

Brighton & Hove City Council – Street Access Issues Scrutiny Review

The Scrutiny Panel looked in detail at issues around the use of A-boards. At the time of the review, Brighton and Hove was split into two zones, one zone where the use of pavement space was licensed and one not. Therefore as part of their review, the Panel also considered whether Brighton & Hove City Council should continue to restrict the use of pavement space in their licensed zone, and if their current policy and licensing regime was working or should be relaxed.

Within their licensed zone, all traders wishing to place items on the highway need 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. The positions licensed for objects to be placed, were aimed at producing the best compromise possible between the competing highway users.

Outside of their licensed zone, Traders may place items on the highway without the need for a license. However, if complaints are made to the council, cases are looked at on an individual basis.

Findings

The Scrutiny Panel recognised that whilst items placed upon the highway could be an obstacle to everyone, those experiencing reduced mobility or sight were disproportionately disadvantaged. They noted that navigation of the highway by partially sighted people was aided by fixed landmarks which could be learnt and therefore help in the understanding of exact location. Therefore, having items on the highway that moved on a day-to-day basis was a double problem in that they represented a collision hazard but also distorted the mental map that had been memorized.

Paradoxically, the Scrutiny Panel reasoned that 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.

However, the Scrutiny Panel recognised that those basic needed to be balanced with the needs of other users of the highway. Businesses throughout the city indicated throughout the review that use of the highway was integral to their survival. And, the Panel accepted that the city had developed a vibrant out doors café culture that necessitated some encroachment onto the pavement by traders.

Overall, the Scrutiny Panel agreed that in regulating and licensing the use of public highways their 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.

The scrutiny panel also endorsed their council's licensing policy regarding traders' items which states that:

- A. 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 special consideration will be given to those premises situated in twittens and alleyways regarding this policy.

The Scrutiny Panel found that there appeared to be a lack of coordination between different parts of the council that placed items on the highway, licensed items to be placed on the highway and used items placed upon the highway. They therefore agreed that communication and coordination between officers undertaking work that affected the street-scene, needed to be improved. They also suggested that overall responsibility for highway accessibility should be given to a named officer.

In regard to enforcement, the scrutiny panel agreed a robust, consistent enforcement regime of street access issues was vital. They recommended that consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape and suggested there should be increased cross directorate/team working with officers able to undertake multiple enforcement regimes, including consideration of the use of civil enforcement officers, city cleaning officers and PCSOs.

Where traders' items were in breach of license conditions, the Scrutiny Panel agreed two written warnings should be issued. Upon the third occasion of breach of license, immediate confiscation by council officers should be undertaken.