

# **The Traffic Management Act – Awnings and Light Canopies Overhanging the Highway**

A report by the Director, Kent Highway Services, to the Highways Advisory Board on 18<sup>th</sup> September 2007

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## **Introduction**

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

## **Background**

2. In the County of Kent, this obligation rests with the Kent County Council (KCC), as Highway Authority, and the owners of any features or structures on or overhanging the highway. Under the Highways Act 1980, KCC have powers to grant licences to others to legitimise the placing of structures that overhang the highway. These powers can make provision for any term or condition which the Highway Authority declare to be necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon.
3. Following the introduction of the Government Health Bill to ban smoking in public places which came into force in July 2007, there has been a marked increase in the number of applications from businesses in Kent to erect awnings or light canopies on their premises.

## **Suggested Measures**

4. In order to meet the requirements of the Traffic Management Act 2004 and the associated Network Management Duties it is necessary to put a Policy (Appendix 1) into place to ensure both the effective management of awnings and light canopies which overhang the public highway and ensure a consistent approach across the County. This Policy will regulate features such as permissible height, structural design, erection and maintenance of the structures.

## **Policy Summary**

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

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### **Conclusion**

6. Subject to the views of this Board it is proposed to recommend to the Cabinet Member for Environment, Highways and Waste that approval is given to the publication of the Policy for the Location and Licensing of Awnings and Light Canopies over the Public Highway.

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### *Background Documents:*

*Appendix 1 – A Policy for the Location and Licensing of Awnings and Light Canopies over the Public Highway*

*The Traffic Management Act 2004*

*The Network Management Duty Guidance*

*The Highways Act 1980*