Brighton & Hove City Council

Report of the Street Access Issues Scrutiny Panel

March 2010

Street Access Issues

Volume One

Panel Members

Councillor Sven Rufus (Chair)
Councillor Jayne Bennett
Councillor Pat Hawkes
Councillor Brian Pidgeon
Councillor David Watkins

CHAIR'S FOREWORD

This scrutiny review was established following concern over how accessible public highways within the city are. We have sought to take into account and balance the competing needs of different groups of highway users. We have heard evidence from disability advocacy groups, residents associations, business associations and private residents. Members also have undertaken site visits to areas identified as hotspots around the city.

It was immediately obvious that the issue of traders' items placed upon the highway is the most controversial and pressing for the majority of those giving evidence. It is clearly an issue that stirs emotion and divides opinion.

A boards, tables and chairs and displays of goods are all placed upon the pavement by businesses and depending on your point of view are either an important part of our city's culture and vital to business success or a menace to residents and visitors trying to live their lives and move around the city.

The panel has listened, questioned and contended with what is a difficult issue. We have I think come to a reasonable compromise solution that builds upon current council policy but seeks a more consistent and slightly tougher enforcement regime.

Other issues that were highlighted as areas of concern included flyparking of bicycles and the location of commercial and communal bins. We also made recommendations in these areas consistent with those relating to traders' items.

I would like to express my thanks to my fellow panel members and to the witnesses whom gave their time and expertise to the panel; I hope they think it has been useful exercise and that our recommendations will have a positive impact upon the city.



Councillor Sven Rufus
(Chair, Scrutiny Panel on Street Access Issues)

CONTENTS

Executive Summary

1. **Introduction**
2. **Methodology**
3. **General Principles & Traders' Items**
4. **Bikes, Bins and Parking**
5. **Enforcement**
6. **Utilities**
7. **Alternative Advertising and Moving Forward**
8. **Monitoring**
9. **Conclusion**

Volume Two contains all of the evidence and appendices

EXECUTIVE SUMMARY

Public highways allow people to move around the Brighton and Hove, they also however are used to display goods, provide external seating, and advertise products and services; the council and other public bodies place signs and other infrastructure on the highway, and residents use the highway to store waste, park and secure bicycles.

The council seeks to ensure that public highways are used in a manner that maximises the benefit to the most number of users. However in the busiest areas of the city competing interests can come into conflict. It is the council's responsibility to manage these interests to prevent this from happening.

This review has focused on traders' items especially advertising boards (A boards), tables and chairs, bicycles and bins. Chaired by Councillor Sven Rufus the panel consisted of Councillors Jayne Bennett, Pat Hawkes, Brian Pidgeon and David Watkins.

Evidence was received from business representatives, disability charities, local resident groups and private residents. The panel has developed 16 recommendations, outlined below to improve accessibility around the city.

General Principles

1. In regulating and licensing the use of public highways the council should seek to strike a balance between the needs of competing interests. However this should be based on the premise that there should be free, unfettered access for all to public highways in Brighton and Hove.

Traders' Items

2. The panel supports the use of licensing zones for traders' items in specific areas of the city. Subject to its other recommendations, the panel endorses the policy regarding traders' items that was agreed at the meeting of Licensing Committee (Non Licensing Act 2003 Functions), Friday, 24 April, 2009 (Agenda Item 33), namely:

   A. That no licensed traders' items should be permitted to reduce the width of a footway to less than 1.3 meters except where:

   i) A formal pedestrian zone has been established in a road by Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   ii) A road is closed to vehicular traffic by virtue of a temporary Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   iii) A road is considered to be shared space and the whole carriageway is generally available for pedestrian use.

B. That where a footway is reduced to a width of 1.3 meters (or less) by objects (whether these objects be traders' items of fixed street furniture such as lamp posts, bins etc.) 'turning areas' for manual wheelchair users and guide dogs must be established at regular intervals. These turning areas shall not be less than two meters in length and shall be the full width of the footway. Such areas must be maintained at intervals of no more than six meters along the length of any restricted footway.

C. That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 meters from the licensed premises. All objects must be within sight from a window or door of said premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises. This provision will mainly affect advertising boards.

D. That where an application is refused by Officers, an applicant may appeal to the Licensing Sub-Committee (the Licensing Panel).

E. That applications for A-Boards shall be restricted to 1 per premises (excluding those situated on private land), but that:

i) Special consideration will be given to those premises situated in twittens and alleyways regarding this policy.

3. In addition to the licensing criteria above businesses seeking to place an A Board on public land should be required to:
   a. Evidence that there is insufficient private curtilage for A board to be kept off the public highway
   b. Commit to ensure the A board will be placed on an agreed area on the pavement marked by the council.

4. Clusters of A boards should be combined into a single standard advertising board. The council should provide these in a single City-wide design livery that can be added to by individual retailers.

5. Businesses with tables and chairs on the public highway should be required to partition their external seating from the footway. Areas licensed for tables and chairs should be marked.

6. The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction.

Bikes, Bins and Parking

7. Bicycles secured to inappropriate street furniture present a challenge to many people moving around the city. Investment in more on-street cycle storage should be prioritised.

8. Commercial bin storage on the highway should in general not be tolerated:
    a. No new planning permissions should be granted that do not include on-site waste storage
    b. Business that fail to utilise on-site storage facilities should be prosecuted quickly
    c. Council officers should investigate alternative arrangements where businesses are already trading and do not currently have on-site waste storage facilities

9. Communal bins should not be permitted to obstruct public highway to less than 1.3 meters (as per the minimum agreed in recommendation 2). Where this is the case communal bins should be relocated. Accessibility of the public highway should be of greater importance when deciding where to locate a communal bin.

10. Whilst parking was raised a number of times throughout the review members felt that this was too big an issue for this panel to look at. It is however recommended that where changes are made to parking regulations accessibility issues are considered as part of consultations.

Enforcement

11. The panel considers a robust, consistent enforcement regime of street access issues vital. Consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape. There should be given increased cross directorate/team working with officers able to undertake multiple enforcement regimes. This could include consideration of the use of civil enforcement officers, cityclean officers and PCSOs.

12. Communication and coordination between officers undertaking work that affects the street-scene needs to improve. There appears to be a lack of coordination between different parts of the council that place items on the highway, license items to be placed on the highway and use items placed upon the highway. Overall responsibility for highway accessibility should be given to a named officer.

13. Where traders' items are in breach of license condition two written warnings should be issued. Upon the third occasion of breach of license immediate confiscation by council officers should be undertaken.

14. The panel welcomes the willingness of Openreach to work with the council on the siting of utility boxes and supports the idea of creating a list of 'hotspots' where the re-siting of an existing box would be beneficial. The panel believes this could be usefully extended to other utility providers that locate items on the pavement.

15. Considerable good will and a desire to work together was evident from traders and disability group representatives. The panel believes this

should be acted upon and the council should facilitate on-going dialogue between different groups to review:

a. Alternative forms of advertising that will reduce the impact on street accessibility and could become part of the city's culture
b. How the city's café culture can meet the needs of mobility impaired residents and visitors

16. Implementation of recommendations arising from the scrutiny review should be monitored by OSC after six and twelve months with an invitation extended to those involved in this review to comment upon any impact.

1. INTRODUCTION

1.1 Public highways are subject to a variety of competing uses; most obviously they allow people to move around Brighton and Hove. They are also however used by businesses to display goods, provide external seating, and advertise products and services; the council and other public bodies place signs, furniture and other infrastructure on the highway, and residents use the highway to store waste, park and secure bicycles.

1.2 The council has a number of policies in place that seek to ensure that public highways are used in a manner that maximises the benefit to the most number of users. However in the busiest areas of the city competing interests can come into conflict. It is the council's responsibility to manage these interests to prevent this from happening.

1.3 This scrutiny review was established following concern that the accessibility of public highways within the city was being reduced. Whilst established to look at street access issues in a widest context evidence received from the public and groups with an interest in access issues has meant the review has focused to large extent on traders' items placed upon the highway. Given the publicity around this issue locally this is perhaps unsurprising. However many of the principles looked at in respect of traders' items hold true for other items placed upon the highway.

1.4 Throughout its work the panel has sought to understand and balance the needs of competing interests with the understanding that items placed upon the public highway should improve the general streetscape for users. The recommendations from this panel aim to improve the environment within the city and accommodate the needs of everyone.

1.5 At the 10 March 2009 Overview and Scrutiny Commission (OSC) meeting Members discussed a letter from Councillors Elgood and Watkins regarding the implementation of recommendation 10 of the 2006 Access Scrutiny Review. The letter and minutes of this meeting are attached to this report as appendices 1 and 2. Recommendation 10 stated:

1.6 *'That in consultation with sensorily-impaired people, officers give priority to achieving as wide, safe and straight access as possible in planning, licensing and enforcing all forms of street/pavement furniture and obstructions for pedestrians.*

That there be a presumption in favour of a clear straight pathways in line with Department for Transport guidance on the width of footways, footpaths and pedestrian areas.'

1.7 It was therefore agreed to establish a scrutiny panel to look at the issue of street accessibility. At its 21 April meeting OSC was presented with information regarding the progress made against recommendation 10 by the council's Highway Enforcement Team.[1]

2. METHODOLOGY

2.1 Chaired by Councillor Sven Rufus the panel consisted of Councillors Jayne Bennett, Pat Hawkes, Brian Pidgeon and David Watkins. The Panel met to scope the topic, agreeing the terms of reference as:

- To gain an understanding of the issues relating to street accessibility within Brighton & Hove
- To review current Council policy relating to items placed on public walkways
- To seek a balanced range of views as to the impact of current policy and practice
- To develop recommendations for the future development of council policy on these issues

2.2 Initially the panel issued a general invitation to give evidence. Over the course of the review over 40 responses were received. From these initial responses the panel selected a number of individuals and organisations to give oral evidence.

2.3 Meeting three times in public the panel heard evidence from:

- Federation of Disabled People
- RNIB
- Openreach (part of the BT Group)
- North Laine Traders Association
- Western and Church Road Traders Association
- Brighton and Hove Youth Council
- Rottingdean Parish Council
- Regency Square Area Society
- Tom Chavasse[2]
- Older People's Council
- Cllr Juliet McCaffery
- Christina Liassides, Head of Network Management
- Ian Denyer, Senior Highway Enforcement Officer

2.4 Additional evidence was received from a number of different individuals and organisations including:

- Cllr Paul Elgood
- Paula Murray - Head of Culture and Economy, Brighton and Hove City Council

[1] Appendix 3, Volume 2.

[2] Representing the 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

- Unique to Brighton
- National Federation of the Blind
- Impetus
- Friends of Brunswick
- East Brunswick Residents Association
- Brighton and Hove Low Vision Committee
- Rottingdean Traders Association
- Lansdowne Area Residents Association
- Over 20 private residents of Brighton and Hove

2.5 Using the information provided by those giving evidence a list of site visits was developed. Each member visited a different area of the city, with the Chair visiting all areas; sites were chosen to ensure that examples of different types of obstruction were viewed and a reasonable geographic spread covered.

2.6 Site visits took place to Washington Street, Scotland Street, Jersey Street, St. James's Street, Wakefield Road, Lewes Road, Western Road, Little Preston Street, Regency Square, Church Rd, George Street, Blatchington Road, Goldstone Villas, Sackville Road and Boundary Road.

2.7 Photographic evidence was obtained during the site visits and from a number of members of the public whom send in photos of their local area. The photos obtained have been used throughout the report to illustrate access issues around the city.

2.8 The following council policy documents were obtained:

- Communal Container Siting Guidelines[3]
- Commercial Waste – Council Policy[4]
- Traders' Items Licensing Policy[5]
- Draft Streetscape Design Guidelines
- HP 4-6 Provision of Traffic Signs and Roadmarkings
- HP 4-8 Provision of Traffic Signs – Direction Signs
- HP 4-9 Provision of Traffic Signs – Warning Signs
- HP 4-10 Provision of Traffic Signs – Regulatory Signs
- HP 4-12 Provision of Traffic Signs – Private and Tourist Signs
- HP 8-9 Charity or Event Signs on the Highway
- HP 8-8 Transport Abandoned on the Highway
- HP 8-7 Provision of Highway Bollards
- HP – Pavement Parking
- HP 4-15 Resident Parking Schemes Assessment

2.9 It was agreed that the panel would seek to be flexible as to the issues covered and respond to evidence received.

[3] Appendix 8, Volume 2
[4] Appendix 9, Volume 2
[5] Appendix 7, Volume 2

2.10 The evidence received from residents and residents groups, members and interested organisations meant the focus of this review has been:
- Traders' items – most notably A boards and tables and chairs
- Flyparked bicycles
- Commercial and communal bins

2.11 This is perhaps unsurprising given publicity and interest in A boards and other traders' items including articles and letters in the Argus such as *'Brighton traders fear street furniture ban'*.[6]

2.12 A short comparative study looking at the approach taken in other local authorities towards aspects of street accessibility was undertaken.[7]

2.13 From all of the evidence obtained 16 recommendations have been produced.

3. GENERAL PRINCIPLES

3.1 The foreword to the Legibility Study 'Public Space, Public Life' states streets should enable residents and visitors to move safely, quickly and easily around the city. It also sets out twelve key criteria common to well functioning public spaces one of which, Opportunities to Walk, includes the need for no obstacles and accessibility for everyone.[8] It continues that this must include children, adults, the elderly and people with special needs and highlights that at some point everyone is a pedestrian.[9]

3.2 This review has received submissions of evidence from individuals, groups and organisations for whom this is clearly an emotive and important issue. Of the wide number of possible issues that this review could have looked at A boards and other traders' item have time and time again been raised as the issue that most affects residents ability to move around the city.

3.3 The competing needs of the different groups of users were very apparent in the evidence received. However also apparent was a willingness to engage with the scrutiny process and seek a compromise solution to the issues. This is to be welcomed.

3.4 Whilst items placed upon the highway can be an obstacle to everyone those experiencing reduced mobility or sight are disproportionately disadvantaged, something clearly shown in evidence from the RNIB and Federation of Disabled People and others. In its recommendations

[6] Appendix 6i, Volume 2
[7] Appendix 11, Volume 2
[8] Legibility Study. Page 9
[9] Legibility Study. Page 42

the panel has been aware that often these groups are already at risk of exclusion and has sought to reflect this in its approach.[10]

3.5 Evidence from charities supporting partially sighted individuals highlighted the fact the many of the objects licensed are movable in nature and therefore cause significant problems.[11]

3.6 Navigation of the highway by partially sighted people is aided by fixed landmarks which can be learnt and therefore help in the understanding of exact location. Having items on the highway that move on a day-to-day basis is therefore a double problem in that they represent a collision hazard but also distort the mental map that has been memorized.

3.7 Paradoxically if traders items were to be of a more fixed location they would actually aid the passage of partially sighted individuals around the city adding to the mental map of the area.

3.8 These basic needs however should to be balanced with the needs other users of the highway. Businesses throughout the city have indicated throughout the review that use of the highway is integral to their survival. The city has developed a vibrant out doors café culture that necessitates some encroachment onto the pavement by traders.

Recommendation 1
In regulating and licensing the use of public highways the council should seek to strike a balance between the needs of competing interests. However this should be based on the premise that there should be free, unfettered access for all to public highways in Brighton and Hove.

TRADERS ITEMS BACKGROUND

3.9 Items placed upon the public highway by traders are monitored by the Highway Enforcement Team; these items include shop displays such as fruit and vegetables, advertising boards (A boards) and tables and chairs.

3.10 The law states that some items placed upon the highway must be licensed e.g. skips and scaffolds. Other items placed upon the highway can be tolerated; local circumstance and highway usage dictating what is acceptable.

3.11 Brighton and Hove is currently split into two zones, one licensed and one not. Licenses are required in the following areas.

- The Lanes
- The North Laines

[10] Appendix 4b, Volume 2
[11] Appendix 4b, Volume 2

- George Street, Hove
- Rottingdean Village Centre
- St. James Street area of Kemptown
- Stretches of Western Road

3.12 All traders wishing to place items on the highway in these areas must apply for a licence. The licence specifies where items can be placed and the maximum area to be taken up. The licence is similar in appearance to a tax disc and must be displayed in the shop window.

3.13 Positions licensed for objects to be placed aim to produce the best compromise possible between the competing highway users. Photos illustrating the approach taken by the Highways Enforcement Team presented to the Overview and Scrutiny Commission are attached as Appendix 3.

3.14 Traders may place items on the highway in areas outside the licensed zone without the need for a license. If complaints are made to the council cases are looked at on an individual basis.

3.15 The council's current policy regarding traders' items was agreed at the meeting of Licensing Committee on 24th April 2009. The policy states that:

A. That no licensed traders' items should be permitted to reduce the width of a footway to less than 1.3 meters except where:

i) A formal pedestrian zone has been established in a road by Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

ii) A road is closed to vehicular traffic by virtue of a temporary Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

iii) A road is considered to be shared space and the whole carriageway is generally available for pedestrian use.

B. That where a footway is reduced to a width of 1.3 meters (or less) by objects (whether these objects be traders' items of fixed street furniture such as lamp posts, bins etc.) 'turning areas' for manual wheelchair users and guide dogs must be established at regular intervals. These turning areas shall not be less than two meters in length and shall be the full width of the footway. Such areas must be maintained at intervals of no more than six meters along the length of any restricted footway.

C. That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 meters from the licensed premises. All objects must

be within sight from a window or door of said premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises. This provision will mainly affect advertising boards.

D. That where an application is refused by Officers, an applicant may appeal to the Licensing Sub-Committee (the Licensing Panel).

E. That applications for A-Boards shall be restricted to 1 per premises (excluding those situated on private land), but that:

i) Special consideration will be given to those premises situated in twittens and alleyways regarding this policy.

Recommendation 2
The panel supports the use of licensing zones for trader's items in specific areas of the city. Subject to its other recommendations, the panel endorses the policy regarding traders' items that was agreed at the meeting of Licensing Committee (Non Licensing Act 2003 Functions), Friday, 24 April, 2009 (Agenda Item 33).

ADVERTISING BOARDS

3.16 A number of business organisations submitted written evidence to the panel and the North Laines Traders Association and the Western and Church Road Traders Association gave evidence directly to the panel. All of the businesses represented were unequivocal regarding the importance A boards to their businesses[12] and that they represent a cost effect manner in which to attract passing trade being relatively cheap to purchase.

3.17 The question was raised that during a period of economic uncertainty should the council be looking to limit the ability of businesses to attract customers. Whilst the Panel were presented with this anecdotal evidence it has not been possible to find any solid independent evidence that assesses the impact of having A boards on businesses.

3.18 Members were concerned that rather than A boards adding value to individual businesses there exists an advertising 'arms race' scenario where businesses only require an A boards because competing businesses have them. It is not however possible to stop the arms race as so many A boards are on private land.

3.19 There was also debate as to whether larger chain businesses need to advertise utilising A boards. In the case of small scale independent retailers, there is an argument to be made for an A Board advertising what exactly the retailer has on offer, or in the case of restaurants the daily specials.

[12] Appendix 4c and 4d, Volume 2

3.20 However the question must be asked does a large major retailer need to advertise their products in the form of an A board, for example a number of supermarkets in the city centre have a boards outside their premises even though there products and services are well known. Also related to this argument is the need for businesses located in twittens to be able to advertise their presence. This is rightly reflected in current council policy.

3.21 The expertise of the street enforcement team was obvious throughout this enquiry and the panel were appreciative of their efforts in dealing with what is clearly a complex issue.

3.22 It became evident during the review the many of the items considered to be causing obstruction of the pavement are located on what is actually private land or at the very least disputed land with no clear owner. During site visits with officers from the enforcement team the complex nature of identifying what is private land and what is public land were highlighted to the Panel Chair; this issue is well highlighted in the original report to the Overview and Scrutiny Commission.[13]

3.23 Whilst in some cases differences in the appearance of the pavement indicates the boundary between private and public land in many instances this isn't the case. The council has very few powers regarding items placed on private land and therefore the recommendations and focus of this report are on the public highway.

3.24 The evidence put forward by those campaigning for an increase in the minimum gap required to 2meters, and a reduction in general street clutter, is fairly compelling that movable items placed upon pavement do have a detrimental impact upon the ability of people to navigate around the city. This is especially the case for those with visual impairments or mobility problems. Figure 1 below highlights how poorly placed A boards can obstruct the highway.

3.25 In considering a move towards a total ban, 2 meter gap, or an increase in the 1.3 meter provision, the panel were mindful of the number of areas were pavements aren't of that width to begin with and what impact such as draconian approach would have. There was also concern amongst panel members that the current policy has yet to be fully bed-down with support from a strong enforcement regime.

3.26 Having debated the arguments put forward the panel has decided that the current policy as agreed at the Licensing Committee is logical, represents a good balance and therefore endorses much of the approach. The Panel also took into account that the enforcement of the policy to date has been sporadic to date, through no fault of officers, rather a series of circumstances have meant a consistent enforcement

[13] Appendix 3, Volume 2

regime has been difficult to implement. The Panel have however sought to make some focused changes.



Figure 1 – Badly Placed Advertising Boards

3.27 It is worth noting that the original policy was developed following consultation with a large number of groups listed under section 4 of the original report.[14]

3.28 The panel considered asking businesses to develop a short business case to explain why they require an A board, however it was felt this would be very subjective and overly bureaucratic. The panel did however agree that businesses should evidence that there is no space for the A board on their private curtilage.

3.29 The panel also supported the licence requirement for A boards to be of a standard size between 0.75m and 1.2m high and between 0.5m and 1.1m wide only.

3.30 Discussion on marking the location of items placed on the highway recognised that there may be opposition to this as it will mean occasions where the marks are visible during non-trading hours. The Panel however felt marking the pavement would make enforcement easier and that it could then be undertaken by a larger number of officers. Please see enforcement section below.

3.31 Having A boards in fixed positions should also make the pavements easier to navigate for the partially sighted. Evidence from the RNIB and

[14] Appendix 3, Volume 2

others showed how fixed items enable mental maps of an area to be learnt to aid navigation.

3.32 The panel briefly investigated alternative forms of advertising some of which are attached to this report as appendix 10. Business representatives were open to exploring further the suitability of different options available to them.

3.33 Some of the different types of advertising available could become quite iconic in themselves and dovetail well with the reputation of the City. The panel felt this was best taken forward by the businesses themselves along with representatives from disability groups, supported by council officers. (See Recommendation 15 below).

Recommendation 3
In addition to the licensing criteria businesses seeking to place an A Board on public land should be required to:

a. Evidence that there is insufficient private curtilage for A board to be kept off the public highway
b. Commit to ensure the A board will be placed on an agreed area on the pavement marked by the Council.

3.34 A number of witnesses highlighted the fact that it is often clusters of items placed on highway that create a problem. This can often be the case in areas such as the Lanes, at the entrance to twittens or near side streets, as shown in figure 2 below.

3.35 The Panel believes these hot spots can best be tackled by a joint A board for all businesses in the alley/street/twitten. These could be developed in a single city-wide livery complementing information signage.



Figure 2 – Multiple Advertising Boards

Recommendation 4
Where there are 'clusters' of A boards they should be combined into a single standard advertising board. The Council should provide these in a single City-wide design livery that can be added to by individual retailers.

OTHER TRADERS' ITEMS

3.36 The rationale for having tables and chairs on the highway is more obvious than A boards as the value they bring to a business can be seen in increased capacity and as a part of the vibrant 'café culture' that the city enjoys. This view was prominently reinforced by business representatives as well as the Head of Culture and Economy at the council.[15]

3.37 There is however a strong argument that a clear, clean streetscape is more attractive to customers and will therefore increase trade. A number of witnesses also pointed out the importance of attracting disabled visitors to the City and the spending power this group would bring, the Federation of Disabled People highlighted that fact that nationally spending power of disabled people is £80bn.[16]

3.38 More space for pedestrians on our pavements is desirable and would encourage greater usage and footfall. The Legibility Strategy: Public Space Public Life advocates some good principles of urban design particularly in terms of decluttering public spaces.

3.39 As with A boards the panel endorsed the council's agreed policy position with however only two changes as in recommendations 5 and 6 below.

3.40 Marking the space designated for tables, chairs and the display of goods should help to prevent these items taking over the pavement and will allow easier enforcement, will be easier for businesses to adhere to and facilitate the passage of all highway users.

3.41 Following some debate it was agreed to recommend that tables and chairs on the highway should be required to be partitioned as in figure 3 below. This is to clearly demarcate the area set aside and prevent customers from moving items around as they utilise them. The design of the partition's feet needs to be a low profile to ensure they do not create a trip hazard. Barriers can themselves cause a problem if the feet are badly designed and stick out across the highway and as such the council should provide guidelines for businesses.

[15] Appendix 4d, Volume 2
[16] Appendix 4b, Volume 2

3.42 The panel were of the opinion that if there is not enough room for the partitions, then there probably isn't enough room for the tables and chairs in the first place.



Figure 3 – Partitioned Seating Area

3.44 The Panel acknowledge that partitions will add additional cost to businesses but feel barriers are necessary to prevent encroachment across the whole pavement and reduce trip hazards.

Recommendation 5
Businesses with tables and chairs on the public highway should be required to partition their external seating from the footway. Areas licensed for tables and chairs should be marked.

Recommendation 6.
The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction.

5. BIKES, BINS AND PARKING

Flyparked Bikes

4.1 A number of witnesses highlighted that the widespread practice of chaining bicycles to items of street furniture, 'flyparking', can seriously affect the accessibility of some streets, [17] especially when the bicycle falls over.

4.2 In line with the desire to increase the number of people cycling and with the award of Cycling Town status in 2005 the panel has taken the approach of recommending increased provision for secure cycle

[17] Appendix 4 , Volume 2

storage, rather than a more vigorous and heavy-handed campaign against inconsiderately secured bicycles. The highway enforcement team do have powers to remove abandoned bicycles, there is however an exhaustive process to be gone through.

4.3 The Legibility Study highlights that 'a lack of proper cycle parking leads to bicycles parked in appropriate places.[18] The council's own website acknowledges the problem of flyparking of bicycles that can reduce accessibility. The council has embarked upon a programme of increasing the number of Pedal Cycle Parking Places (PCPPs) around the city with 13 priority sites identified as below, to be completed in early 2010. Each PCPP holds five Sheffield Stands and 10 bicycles as seen in figure 4 below.

- Beaconsfield Road
- Farm Road
- George Street
- Kemp Street
- Kensington Place
- Lansdowne Place
- Lansdowne Street
- Norfolk Road
- Norfolk Square
- North Road
- St George's Road
- Sussex Square
- Tidy Street

6.4 The panel welcomed the approach taken in prioritising PCPPs and the ability of residents to request their installation. It was felt this should be more widely publicised, both directly to the public, but also to Members.



Figure 4 – Pedal Cycle Parking Place

[18] Page 45, Legibility Study

4.4 Increasing the amount of secure cycle storage available, especially in areas of high occupancy housing and in areas where residents have highlighted this as a problem should reduce the amount of flyparking.

4.5 The panel support increasing the amount of secure bicycle storage available across the city as a whole. Individual and multiple Sheffield Stands as shown above should be installed at more points across the city; however when selecting the location of the stands care should be taken not to impede highway accessibility.

4.6 Site visits to Hanover showed that it is not only central areas that suffer from flyparked bicycles and could benefit from more cycle parking.

4.7 The panel were of the opinion that in areas of significant pedestrian movement PCPPs should be installed in the road, rather than the pavement; the inclusion of on-road cycle parking within future controlled parking zones is a welcome development.

4.8 Whilst the panel would like to see an increase in the number of PCPPs there was recognition that this will require additional resources. However the cost of a PCPP is only around £5000, a modest increase in funding in this area could therefore have a significant effect.



Figure 5 – Fallen Cycle

4.9 The council is currently in the process of developing Street Design Guidelines that are relevant to much of content of this review. It is hoped that the recommendations within this report are taken forward in this guidance. The guidance relates specifically to those items placed on the highway by the council.

Recommendation 7
Bicycles secured to inappropriate street furniture present a challenge to many people moving around the city. Investment in more on-street cycle storage should be prioritised.

Commercial Bins

4.10 A number of members of the public highlighted commercial bin storage as an issue impacting on their ability to access certain streets, areas identified were typically city centre areas, often near food establishments.

4.11 The Regency Square Area Society provided photographic evidence of the issue and their dealings with the council in trying to resolve the matter.[19] Figure



Figure 6 – Commercial Waste on the Pavement

4.12 The Panel are supportive of current council policy in that it seeks to limit the number of businesses that are allowed to store waste on the highway.[20] However they would like officers to investigate those instances where currently businesses are allowed to store waste on the highway and see if other options are available.

4.13 There was some debate within the panel that seeking to change refuse storage could result in a return to black sacks being torn open by seagulls and the resulting mess this creates. However it was felt that asking officer to look at the issue again would provide an avenue to resolve the issue without being prescriptive as to the outcome.

[19] Appendix 6h, Volume 2
[20] Appendix 9, Volume 2

Recommendation 8
Commercial bin storage on the highway should in general not be tolerated:

a. **No new planning permissions should be granted that do not include on-site waste storage**
b. **Business that fail to utilise on-site storage facilities should be prosecuted quickly**
c. **Council officers should investigate alternative arrangements where businesses are already trading and do not currently have on-site waste storage facilities**

Communal Bins

4.14 The placement of communal bins was raised as an issue of some concern. Evidence was presented highlighting bins placed on pavements that made accessibility hard.

4.15 The siting guidelines contain within them limits to as to how the width of available pavement can be reduced as below:

Containers may be sited on pavements. *Where it is not operationally possible to site containers directly on the highway, they may be sited on pavements providing they do not reduce the available pavement width to below the legal requirement. After seeking advice from Brighton & Hove's Walking & Cycling Officer at the start of this process back in 2004, the distances used was a recommended minimum width (after the placement of a container) of no less than 1.2m and an absolute minimum width of no less than 1.0m*[21]

4.16 Whilst supportive of the general thrust of the policy in terms of accessibility the panel felt the limits should be the same as those prescribed to traders in the licensing policy; namely a limit of 1.3 meters. It was felt by the panel that a standard limit on pavement width was required and having different rules for traders and the council was inequitable. Indeed if 1.3 meters is being treated as the minimum for all officer issued licenses then this should be considered as the minimum for all items the council places on the highway too.

4.17 Discussions with officers responsible for communal bin placement highlighted a number of issues that the panel considered in making this recommendation. Increasing the limit to 1.3 may actually have detrimental impact on accessibility. Forcing the removal of some communal bins which reduced the usable pavement to less than 1.3 meters may result in rubbish being left on the highway in an indiscriminate manner; this could mean that the amount of usable pavement actually decreases and the risk of needle sticks and glass injuries will increase.

[21] Appendix 8, Volume 2

4.18 However in making their recommendation the panel felt that a consistent line was required for all items that may cause obstruction.

Recommendation 9
Communal bins should not be permitted to obstruct public highway to less than 1.3 meters (as per the minimum agreed in recommendation 2). Where this is the case communal bins should be relocated. Accessibility of the public highway should be of greater importance when deciding where to locate communal bins.

Parking

4.19 A number of residents raised parking on pavements as an issue and figure 7 below supports this view. The Panel however felt there was insufficient time to properly evaluate parking as an issue given its complexity.



Figure 7 – Photo of Wakefield Road

Recommendation 10
Whilst parking was raised a number of times throughout the review members felt that this was too big an issue for this panel to

look at. It is however recommended that where changes are made to parking regulations accessibility issues are considered as part of consultations.

5. ENFORCEMENT

5.1 As highlighted earlier the Scrutiny Panel were generally supportive of the balance struck by the existing council policy with regard to licensing traders' items. However there is currently a gap between council policy and enforcement action taken.

5.2 Enforcement action on highway obstructions needs to be consistent and members of the public assured that when an issue is raised it receives sufficient attention.

5.3 Officers within the Highway Enforcement Team are responsible for a number of different types of licensing. Quite rightly they have prioritised limited resources to focus on those items that represent the most danger to the public such as scaffolding and abandoned cars.

5.4 The current Highway Enforcement Team are overstretched for the current areas of responsibility required of them. Given the number of different council officers, other public servants and enforcement officers that are patrolling the central areas of the city the panel are of the opinion there is merit in closer working between the different agencies and indeed within the council.

5.5 Marking the pavement for the position of items placed on the pavement with a minimal amount of paint should help businesses ensure they are locating items in the correct place. All members of staff within a business can easily identify where the items should be placed. This will have two benefits; it will allow for easier, quicker enforcement and by ensuring items are in the right place will ease passage for the visually impaired.

5.6 The panel would also like to build upon the manner in which these issues are coordinated across the council. There is a Public Space Public Life Strategy Group which facilitates a degree of coordination of work. The Panel however would like to go further and give named responsibility for access issues to a single officer.

Recommendation 11
The panel considers a robust, consistent enforcement regime of street access issues vital. Consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape. There should be given increased cross directorate/team working with officers able to undertake multiple enforcement regimes. This could include consideration of the use of civil enforcement officers, cityclean officers and PCSOs.

Recommendation 12
Communication and coordination between officers undertaking work that affects the street-scene needs to improve. There appears to be a lack of coordination between different parts of the council the place items on the highway, license items to be placed on the highway and use items placed upon the highway. Overall responsibility for highway accessibility should be given to a named officer.

5.7 The panel were happy to support existing powers with regard to the confiscation of items in breach of licensing agreements.

Recommendation 13
Where traders' items are in breach of license condition two written warnings should be issued. Upon the third occasion of breach of license immediate confiscation by council officers should be undertaken.

6. UTILITIES

6.1 The panel heard evidence form Openreach, part of the BT group. They are responsible for installing and upgrading communication infrastructure and do place items on the highway.

6.2 Whilst highlighting that the myriad of subterranean obstacles do limit where some items can be placed on the highway Openreach were happy to work with the council where access 'hotspots' are identified. This would enable the group to consider moving infrastructure as part of routine maintenance/upgrading work.

Recommendation 14
The panel welcomes the willingness of Openreach to work with the council on the siting of utility boxes and supports the idea of creating a list of 'hotspots' where the re-siting of an existing box would be beneficial. The panel believes this could be usefully extended to other utility providers that locate items on the pavement.

7. ALTERNATIVE ADVERTISING AND MOVING FORWARD

7.1 A number of innovative forms of advertising were shown to the panel which could be used as alternatives to A boards. In many cases these would require businesses to collaborate, however the panel believes this could be accomplished through groups such as the North Laine Traders Association.

7.2 The panel believes there is also a useful dialogue to begin between the city's business community and those representing disability groups. Clearly issues such as cost implications are best considered by businesses themselves.

Recommendation 15
Considerable good will and a desire to work together was evident from traders and disability group representatives. The panel believes this should be acted upon and the Council should facilitate on-going dialogue between different groups to review:

a. Alternative forms of advertising that will reduce the impact on street accessibility and could become part of the City's culture

b. How the City's café culture can meet the needs of mobility impaired residents and visitors

8. MONITORING

8.1 As with any scrutiny review once a response to its recommendations has been received monitoring of any agreed actions will be paramount to achieving success. The Panel will be asking for OSC to monitor these recommendations after 6 and 12 months.

8.2 The panel did debate linking the size of accessible gap required on highways to the level of footfall in any given area. Whilst not recommending this approach they were in agreement that if these recommendations do not help alleviate the problem then this should be considered in future.

Recommendation 16
Implementation of recommendations arising from the scrutiny review should be monitored by OSC after six and twelve months with an invitation extended to those involved in this review to comment upon any impact.

9. CONCLUSIONS

9.1 This review has led to the development of the 16 recommendations outlined below. Whilst these are broadly supportive of current policy they do highlight the need for an increased focus on enforcement measures.

9.2 The panel is asking for the various interest groups who gave evidence to be involved the monitoring of improvements to street accessibility. If it becomes apparent that the recommendations do not improve the situation further measures may have to be considered such as linking the width of gap required to footfall in an area, or a standard increase in the size of the gap from 1.3meters.

9.3 In conclusion therefore the Panel recommends:

General Principles

1. In regulating and licensing the use of public highways the council should seek to strike a balance between the needs of competing interests. However this should be based on the premise that there should be free, unfettered access for all to public highways in Brighton and Hove.

Traders' Items

2. The panel supports the use of licensing zones for traders' items in specific areas of the city. Subject to its other recommendations, the panel endorses the policy regarding traders' items that was agreed at the meeting of Licensing Committee (Non Licensing Act 2003 Functions), Friday, 24 April, 2009 (Agenda Item 33), namely:

   A. That no licensed traders' items should be permitted to reduce the width of a footway to less than 1.3 meters except where:

   i) A formal pedestrian zone has been established in a road by Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   ii) A road is closed to vehicular traffic by virtue of a temporary Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   iii) A road is considered to be shared space and the whole carriageway is generally available for pedestrian use.

   B. That where a footway is reduced to a width of 1.3 meters (or less) by objects (whether these objects be traders' items of fixed street furniture such as lamp posts, bins etc.) 'turning areas' for manual wheelchair users and guide dogs must be established at regular intervals. These turning areas shall not be less than two meters in length and shall be the full width of the footway. Such areas must be maintained at intervals of no more than six meters along the length of any restricted footway.

   C. That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 meters from the licensed premises. All objects must be within sight from a window or door of said premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises. This provision will mainly affect advertising boards.

   D. That where an application is refused by Officers, an applicant may appeal to the Licensing Sub-Committee (the Licensing Panel).

E. That applications for A-Boards shall be restricted to 1 per premises (excluding those situated on private land), but that:

i) Special consideration will be given to those premises situated in twittens and alleyways regarding this policy.

3. In addition to the licensing criteria above businesses seeking to place an A Board on public land should be required to:
    a. Evidence that there is insufficient private curtilage for A board to be kept off the public highway
    b. Commit to ensure the A board will be placed on an agreed area on the pavement marked by the council.

4. Clusters of A boards should be combined into a single standard advertising board. The council should provide these in a single City-wide design livery that can be added to by individual retailers.

5. Businesses with tables and chairs on the public highway should be required to partition their external seating from the footway. Areas licensed for tables and chairs should be marked.

6. The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction.

Bikes, Bins and Parking

7. Bicycles secured to inappropriate street furniture present a challenge to many people moving around the city. Investment in more on-street cycle storage should be prioritised.

8. Commercial bin storage on the highway should in general not be tolerated:
    d. No new planning permissions should be granted that do not include on-site waste storage
    e. Business that fail to utilise on-site storage facilities should be prosecuted quickly
    f. Council officers should investigate alternative arrangements where businesses are already trading and do not currently have on-site waste storage facilities

9. Communal bins should not be permitted to obstruct public highway to less than 1.3 meters (as per the minimum agreed in recommendation 2). Where this is the case communal bins should be relocated. Accessibility of the public highway should be of greater importance when deciding where to locate a communal bin.

10. Whilst parking was raised a number of times throughout the review members felt that this was too big an issue for this panel to look at. It is however recommended that where changes are made to parking regulations accessibility issues are considered as part of consultations.

Enforcement

11. The panel considers a robust, consistent enforcement regime of street access issues vital. Consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape. There should be given increased cross directorate/team working with officers able to undertake multiple enforcement regimes. This could include consideration of the use of civil enforcement officers, cityclean officers and PCSOs.

12. Communication and coordination between officers undertaking work that affects the street-scene needs to improve. There appears to be a lack of coordination between different parts of the council that place items on the highway, license items to be placed on the highway and use items placed upon the highway. Overall responsibility for highway accessibility should be given to a named officer.

13. Where traders' items are in breach of license condition two written warnings should be issued. Upon the third occasion of breach of license immediate confiscation by council officers should be undertaken.

14. The panel welcomes the willingness of Openreach to work with the council on the siting of utility boxes and supports the idea of creating a list of 'hotspots' where the re-siting of an existing box would be beneficial. The panel believes this could be usefully extended to other utility providers that locate items on the pavement.

15. Considerable good will and a desire to work together was evident from traders and disability group representatives. The panel believes this should be acted upon and the council should facilitate on-going dialogue between different groups to review:
    c. Alternative forms of advertising that will reduce the impact on street accessibility and could become part of the city's culture
    d. How the city's café culture can meet the needs of mobility impaired residents and visitors

16. Implementation of recommendations arising from the scrutiny review should be monitored by OSC after six and twelve months with an invitation extended to those involved in this review to comment upon any impact.