



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr. James H Gee
6 Glebe Gardens
Bowness
WINDERMERE, CUMBRIA
LA23 3EU

Our Ref: Gee004/1/ag

12 June 2007

Dear Jim

Thank you very much for having taken the time to discuss the County Council plans for taxing shopkeepers for their use of the pavement, when I was recently visiting your neighbourhood.

I do fully understand the grievances of hard pressed independent shopkeepers that such an imposition should have been declared without formal consultation or consideration of your difficult trading circumstances in recent years. I am all too aware of the number of retail outlets that have closed in Kendal in the last two years. I have therefore written to the Chief Executive of the County Council to ask him to justify the decision and in particular to explain what statutory powers permit the Council to levy the charge. I will write again, when I have received his response.

With best wishes

Yours sincerely

TIM FARRON MP

Please reply to Constituency Office
The Cottage, Yard 2, Stricklandgate, Kendal, Cumbria LA9 4ND
Tel: 01539 723403 Email: tim@timfarron.co.uk

While Tim Farron MP will treat as confidential any personal information that you pass on, he will normally allow staff and authorised volunteers to see it if this is needed to help and advise you. He may also be asked to provide information to other MPs.

26 June 2007
Gee004/1/ag

Mr Tim Farron MP
The Cottage
Yard 2
Stricklandgate
Kendal
Cumbria
LA9 4ND

RECEIVED
27 JUN 2007

Dear Tim

Further to my letter of 14 June, I can now reply in more detail to your letter of 12 June on behalf of South Lakeland retailers.

As you will be aware highways legislation (Highways Act, 1980 and 1982) places a duty on all highway authorities to assert and protect the rights of people to use the highway. This means that anything in the highway which is not there to help the movement of people or traffic is an obstruction and the legislation provides powers to remove these. The legislation does allow things to be placed in the highway, providing they do not cause problems of obstruction or danger, and subject to the approval of the highway authority. Builders' skips, hoardings and scaffolding are specific examples covered by the legislation but there are also sections which enable street cafes and the display of goods to be set up in the highway. Both the district and county council can licence these and this provides the control to ensure footways are not obstructed by the furniture or displays.

Clearly obstructions in the footway have a significant impact on the disabled, particularly the blind or partially sighted and wheel chair users. Other users such as mothers with pushchairs are also affected and in those areas with significant pedestrian volumes there are obvious dangers and public liability issues. Your own office has previously raised exactly such an issue in Sedbergh if I remember correctly, where a shop display was obstructing the footway for a disabled wheelchair user. The safety issue for the Council is about all users being able to move along the footways without falling over obstructions or stepping into the road.

We have not thus far been particularly active in managing these obstructions but their numbers are increasing and the smoking ban is expected to have a further impact. We do need to regulate the cafes in the same way as other obstructions in order to fulfil our statutory duty and to ensure the safe movement of all users.

The regulations (Local Authorities (Transport Charges) Regulations 1998) allow us to recover our costs in dealing with permits or consents and we already charge for some items to cover the site inspections and administration costs. Unlike most authorities we do



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Bowness on WINDERMERE, CUMBRIA
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Your Ref:

28 June 2007

Dear Jim

Please find enclosed a copy of the response from the Chief Executive of the County Council to the letter that I wrote on your behalf with regard to the suggestion that a charge will be made for pavement furniture.

Although this letter is far from specific, I take it to mean that no final decision has yet been taken upon this issue and I must hope that such representation as we have made might have the desired effect of dissuading the Council from taking such action.

With best wishes

Yours sincerely

TIM FARRON MP

P.S. I am putting pressure on the council to prevent this charge becoming a reality

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