

BRIGHTON & HOVE CITY COUNCIL

OVERVIEW AND SCRUTINY COMMISSION AD-HOC PANEL - STREET ACCESS ISSUES

10.30am 31 JULY 2009

BANQUETING ROOM, HOVE TOWN HALL

MINUTES

Present: Councillor Rufus (Chairman)

Also in attendance: Councillor Bennett, Hawkes, Pidgeon and Watkins

Other Members present: Councillors

PART ONE

1. PROCEDURAL BUSINESS

1a. Declaration of Substitutes

1.1 No substitutes are permitted on Ad-hoc scrutiny Panels.

1b. Declaration of Interests

1.2 There were none.

1c. Declaration of Party Whip

1.3 There was none.

1d. Exclusion of the Press and Public

1.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

1.5 RESOLVED- That the press and public not be excluded from the meeting.

2. CHAIRMAN'S COMMUNICATIONS

2.1 Cllr Rufus, Chair of the Scrutiny Panel, welcomed everybody to the meeting. Members of the Panel introduced themselves.

2.2 Cllr Rufus stated that the Panel's remit included anything that affected street access and was not limited to A Boards and other traders' items.

3. EVIDENCE GATHERING

- 3a. Christina Liassides, Head of Network Management (Highways) provided a brief summary of current policy and enforcement practice.
- 3b. The Head of Network Management advised the Panel current Council policy regarding traders items had been agreed at Licensing Committee in April. Papers available through the link below: <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=116&MId=1890&Ver=4>
- 3c. The Committee agreed a policy to license A boards ensuring a minimum pavement width of 1.3 metres and where a footway is reduced to a width of 1.3 meters by objects 'turning areas' for manual wheelchair users and guide dogs must be established at regular intervals.
- 3d. Businesses are limited to one A board per property and must display a certificate to show they have a licence. There is also a map show the agreed positioning of the A Board.
- 3e. Private frontages to business premises are not regulated in the same manner as the public pavement and so A Boards aren't licensed, rather planning consent will be required.

3.1 ROYAL NATIONAL INSTITUTE OF BLIND PEOPLE

Richard Holmes, Regional Campaigns Officer

- 3.1a Richard Holmes outlined the history of the involvement of the RNIB in street access issues in Brighton.
- 3.1b The RINB has in recent years moved away from nationally instigated campaigns to be more responsive to the needs of its members locally. It was contacted by a resident whose ability to move around the City was being constrained by A boards and other traders items being placed in the street.
- 3.1c The RNIB has visited and monitored the use and position of A boards in the City and written to the Council about the issue on a number of occasions.
- 3.1d The RNIB's position is that there should be a complete ban of A boards through the whole City, as there is in the Churchill Square shopping centre.
- 3.1e A complete ban would encourage those with sight difficulties and other mobility issues to patronise a wider range of locations.
- 3.1f Whilst not against a flexible local approach and allowing A boards in areas where there are wider pavements the RNIB recognises that this might be unfair to traders in areas where there was a ban. This would often favour larger stores on larger streets; a uniform ban would therefore be fairer.

- 3.1g The RNIB is concerned that there appears to be an inability to enforce the current policy and that robust enforcement is required to ensure the policy is adhered to.
- 3.1h Mr Holmes answered a number of questions:
- The RNIB is not aware of the existence of evidence that proves A boards make any difference to levels of trade.
 - The optimum pavement gap in government guidance is 2 metres, with 1.5 acceptable in certain circumstances.
 - *The Head of Network Management confirmed that the Department for Transport's Inclusive Mobility Guidance recommends an absolute minimum of 1 metre where other obstacles exist, and that this guidance does allow for local considerations to be taken into account, with various measurements analysed within the document..*
 - If there are other items placed on the pavement then A boards should be present in the same location.
 - Fixed items are less problematic for people with sight difficulties as their positions can be learnt and indeed they can help aid street navigation. That is why the RNIB has been focusing on A boards.
 - Wheelie bins, recycling boxes, badly parked bikes, are also a problem as they move frequently.
 - Mobility training can therefore cope with fixed items.
 - This is an issue nationally but Brighton has specific issues due to the nature of some of its streets.

3.2 BRIGHTON AND HOVE FEDERATION OF DISABLED PEOPLE

Geraldine Des Moulins, Chief Officer

- 3.2a The Chief Officer advised that panel that the Federation had undertaken a considerable amount of consultation with members over these issues to contribute to the original report to the Council's Licensing Committee.
- 3.2b The Federation is glad that the Council is looking at these issues and taking them seriously. They have been monitoring the situation regarding A boards and would be prepared to work with the Council on the issue as there are concerns over enforcement of current policy.
- 3.2c The Panel were advised that the Federation agreed with much of the previous evidence but as a local organisation recognised the importance of visitors to the City.
- 3.2d The Federations biggest concern is that there are certain areas of the city that have become 'no-go' areas for disabled people. There are a considerable number of barriers to disabled people, so much so that people don't visit the Laines. Disabled people are customers, visitors, residents and they need improved access. The Federation suggested that the city could be zoned and where the streets were particularly narrow boards could be banned.
- 3.2e Disabled People have considerable spending power - £80bn nationally. Locally shop-mobility regularly delivers scooters to hotels showing the importance to the City and to traders of this demographic group.

- 3.2f Panel members were offered the chance to use a scooter for a day and experience the difficulties of navigating round the City. Churchill Square provides a level playing-field and is an example that could be copied.
- 3.2g Wheelchairs are of different shapes and sizes, 1.3 metres isn't wide enough for people to pass other wheelchair users, pedestrians or people with buggies safely. Wheelchair users are often forced next to the road where they feel very unsafe as there is then a danger of them falling off the pavement and into the road.
- 3.2h The Federation wants to see improved coordination across the council to ensure that objects are placed sensitively in relation to each other and that access of 2 metres should be maintained.
- 3.2i The Federation is looking for a constructive and positive outcome from this process with businesses and various groups understanding each others issues and seeking the best solution.
- 3.2j Enforcement is hard to achieve with limited resources but there is a need to ensure straight lines along pavements with no chicanes and with people near the shops and items placed near the kerb. *(The Head of Network Management informed the Panel that due to long term sick leave within the team, resources were currently significantly reduced with sometimes only 2 officers out of 5 available when taking into account holiday leave as well. This had an impact on the amount of enforcement currently carried out within the city).*
- 3.2k The Federation would be happy to work with the Council on enforcement but thinks a more productive route could be through a more creative and innovative approach to signage. Ultimately the streets are currently too cluttered and this needs to be addressed.
- 3.2l The Federation also offered to help raising awareness of the issues with businesses as a large element can be seen as a 'hearts and minds' issue.

3 .3 CITY COUNCILLORS

Cllr Juliet McCaffery

- 3.3a Cllr McCaffery concurred with much of the evidence given by the Mr Holmes, especially on A boards. She stated that a number of streets in Brighton and Hove are now very difficult to navigate due to the amount of clutter – tables and chairs, unloading, traders' goods, A boards, bins, etc. She commented in particular on Sydney Street which is impassable on Saturdays for wheelchairs pushchairs etc due to clothes racks, tables etc in the road. There is no clear pathway through
- 3.3b Cllr McCaffery also felt there was an issue with cycle lanes requiring clear demarcation; it can be quite unclear as to which area is for pedestrians and which for cyclists, in her ward near Preston Manor and the viaduct on Preston road.

- 3.3c Cllr McCaffery also raised the issues of electrical boxes and other utility company objects and the non-collection of waste/recycling. While the streets may be technically the appropriate width, it can be very difficult to wind your way between recycle boxes, wheelie bins, lampposts, electrical boxes and trees etc. Families with two children, one walking beside the pram are on occasion are forced to walk in the road. For wheelchairs it must be impossible except again resorting to the road on some occasions.
- 3.3d She also drew attention to the problem caused by lack of cycle racks which are then locked to lampposts and other street furniture. These often fall over creating an additional hazard to pedestrians.

3.4 John Eyles

Older People's Council

- 3.4a Mr Eyles briefly explained the role of the Older People's Council (OPC); he advised it represents all over 60's in the Brighton and Hove area, around 40,000 people.
- 3.4b The OPC agreed with much of the sentiment of what has been said before with regards to the type of obstructions that cause significant difficulty to people using the pavements.
- 3.4c The OPC has had a significant number of representations on this issue, with the main problems relating to A boards, cycle lanes, bins and tables and chairs.
- 3.4d The OPC believes that a minimum of 1.5 metres and turning circles of 2 metres are required to allow improved accessibility. The OPC is content that these policies should not apply to A boards located on private property.
- 3.4e Mr Eyles advised that the actual state of repair of the pavement can also be an issue for older people.
- 3.4f Asked about Twittens Mr Eyles could see the need for some kind of advertising; he suggested heritage type boards displaying a map with the location of a variety of shops could be one solution to the problem.

3.5 Tom Chavasse

- 3.5a Representing a number of different resident associations. The original information provided to Council was on behalf of the following groups:
- Lansdowne Area Residents Association
 - Friends of Brunswick Square and Terrace
 - Friends of Palmeira and Adelaide
 - East Brunswick Residents Association
 - Dudley Mews/Brunswick St. West Residents Association
 - The Hove Civic Society and Brighton Society
 - Montpelier & Clifton Hill, Regency Square and Kingscliffe Society
- 3.5b The delegation to full Council made by the residents' groups was based on a considerable amount of research, monitoring and analysis. They are seeking a

constructive way forward. The original deposition can be found here, under agenda item 65: <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&MId=323&Ver=4>

- 3.5c Residents associations recognise the need for compromise between different interests but consider that a minimal one size fits all solution, as the 1m, and now and 1.3metre, local approach, does not exist. Indeed a flexible policy based upon individual street conditions would seem to solve many of the outstanding issues. Comparisons with around 50 other local authorities have highlighted a number of areas of good practice that could usefully be considered by the Council.
- 3.5d Where obstructions were licensed a 2m.unobstructed space appeared to be the norm. Notable examples which included categorising streets and basing license conditions on the category included Durham and Richmond. A city like Brighton with a variety of street types could usefully consider this approach. Windsor & Maidenhead was a good example of a holistic approach across all Council Departments - particularly planning.
- 3.5e Mr Chavasse advised that there was a feeling amongst residents groups that consultation over the new policy before its agreement by the Licensing Committee in April could have been better - hence the delegation. .
- 3.5f *The Head of Network Management advised the Panel that considerable consultation had taken place during the development of the policy mentioned. It was agreed that the Equality Impact Assessment outlining consultation conducted would be distributed to Members of the Panel.*
- 3.5g Mr. Chavasse also advised that residents considered enforcement to have been sporadic, but recognised the pressure officers were under and that things had improved somewhat alongside the latest licensing system.
- 3.5h One of the main issues is where a number of different items of street furniture are placed on the pavement in the same location as that where various licenses are applied for. This can often occur on street corners which makes it additionally dangerous so that parents and those with mobility problems have major problems crossing the road.
- 3.5i To alleviate this issue Mr. Chavasse suggested that where there are fixed items in place licensing of additional obstructions should not be permitted. (Or the fixed items be first removed or modified). It had to be accepted that some shop / café / pub frontages - locations were not suitable for additional obstructions. However the issue of the Twittens presented some challenges as these businesses did not benefit from passing trade and therefore needed to advertise their existence in some manner.

4. PANEL AND WITNESS DISCUSSION

- 4.1 Mr. Damario, a member of the public, presented the panel with a letter outlining the issues he has experienced over a number of years with regard to obstructions on the pavement near his house.

- 4.2 Mr Damario was advised by the Panel Chair that his letter would be used as part of the evidence base for the enquiry but that the Panel could not investigate individual complaints.
- 4.3 There followed a general debate relating to issues on which the Panel had heard evidence during which the following points were made:
- There is an urgent need for more bicycle racks to stop people chaining them to random items on the pavement. Serious consideration should be given to having racks in the road in place of parking spaces.
 - Broken pavements also present a serious problem to successful travel in the city.
 - There appears to be little evidence that A boards bring additional trade to businesses beyond that involved in an 'arms race' scenario.
 - There needs to greater coordination across the Council when items are being placed on pavements, or roads e.g. communal bins
 - There is a need to work with business so they understand the impact of reduced access on pavements
- 4.4 The Chair of the Panel thanked all the witnesses for giving their time and expertise and for the constructive and positive nature of the session.
- 4.5 The Panel agreed that utility providers (BT) should be invited to a meeting and that a session should be held in the late afternoon/evening in Brighton.

5. ANY OTHER BUSINESS

The meeting concluded at 12.30pm

Signed

Chair

Dated this

day of