Rec #	Recommendation	Response	Date
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.	Agreed	Ongoing
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).	Agreed	Already in place
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.	Agreed	Undertaken during new licensing period for April 2010 - Mar 2011. Each licensed area is currently shown on shop display diagram/photo rather than marked on ground. Will need to explore best type of markings for licensing year 2011-12
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.	Recognise the issue the recommendation seeks to address. In taking this forward however the cost of the board should be met by traders. Legal advice is that the design/wording of the board would need to be carefully thought out as the council cannot be seen to be promoting any particular business. Suggest that this is progressed with recommendation 15. Practicalities of this need to be explored further including what can be reasonably accommodated in narrow streets, regular maintenance, etc. With regards to planning considerations, a single standard board advertising businesses in a street or block may be acceptable, subject to their number, size and location and approval of advertisement consent. A single hanging sign to each business premises, rather than an A board, may also be acceptable, subject to their size, appearance and location, the detailed policy guidance in Supplementary Planning Document SPD07 Advertisements and, where necessary, approval of advertisement consent.	Will explore possibilities for new licensing year 2011-2012

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	Agreed with the addition that this should not apply in exceptional circumstances. Exceptional circumstances would apply to small single operators with less than 4m2 licensed area. This is because of the concerns for very small businesses on smaller streets such as little single shop-front cafes where just 2 chairs or one table may be placed outside. Officers believe this will add to street clutter rather than contain or reduce it in some circumstances particularly for smaller placements. In order to be safe, barriers need a large base and therefore a large footprint. Where there are small placements on quite narrow pavements, the addition of barriers may narrow down the width to less than 1.3 metres and therefore mean that some businesses will be refused a licence. Whilst appreciating that this is a means of controlling overspill, it may disproportionately affect small local traders who have never posed a problem. An alternative is agreeing to barriers being fixed to the highway but this is not a route recommended by officers because of the problems this causes e.g. when placements aren't out as well as for liability and mair	For new licensing year April 2011 subject to final operational policy decisions regarding officer/Scrutiny recommendations
6	The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction	Agreed	For new licensing year April 2011
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.	Agreed. Pedal Cycle Parking Places (on-carriageway cycle parking) provision in the city is increasing following significant public demand. 14 sites (140 cycle parking spaces) having been delivered across the city in 2009/10. Another 10 PCPPs are due for implementation during 2010/11 following discussions with local residents and councillors.	Ongoing
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 storageb) 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	Agreed within the constraints of existing regulatory requirements. With regard to enforcement of bins on the pavement this can be done under city clean enforcement but consideration will need to be given to restrospective action. Fixed penalties can be issued to those not complying with Duty of Care legsislation prior to full enforcement action. Under planning regulations, the provision of adequate refuse and recycling storage facilities on site would be required when considering planning applications for new development. Brighton & Hove Local Plan policies TR7, SU2 and QD27 require such facilities for reasons of safety to highway users, sustainability and the protection of amenity. Such facilities should be provided for new business uses in existing properties that require planning permission for change of use; however this could not be insisted on if it was not practical to provide facilities on-site and there was no material harm resulting from increased refuse/recycling generation.	

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.	Agreed. Communal bins are sited with a minimum of 1.3 m gap on the highway. Consideration is given to visibilty of road users and access when sites for communal bins are considered. Where possible, these are not located in parking bays.	Ongoing
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	Agreed. Accessibility and safety issues are always considered when parking regulations are changed or introduced. However, there must be a period of consultation when introducing any sort of parking controls (from a double yellow line to a residents' parking scheme) so it cannot be guaranteed that the controls will always be accepted.	Ongoing
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.	Agreed. Initial contact with the police has been positive and this will be followed up as soon as possible. Timescales for cross directorate/team working may take longer as may be affected by outcome of intelligent commissioning and new council structure before this can be fully put in place. However, discussions will take place with in-house teams and the police over the next 6 months. For enforcement, relevant delegated authority, correct training and good communication between teams are essential. Please note that teams already work in partnership e.g Environmental Health, Civil Enforcement Officers, and Highway Enforcement with problematic or complex sites. Highway Enforcement has not been at full team complement over past 12 months so will make a difference to enforcement activity with properly resourced team.	Initial meetings to take place soon in-house and with the police
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.	Agreed in relation to improved communication - council officers across various sections have been working together on a Street Design Manual which sets out principles and practices for good urban design and accessible streets so some of this recommendation has already been progressed through this route, and through "Public Space Public Life" meetings. With regard to a overall responsibility to a named officer, the council needs to identify who this is and where this best sits. It may not work if simply "added on" to existing work without the correct mandate (e.g. over other teams' work) and capacity to do this. This will need to be progressed properly over the longer term especially given current restructure subject to practical considerations.	

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.	Agreed for majority of A-boards but magistrates' court & rescinding of licensing is also an option and may be a better route for certain placements. Legal advice is needed around the removal of perishable goods. Storage and removal costs will be an issue for larger placements - the council does not have the facilities to remove or store numerous tables and chairs. Any enforcement actions are subject to the council's corporate enforcement policy which provides for a range of sanctions in order that officers can use the most appropriate enforcement for the circumstance.	In place where practical to do so
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.	Agreed. Highways & Planning are currently working with Openreach regarding the siting of new cabinets.	In progress
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	Agreed. The Communities & Equalities Team have agreed to facilitate this work.	Within next 12 months
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.	Agreed	6 - 12 months