these criteria is to support consistent, transparent and proportionate decision making, recognising that streets and spaces vary in their function, character and level of activity. Meeting one or more of the criteria below does not guarantee that permission will be granted.

Proposals will be assessed in accordance with this Policy and any supporting guidance issued by the Council.

4.2. Pedestrian movement and accessibility. The Council will prioritise safe and inclusive pedestrian movement.

Particular regard will be had, but not limited to, whether items:

- maintain sufficient clear pedestrian routes, especially in areas of high footfall.
- support inclusive access for wheelchair users, people with mobility impairments and people with visual impairments.
- avoid obstruction of dropped kerbs, tactile paving, crossings and key desire lines (informal routes that pedestrians naturally use).
- do not create hazards for highway users.

National guidance on inclusive mobility will inform assessments, alongside local context.

4.3. **Safety and obstruction.** Items must not compromise public safety or the effective operation of the highway.

The Council will consider:

- emergency access and clearways where required.
- the stability, condition and maintenance of items.
- risks arising from weather, wind or crowding
- the ability to require immediate removal where necessary.

The above is not a definitive list and items that present an unacceptable safety risk will not be permitted.

4.4. **Visual impact and townscape character.** The Council will assess whether proposed items are appropriate to their surroundings, having regard, but not limited to the following:

- design, materials and overall appearance.
- the character and function of the street or space.
- impacts on heritage assets and sensitive locations.
- whether items contribute to clutter or the perception of private appropriation of public space.

Stricter controls may apply in sensitive locations. For the purposes of this Policy, *sensitive locations* may include (but are not limited to):

- areas of particular heritage or townscape significance, including conservation areas and the setting of listed buildings.
- streets or spaces with high pedestrian footfall or limited available width.
- locations near crossings, junctions, dropped kerbs or other key accessibility features.
- routes that are important for inclusive movement, including those used heavily by disabled people places where the cumulative presence of items would be likely to create clutter or undermine the character or function of the street.

In such locations, a more restrictive approach may be applied to ensure that accessibility, safety and the public interest are protected.

5. Location Assessment

5.1. **Purpose of Location Assessment.** This section sets out how the acceptability principles in Section 4 are applied to the specific location and layout of proposed amenities on the highway. Location assessment ensures that items are only permitted where they can be accommodated in a way that is safe,

accessible and appropriate to the function and character of the street, having regard to the Council's duties as Highway Authority and the objectives of the Streets Strategy

5.2. Emergency and Operational Access. Proposals must not compromise emergency access or the operational requirements of the highway.

In assessing location, the Council will consider whether:

- sufficient clear width is maintained to allow emergency vehicles to pass where required.
- access for servicing, cleansing and maintenance is retained
- the placement of items would interfere with statutory undertakers or highway operations.

Where emergency or operational access cannot be maintained, permission will not be granted.

5.3 Pedestrian Movement and Highway Width. The Council will assess whether the proposed location supports safe and inclusive pedestrian movement.

Particular regard will be had, but not limited, to whether:

- adequate unobstructed footway width is maintained for pedestrian movement. Minimum clear widths will be informed by national Inclusive Mobility guidance (typically around 1.5 metres as a starting point), but all proposals will be assessed in context having regard to site-specific constraints and cumulative impacts.
- routes remain usable for wheelchair users, people with mobility impairments, people with visual impairments, people using pushchairs, and people using wheeled shopping aids or trolleys;
- the layout avoids pinch points, barriers or indirect routing.

Minimum clear widths will be used to inform assessments, but decisions will take account of the specific context of the street and the cumulative impact of other items and activities. In assessing pedestrian movement and highway width, the Council will have regard to national Inclusive Mobility guidance as the minimum starting point, and will apply more stringent requirements where local context, pedestrian volumes or accessibility considerations indicate that this is necessary.

5.4 Relationship to the Premises and the Street. In assessing location, the Council will consider whether:

- items are positioned in a way that relates appropriately to the character and appearance of the premises and surrounding street.
- the extent of occupation of the highway is proportionate to the scale of the premises and the street; and
- items do not project excessively into areas primarily intended for public passage.

Permissions will normally be limited to areas directly adjacent to the premises.

5.5. Proximity to Other Features and Uses. The Council will consider the relationship between proposed items and other features of the highway, including:

- kerbs, crossings, dropped kerbs and tactile paving.
- junctions, sight lines and pedestrian crossing points.
- existing street furniture, trees, bins, bollards and lighting columns; and
- nearby uses that may affect or be affected by the placement of items.

Locations that create conflict, obstruction or safety risk will not be considered suitable

5.6. Traffic Regulation and Public Safety. The Council will assess whether the proposed location is compatible with:

- existing traffic regulation orders and highway restrictions.
- road safety considerations for all highway users; and
- wider public safety concerns, including visibility and movement patterns.

Items will not be permitted where they would undermine the safe operation of the highway or conflict with statutory restrictions.

5.7. Sensitive Locations. Where proposals relate to sensitive locations (as described in Section 4.4), a more restrictive approach may be applied.

In such locations, the Council may:

- limit the type, size or number of items permitted; or
- refuse permission where impacts on accessibility, safety, townscape or street function cannot be adequately mitigated.

This ensures that location sensitivity identified in Section 4 is applied in practice, rather than redefined.

6. Application Process

6.1. Submitting an application. Any person seeking permission to place amenities on the highway must submit an application to the Council in the prescribed form. Applications must relate to items and locations that fall within the scope of this Policy and will be assessed having regard to the acceptability criteria in Section 4 and the location assessment in Section 5.

6.2. Application requirements. A valid application must include:

- a completed application form.
- Public Liability Insurance with a minimum cover of £5 million.
- full details of each item proposed, including dimensions and images; and
- a scaled plan, clearly showing:
 - the proposed permitted area edged in red.
 - dimensions of the area;
 - the total existing width of the footway / pavement at the application location, measured kerb-to-frontage (or kerb-to-boundary where appropriate), and the resulting remaining clear pedestrian width once the proposed items are in place.
- distances to kerbs, street furniture, utilities and other fixed features; and
- proximity to neighbouring licensed or permitted areas.

The scaled plan must be accurate, to scale and of sufficient quality to enable proper assessment of the application. Plans must clearly and correctly show all relevant features of the highway, including (where present) trees, benches, bins, bollards, lighting columns, cycle stands and other street furniture, as well as kerbs, crossings and access points.

Hand drawn, indicative or schematic plans will not be accepted unless they comply with the above requirements. Where submitted plans are not to scale, are incomplete, unclear or inaccurate the application will be rejected and not proceed to consultation.

Applicants are encouraged to use measured site surveys or professionally prepared drawings to ensure accuracy.

7. Determination and Governance

7.1. General approach to determination. Applications for Amenities on the Highway will be determined in accordance with this Policy, having regard to:

- the Policy principles set out in Section 1.
- the acceptability criteria in Section 4; and
- the location assessment in Section 5.

The Council will seek to determine applications in a proportionate, consistent and timely manner, using delegated authority wherever appropriate, while ensuring transparency and fairness in decision making.

7.2. Delegated determination. Where no representations are received, or where any representations received can be satisfactorily resolved, applications may be determined by an authorised Licensing Officer acting under delegated authority. This includes . This includes applications that do not raise issues under the assessment criteria set out in Sections 4 and 5 of this Policy. including those relating to accessibility, safety and location.

Where representations raise matters relating to the assessment criteria found at Section 4 and 5 and issues that cannot be resolved through officer consideration, or where an application is considered contentious having regard to the Policy criteria, the matter will be escalated in accordance with the governance arrangements set out below.

7.3. Referral to the Licensing Sub-Committee. An application will be referred to the Licensing Sub-Committee where:

- representations are received during the consultation period; and
- those representations cannot be resolved through officer mediation or the imposition of conditions.

Only representations that raise issues relevant to the assessment criteria set out in Sections 4 and 5 of this Policy will be taken into account

7.4. Role of the Licensing Sub-Committee. Where an application is referred, the Licensing Sub-Committee will:

- consider the application, representations received and the officer report;
- hear evidence from the applicant and those making representations; and
- determine the application on its merits in accordance with the appropriate legislation, guidance and this Policy.

The Licensing Sub-Committee may resolve to:

- grant the application as applied for;
- grant the application subject to conditions or variations, including changes to layout or operational parameters; or
- refuse the application.

The Sub-Committee will follow the Council's established hearing procedure, which will be notified to all parties in advance of the meeting.

7.5. Notification of decisions. Applicants and those who have made representations will be notified in writing of the decision and the reasons for it. Where an application is granted, the Decision Notice will confirm the approved details and any conditions attached to the permission. Where an application is refused, the Decision Notice will set out the reasons for the refusal and any available routes for challenge or review.

7.6. Relationship with reviews and revocation. Decisions relating to the review, variation or revocation of an Amenities on the Highway permission are addressed separately under Section 8 and will follow a similar governance approach, including referral to the Licensing Sub-Committee where appropriate.

8. Review, Variation and Revocation of Permits

8.1. Requests for review. During the period of an issued Amenities on the Highway permit, a request for Review may be made by:

- a member of the public.
- an owner or occupier of nearby premises.
- the Police.
- the Council's Licensing Service; or
- another relevant Council service.

Requests for Review may relate to concerns about the continued appropriateness of the permit, including (but not limited to):

- accessibility, safety or obstruction of the highway.
- impacts on local amenity or the character and function of the street.
- alleged breaches of permit conditions
- new information that was not available at the time the permit was granted, and which may have affected the original decision.

8.2. Initial consideration of review requests. Requests for review will be considered in the first instance by an authorised licensing officer acting under delegated authority.

The officer will assess whether the request raises issues relevant to the Assessment Criteria of this Policy and whether those issues:

- can be addressed through existing permit conditions.
- can be resolved through informal engagement or advice; or
- require formal consideration of variation or revocation.

Where a request does not raise issues — for example where it is frivolous, vexatious, repetitious, or based solely on personal preference or commercial

competition — the Council may decline to progress the review and will notify the requester in writing, including reasons.

8.3. Officer led resolution and variation. Where appropriate, and where the issues raised can be addressed with agreement between the parties, without referral to the Licensing Sub-Committee, an authorised Licensing Officer may:

- confirm that the permit should continue unchanged.
- vary the permit by adding, removing or amending conditions; or
- require reasonable adjustments to layout or operation in order to address identified concerns.

Any such action will be proportionate to the issues raised and will be notified in writing to the permit holder. The applicant for Review and the Permit Holder will be notified in writing of the decision and the reasons for it by way of a Decision Notice.

8.4. Referral to the Licensing Sub-Committee. Where issues relevant to the assessment criteria set out in Sections 4 and 5 of this Policy that cannot be resolved through Officer led action, or

- revocation of the permit is being considered; or
- the matter is otherwise considered sufficiently contentious or significant to warrant Member determination.

the Licensing Manager (or a senior officer acting under their delegated authority) will determine whether the matter should be referred to the Licensing Sub-Committee.

8.5. Licensing Sub-Committee procedure. Where a review is referred to the Licensing Sub-Committee:

- the permit holder and those requesting the review will be notified in writing of the date, time and place of the hearing.
- All parties will be provided with copies of representations, responses and the officer report in advance. Representations should include the name and address of the person making them; anonymous representations may not be accepted or may be given limited weight. Personal data will be handled in accordance with relevant legislation.
- all parties will be entitled to attend and be represented by a solicitor, licensing agent, or supported by a friend or colleague.

The Licensing Sub-Committee will follow its hearing procedure and determine each matter on its merits and the information presented to it.

8.6. Decisions available on review. Following consideration of a review, the Licensing Sub-Committee may resolve to:

- allow the permit to continue without alteration.
- vary the permit by adding, removing or amending conditions; or
- revoke the permit.

The applicant or Review and the Permit Holder will be notified in writing of the decision and the reasons for it by way of a Decision Notice.

This does not prevent the Council from taking action under other provisions of this Policy, including suspension where provided for under permit conditions or enforcement powers.

8.7. Relationship with enforcement. Nothing in this section prevents the Council from taking immediate or proportionate enforcement action in the interests of public safety, accessibility and/or the free passage of the highway. Enforcement action is addressed separately under Section 9 and the Council's adopted Enforcement Policy.

9. Permit Duration, Renewal and Ongoing Suitability.

9.1. Duration of permits. Amenities on the Highway Permits are time limited permissions and do not confer any permanent or ongoing right to occupy or use the public highway.

Permits will normally be granted for a fixed period, as specified at the point of issue. The duration granted will reflect:

- the nature and scale of the amenities permitted;
- the sensitivity of the location;
- the need to manage cumulative impacts; and
- the wider public interest in maintaining safe, accessible and functional streets.

The Council reserves the right to grant permits for shorter periods where this is considered appropriate.

9.2. Renewal of permits. Where a permit is granted for a fixed term, the permit holder may apply for renewal prior to its expiry.

In considering renewal applications, the Council will have regard to:

- the permit holder's history of compliance with permit conditions.
- any substantiated complaints or concerns raised during the permit period.
- changes to the physical environment, street use or Policy context; and

- whether the continued presence of the amenities remains appropriate having regard to this Policy.

There is no right to renewal, and a renewal is not automatic. A renewal application will be determined in accordance with this Policy as a new application, having regard to the matters set out above.

9.3. Ongoing suitability and changed circumstances. Permits remain subject to ongoing assessment of suitability throughout their duration.

The Council refer a Permit for Review under Section 8 where:

- circumstances have changed since the permit was granted.
- new information comes to light that would have affected the original decision; or
- the cumulative impact of amenities or other activities has altered the balance of use of the highway.

This ensures that Permits are responsive to changing conditions and continue to support safe and inclusive use of the public realm.

10. Conditions and Enforcement

10.1. Conditions attached to permits. All Amenities on the Highway permits are granted subject to standard conditions and may include site specific or item-specific conditions considered necessary.

Conditions may include (but are not limited to):

- requirements relating to placement, layout and clear widths.
- days and hours during which items may be placed on the highway.
- maintenance, cleanliness and condition of items.
- public safety and accessibility requirements; and
- requirements for insurance and immediate removal when directed by authorised officers.

Standard conditions are set out in Appendix A separately, together with item specific conditions in the relevant appendices.

10.2. Responsibility for compliance. Permit holders are responsible for ensuring ongoing compliance with all Conditions attached to a Permit.

Failure to comply with Conditions may result in:

- advice or warnings.
- variation of permit conditions.
- suspension or revocation of the permit; and/or

- refusal to renew a permit at the end of its term.

The Council will have regard to the nature, seriousness and persistence of any non-compliance when determining the appropriate response.

10.3. Enforcement approach. Enforcement action under this Policy will be carried out in accordance with the Council's adopted Enforcement Policy, which sets out a proportionate and graduated approach to securing compliance.

Where appropriate, enforcement may include:

- informal advice or engagement.
- written warnings.
- requirements to remedy non-compliance within a specified timeframe; or
- formal enforcement action.

The choice of enforcement response will take account of:

- the impact on public safety and accessibility.
- the extent of obstruction or nuisance caused.
- the permit holder's compliance history; and
- the public interest in maintaining safe and inclusive use of the highway.

10.4. Relationship with review, variation and revocation. Enforcement action is distinct from the review process set out in Section 8.

Where concerns relate to:

- ongoing suitability of a permit.
- cumulative impacts; or
- matters that cannot be resolved through enforcement or compliance action alone,

Enforcement Officers may initiate a Review under Section 8, which may result in variation or revocation following the appropriate governance process nothing prevents enforcement action being taken where immediate action is required to protect public safety, accessibility or the free passage of the highway.

10.5 Unauthorised items on the highway. Items placed on the public highway without a valid Amenities on the Highway permit, or otherwise outside the scope of any applicable exemption, may be treated as an unauthorised obstruction and will be removed.

Where unauthorised items are identified for removal, the Council may also take enforcement action which may include:

- requiring the immediate removal of items by the person or body corporate with responsibility for the item;
- removal of items by or on behalf of the Council, where appropriate; and
- recovery of reasonable costs incurred by the Council in connection with investigation, removal, storage and or disposal.
- Prosecution of those responsible for an obstruction under the Highways Act 1980

In determining the appropriate response, the Council will have regard to:

- the impact of the unauthorised item on public safety, accessibility and the free passage of the highway;
- the nature, size and location of the item;
- whether the item presents an immediate risk or obstruction; and
- the public interest in maintaining safe, accessible and functional streets.

Nothing in this section prevents the Council from taking immediate action where this is necessary to protect public safety, accessibility or the effective operation of the highway.

11. Equality, Accessibility and Inclusive Design.

11.1. Equality commitment and legal duties. Bath & North East Somerset Council is committed to promoting equality of opportunity, valuing diversity, and ensuring that no person is treated unlawfully or unjustifiably less favourably. In exercising its functions under this Policy, the Council will have due regard to its duties under the Equality Act 2010, including the Public Sector Equality Duty, and will apply this Policy in a manner consistent with the Council's wider equalities policies.

In addition to its equality duties, the Council will also have regard to the protection of the historic environment, including Bath's World Heritage Site status, as set out elsewhere in this Policy.

11.2. Application of equality duties. Equality and accessibility considerations will form an integral part of all decision making under this Policy, including (but not limited to):

- the determination of applications.
- the setting, variation and enforcement of permit conditions.
- decisions relating to renewal, review or revocation of permits; and
- enforcement action taken in response to non-compliance.

11.3. Accessibility and inclusive use of the highway. The public highway exists primarily for safe and inclusive public passage. In exercising its functions under this Policy, the Council will seek to ensure that items placed on the highway do not create barriers to movement or undermine the ability of people to move independently and safely through streets and public spaces.

In particular, the Council will have regard to the needs of:

- disabled people, including wheelchair users and people with mobility, visual or sensory impairments.
- older people.
- children and carers with prams or pushchairs; and
- other highway users who rely on clear, predictable and unobstructed routes.

Accessibility considerations are embedded throughout this Policy, including through requirements relating to minimum clear pedestrian widths, layout and positioning of items, visibility, and the avoidance of trip hazards or pinch points. National Inclusive Mobility guidance and relevant local standards will as a minimum inform assessments, alongside the specific context and constraints of individual streets and spaces. Where necessary to protect inclusive access, the Council may require adjustments to the location, layout or operation of permitted items, or may refuse, vary or revoke permissions in accordance with the relevant provisions of this Policy.

In applying these principles, the Council will have regard to the cumulative and aggregated impact of multiple permissions and items within a street or space, recognising that proposals which may be acceptable in isolation may not be acceptable when considered alongside existing uses of the highway.

11.4. Equality and enforcement. Equality and accessibility considerations will also inform how enforcement action under this Policy is exercised.

In determining the most appropriate enforcement response, the Council will have regard to:

- the impact of the activity on inclusive access to the public realm.

- the impact of any proposed enforcement action on people with protected characteristics.
- the need to act proportionately, consistently and transparently; and
- the wider public interest in maintaining safe, accessible and functional streets.

This does not prevent proportionate enforcement action being taken where required in the interests of public safety, accessibility or the free passage of the highway. Rather, it ensures that enforcement decisions are taken in a manner that is consistent with the Council's Public Sector Equality Duty, the wider objectives of the Streets Strategy and the Council'.

12. Fees and Charges

The detailed structure and level of fees will be subject to consultation feedback and further legal review.

12.1. Statutory basis and delegation. Fees may be charged in connection with the grant, renewal and regulation of Amenities on the Highway permissions, in accordance with the Council's powers under Sections 115A to 115K of the Highways Act 1980.

These powers are exercised by the Council in its capacity as Highway Authority. The administration, application and collection of fees is carried out by the Licensing Authority acting under delegated authority on the Council's behalf, as part of the discharge of the Council's Highway Authority functions.

12.2 Basis for charging. Fees under this Policy are charged in respect of the permission to occupy and use the public highway, rather than solely for the administrative processing of an application.

In setting fees, the Council recognises that different permissions may involve materially different degrees of private use, occupation and impact on the public highway. Fees may therefore be structured to reflect, in a proportionate manner:

- the size of the area of highway approved for use;
- the number, type and nature of amenities permitted; and
- the extent of management and regulatory oversight required to protect safe, accessible and inclusive use of the highway.

This approach ensures that charges are applied fairly across a wide range of premises and proposals, reflecting the cumulative and spatial impacts of amenities on streets and public spaces.

12.3 Reasonableness, proportionality and non-taxation. All fees will be reasonable and proportionate, having regard to the nature and extent of the permission granted and the Council's duties as Highway Authority.

Fees are not intended to operate as a tax or penalty, nor to reflect the commercial profitability or turnover of a business. The Council does not seek to generate uncontrolled surplus income through this Policy.

2.4. Use of fee income. Income generated through fees under this Policy will be applied to the delivery of the Council's functions as Highway Authority, including but not limited to:

- the administration and determination of applications.
- consultation and decision-making.
- monitoring, compliance and enforcement activity.
- the management of cumulative impacts on pedestrian movement, accessibility and safety; and
- the review, variation or revocation of permissions where necessary in the public interest.

Where these functions are delivered by the Licensing Authority under delegated authority, fee income may be retained and applied for that purpose.

12.5 Fee setting, review and financial control. Fees will be approved by the Council as part of its arrangements for discharging its Highway Authority functions and will be published as part of the Council's schedule of charges.

The Council will keep the operation of the fee framework under review. Where income generated materially and persistently exceeds what is reasonably required to manage, regulate and enforce the Amenities on the Highway regime, the Council may review and adjust fee levels to ensure continued proportionality and reasonableness. This ensures that the fee framework remains fair, transparent and aligned with the effective management of the public highway over time.

13. Policy review and refresh

13.1. Ongoing internal review and minor amendment. This Policy will be kept under ongoing internal review by the Council to ensure its continued suitability, effectiveness and alignment with the Council's statutory duties, including its duties as Highway Authority and under the Equality Act 2010.

Ongoing internal review may identify the need for minor amendments to this Policy to ensure continued legal compliance, clarity or operational

effectiveness. Where such amendments do not materially alter the intent, scope or overall effect of the Policy, they may be made without wider public consultation, in accordance with the Council's established governance arrangements.

13.2. Comprehensive periodic review. In addition to ongoing internal review, this Policy will be subject to a comprehensive review at intervals of no more than five years.

A comprehensive review will consider, among other relevant matters:

- whether the Policy continues to support safe, accessible and inclusive use of the highway.
- equality impacts identified through monitoring or Equality Impact Assessment updates.
- operational and enforcement experience.
- feedback from businesses, residents, disabled people and representative groups; and
- changes in legislation, statutory guidance, case law or related Streets Strategy policies.

13.3 Consultation and governance. Where a comprehensive review identifies proposed changes that would materially alter the intent, scope or effect of this Policy, the Council will undertake appropriate public consultation and follow the Council's established governance and decision making processes, including Member consideration where required. Where a review concludes that no material Policy change is required, the Council may confirm continuation of the Policy without further consultation.

Appendices

The following appendices form part of this consultation draft and provide clarity and certainty for applicants. They support the Policy but do not override it.

Appendix A – Standard Permit Conditions.

A1. Status and application.

These Standard Permit Conditions apply to every Amenities on the Highway permit unless expressly varied in writing by the Council. They support the safe, accessible and effective management of the highway and operate alongside the Policy's provisions on determination, review, enforcement and equality.

A2. Permit availability and identification.

- The permit holder must retain a copy of the permit and produce it for inspection immediately upon reasonable request by an authorised officer of the Council.
- The permit is personal to the permit holder and must not be assigned, transferred or otherwise disposed of without the Council's prior written agreement.

A3. Compliance with approved details (boundary compliance).

- All objects must remain strictly within the approved red-line boundary at all times (shown on the submitted permit plan).
- Object must not overhang the approved red-line boundary
- Items must not be repositioned, rotated, enlarged, substituted or rearranged in any way that results in encroachment beyond the permitted area, unless prior written approval has been obtained.

A4. Public safety and accessibility (avoidance of obstruction).

- Items must not obstruct, endanger or unreasonably inconvenience users of the highway. This includes ensuring that safe and inclusive pedestrian movement is maintained at all times.
- Items must not obstruct dropped kerbs, tactile paving, pedestrian crossings, entrances/exits, access to premises, or any other key pedestrian desire lines.
- The permit holder must ensure that permitted items are stable and safe having regard to foreseeable weather conditions, footfall and the nature of the item.

A5. Prohibition on fixing, excavation or alteration of the highway.

- The permit does not authorise any excavation, indentation, drilling, bolting, fixing or attachment to the highway surface, buildings, street furniture or utilities.
- Where any fixing, excavation or alteration of the highway is proposed a, separate authorisation under the appropriate highway and/or planning legislation must be obtained before undertaking any works to the highway.

A6. Maintenance, cleanliness and appearance

- All permitted items must be kept in a clean, safe and well maintained condition. Damaged, unstable or poorly maintained items must be repaired or removed without delay.

- The permit holder must keep the permitted area and the immediate vicinity free of litter, debris, spillages or other materials arising from the permitted items and their use.
- Where reasonably required by an authorised officer for highway management purposes, the permit holder must take reasonable steps to restore cleanliness of the permitted area (for example, cleaning spillages attributable to the permitted items)

A7. Insurance and liability

- The permit holder must maintain Public Liability Insurance of at least £5 million for the duration of the permit and produce evidence of that insurance on request.
- The permit holder is responsible for the permitted items and their safe operation and must take reasonable steps to prevent injury, damage or nuisance arising from the item.

A8. Removal on request and temporary suspension

- Items must be removed immediately if requested by an authorised officer, emergency service, or statutory undertaker where the permitted area (or adjacent area) is required in whole or in part for works, repairs, safety operations or highway management.
- During Council approved events, and where reasonably necessary for safety or management of the highway, the Council may require temporary removal of items.
- Where items are required to be removed under this condition, the permit holder must not re install them until the Council (or relevant authority) confirms that it is safe and appropriate to do so.

A9. Variation, suspension, revocation and enforcement

- The Council may vary, suspend or revoke a permit where this is necessary for public safety, accessibility, prevention of obstruction, highway works or management, or where there is a breach of permit conditions, in accordance with the Policy's governance and review provisions
- Failure to comply with permit conditions may result in enforcement action, including removal of unauthorised or non-compliant items and recovery of reasonable costs incurred, in accordance with the Policy and the Council's enforcement approach.

A10. Temporary suspension for significant events or emergency works.

- The Council may temporarily suspend a permit, in whole or in part, where necessary to facilitate a significant event or emergency works, and may require removal of permitted items for the duration of the suspension.

- Where reasonably practicable, the Council will provide advance notice of a temporary suspension and the period for which removal is required.
- Temporary suspension does not in itself constitute revocation, and the permit may resume once the suspension period ends, subject to any further direction from the Council.

A11. Compensation and loss.

The grant of an Amenities on the Highway permit does not confer any entitlement to compensation in respect of its variation, suspension, revocation, or any lawful direction requiring the removal of items.

The Council shall not be liable for loss of earnings, revenue or profits arising from the lawful exercise of its powers under this Policy and the Highways Act 1980, except where such liability arises as a matter of law.

Appendix B – Planter Specifications.

B1. Purpose and approach.

Planters placed on the public highway can contribute positively to the street environment by adding greenery and visual interest. However, if poorly designed or located, planters can create barriers to movement, reduce effective footway width, and contribute to clutter.

This appendix sets out item-specific requirements for planters to ensure they support safe, accessible and inclusive use of the highway, are appropriate to their location and context, and do not undermine the primary function of the highway as a route for public passage.

B2. General principles

Planters will normally only be permitted where they:

- can be accommodated without reducing pedestrian clear widths below the standards set out in this Policy.
- do not obstruct dropped kerbs, tactile paving, crossings, entrances, or key pedestrian desire lines.
- are proportionate to the scale and character of the street and the frontage they relate to; and
- do not, individually or cumulatively, contribute to clutter or the perception of private appropriation of public space.

Meeting the requirements in this appendix does not guarantee that permission will be granted; applications will be assessed having regard to the Policy as a whole.

B3. Design and materials.

Planters must be robust, stable and free standing, and designed for use in a public environment.

Planters will normally be expected to be constructed from durable, high-quality materials appropriate to their surroundings, such as timber, metal, stone effect or composite finishes. Lightweight, makeshift or advertising-style containers are unlikely to be considered appropriate, particularly in sensitive or high-footfall locations.

The Council may require alternative materials or finishes where this is necessary to protect townscape character, heritage considerations or the quality of the public realm.

B4. Size, form and detectability.

To support accessibility and avoid low level hazards:

- planters should normally have an overall height (including planting) in the range of 0.7 m to 1.0 m; and
- where appropriate, planters should incorporate a solid, cane detectable lower element, to assist blind and partially sighted pedestrians.

Alternative designs that demonstrably achieve the same accessibility outcomes may be considered where justified by site specific circumstances.

B5. Placement and layout.

Planters will normally be expected to be positioned adjacent to the building frontage they relate to, unless an alternative location can be clearly justified without compromising accessibility, safety or pedestrian movement.

Planters must not:

- project excessively into areas primarily intended for pedestrian passage;
- be arranged to form continuous walls or barriers; or
- be positioned in a way that creates pinch points or indirect routing for pedestrians.

Planters must not be bolted, fixed or chained to the highway. Any proposal involving fixing or excavation will require separate authorisation under the appropriate highway or planning regime.

B6. Number and cumulative impact

The Council may limit the number of planters permitted per frontage in order to prevent clutter and protect pedestrian movement. As a general guide, no more than two planters per frontage will normally be appropriate, unless the scale of the frontage and the width of the street clearly justify a greater number.

In assessing numbers, the Council will have regard to:

- frontage length and building context.
- available footway width.
- pedestrian footfall and movement patterns; and
- the cumulative impact of other permitted items or activities nearby.

B7. Planting and maintenance

Planters must contain healthy, living plants at all times and must not be left empty or neglected. Dead or dying plants must be replaced promptly.

The permit holder is responsible for ensuring that:

- planting is maintained in a safe and tidy condition;
- soil, water or plant debris does not spill onto the highway; and
- planters remain stable, clean and in good repair throughout the permit period.

Failure to maintain planters appropriately may result in enforcement action in accordance with this Policy.

B8. Planning and other consents.

Permission for planters under this Policy is granted under the Highways Act 1980 and relates solely to the placement of items on the public highway.

Most planters permitted under this Policy are free-standing, temporary or semi temporary items and will not normally require planning permission.

However, the grant of an Amenities on the Highway permit does not remove the need to obtain any other consent that may be required in particular circumstances. This may include, for example, planning permission, advertisement consent or listed building consent, where relevant.

Where a proposal involves permanent fixing, excavation, attachment to structures, or impacts on listed buildings or their settings, separate authorisation under the appropriate highways and/or planning regime may be required before the planter is installed

Appendix C – Incidental Seating for Public Use.

.C1. Purpose and approach

Incidental seating placed on the public highway may be permitted where it provides informal seating for general public use, contributes positively to the street environment, and does not undermine pedestrian movement, accessibility or the primary function of the highway. This appendix sets out item-specific requirements for incidental seating, including benches and other similar seating items, to ensure such seating does not function as de facto outdoor seating for

private premises, does not create obstructions or clutter, and remains appropriate to its location and context.

C2. General principles.

Incidental seating will normally only be permitted where it:

- can be accommodated without reducing pedestrian clear widths below the standards set out in this Policy.
- remains clearly secondary to pedestrian movement and does not dominate the footway.
- is available for public use, without restriction, expectation of purchase or association with a specific business; and
- does not, individually or cumulatively, contribute to clutter or the perception of private appropriation of public space.

Meeting the requirements in this appendix does not guarantee that permission will be granted; applications will be assessed having regard to the Policy as a whole.

C3. Design and accessibility

Incidental seating must be simple, robust and designed for use in a public environment.

Seating will normally be expected to:

- be constructed from durable, weather resistant materials suitable for frequent public use;
- be free from advertising, branding or promotional messaging.
- avoid upholstered, domestic style or makeshift furniture; and
- be of a form and scale appropriate to the surrounding street environment.

Seating must be designed having regard to accessibility and inclusive use. Seating should normally incorporate accessibility features, such as backrests and armrests, to support use by older people and disabled users, and to enable safe and comfortable sitting and standing.

Designs that intentionally discourage use by particular groups, or that rely on discomfort to limit occupation, are unlikely to be considered appropriate.

C4. Placement and layout.

Incidental seating must be positioned so that it:

- does not block shopfronts, entrances, dropped kerbs, tactile paving or key pedestrian desire lines.
- remains wholly within the approved permitted area at all times; and

- does not create pinch points, barriers or indirect routing for pedestrians.

Seating will normally be expected to be located adjacent to the frontage it relates to, unless an alternative position can be clearly justified without compromising accessibility, safety or pedestrian movement.

C5. Use and management.

Incidental seating permitted under this Policy must remain available for general public use and must not be managed, presented or operated as customer only seating.

Incidental seating must not:

- be used for table service, ordering, or the consumption of food or drink as part of a business operation.
- be accompanied by menus, ordering information, QR codes, table numbers or signage suggesting association with a specific premises; or
- be managed in a way that discourages or restricts use by non-customers.

The permit holder is responsible for ensuring that incidental seating is:

- kept clean, tidy and in good repair;
- managed so as not to give rise to nuisance, obstruction or accessibility concerns; and
- removed or repositioned immediately if directed by an authorised officer for reasons of safety, accessibility or highway management.

Failure to manage incidental seating appropriately may result in enforcement action in accordance with this Policy.

Appendix D – A-boards.

D1. Purpose and approach

A-boards are a privilege, not a right, and need to be tightly controlled due to their potential impact on accessibility, pedestrian movement and public safety.

This appendix sets out item-specific requirements for A-boards to ensure they do not create hazards or barriers for highway users, particularly disabled people, including blind and partially sighted pedestrians and people using mobility aids.

D2. General principles

- A-boards will only be permitted where they can be accommodated without compromising safe and inclusive pedestrian movement, and without undermining the clear width and accessibility expectations set out elsewhere in this Policy.

- A-boards must not contribute, individually or cumulatively, to street clutter or to the perception of private appropriation of public space.

D3. Number and responsibility.

- Only one A-board per premises is permitted.
- The permit holder is responsible for ensuring the A-board is deployed and managed in full compliance with this appendix and the standard permit conditions.

Where a premises holds a Pavement Licence permitting the placement of furniture, barriers or other items on the public highway, an A-board will not be permitted outside of the licensed area.

D4. Design, stability and construction.

- A-boards must be rigid, stable and wind resistant, and suitable for use in a public environment.
- A-boards must not be, flimsy frames, or boards weighted with loose objects.
- A-boards must be non-illuminated and must not include rotating, flashing or moving components.

D5. Mobility and accessibility features (cane detectability).

To protect blind and partially sighted pedestrians,

- A-boards must incorporate a cane detectable lower element, such as a solid base or a cane detectable crossbar.
- A-boards must be maintained in a safe condition and must not present sharp edges, instability or trip hazards.

D6. Size and proportionality.

A-boards must not exceed the following maximum dimensions:

- Maximum height: 1.0 metre.
- Maximum width: 0.7 metres.

A-boards must be proportionate in footprint and must not project excessively into the footway.

D7. Placement and location requirements

A-boards must be placed adjacent to the premises frontage they relate to and must remain within the approved permitted area at all times.

A-boards must be positioned close to the relevant business entrance (typically within 1–2 metres) and must not be placed remotely from the premises they relate to.

A-boards must not be positioned at, or in a manner that interferes with:

- dropped kerbs, tactile paving or pedestrian crossings.
- junctions, kerbs, narrow points of the footway, or other locations where pedestrian routes are constrained.

D8. Hours of use and removal.

A-boards may only be displayed during active trading hours and must be removed outside trading hours / at close of business.

D9. Content and advertising restrictions.

A-boards must relate only to the premises they are placed outside.
No third-party advertising is permitted.

D10. Restricted locations and refusal

A-boards will not be permitted in:

- locations of high pedestrian congestion;
- locations where inclusive mobility routes would be compromised;
- locations specified as restricted by the Council.