

# **Report of the Strategic Director Regeneration to the meeting of Executive to be held on 13 October 2015**

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## **Subject:**

**Consideration of Policies relating to removal of obstructions on the highway**

## **Summary statement:**

The Council's arrangements for removal of illegal pavement obstructions, and more specifically the removal of advertisement or 'A' boards was considered at Health and Social Care Overview and Scrutiny Committee on 6 February 2014. On the resolution of that committee this matter was referred to Executive for consideration of how the powers available to the Council to deal with highway obstructions could be more effectively applied and a report was presented at Executive's meeting of 16<sup>th</sup> October 2014.

Following Executive's consideration this report provides further information about potential solutions for the control and removal of 'A' boards, clothing banks, pavement and other obstructions of the highway under Sections 137, 143 and 149 of the Highways Act 1980. The report also compares how other Councils are dealing with this matter as examples of National Best Practice as a way to increase compliance with highway law.

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**Overview & Scrutiny Area:**

Environment & Waste



## 1. SUMMARY

- 1.1. The Council's arrangements for removal of illegal pavement obstructions, and more specifically the removal of advertisement or 'A' boards was considered at Health and Social Care Overview and Scrutiny Committee on 6 February 2014. On the resolution of that committee this matter was referred to Executive for consideration of how the powers available to the Council to deal with highway obstructions could be more effectively applied and a report was presented at Executive's meeting of 16<sup>th</sup> October 2014.
- 1.2. Following Executive's consideration this report provides further information about potential solutions for the control and removal of 'A' boards, clothing banks, pavement and other obstructions of the highway under Sections 137, 143 and 149 of the Highways Act 1980. The report also compares and contrasts how other Councils are dealing with this matter as examples of National Best Practice as a way to increase compliance with highway law.

## 2. BACKGROUND

- 2.1. At its meeting of 6<sup>th</sup> February 2014 the Health and Social Care Overview and Scrutiny Committee considered a report into the Council's current arrangements for dealing with obstructions on the highway under Section 137 of the Highways Act 1980. The Health and Social Care Overview and Scrutiny committee resolved that:-

**Resolved -**

**That the Council be urged to use its best resources to bring about a change in the Authority's available powers to deal more effectively with obstruction of the highway and that all the relevant policies be referred for consideration by the Council's Executive.**

- 2.2. Following this resolution a report outlining potential options for improving compliance with highway law in relation to pavement obstructions was presented to Executive for consideration on 16 October 2014. Executive resolved that:

**Resolved –**

**That a report be presented to the 13 January 2015 meeting of Executive with further information and options on the Council's approach to dealing with pavement obstruction on the highway.**

- 2.3. The Council, as Highway Authority, is responsible for overseeing the safe operation of the highway and under Section 130 of the Highways Act 1980 is given the duty to exert and protect the rights of the public to use and enjoy the highway. In complying with this statutory function the Council is often called upon to take action to remove obstructions on or over the highway.

## 3. OTHER CONSIDERATIONS

- 3.1. Following Executive's consideration of this matter on 16<sup>th</sup> October details of the arrangements for both a total ban approach (as operated by Leeds City Council, and Edinburgh Councils) and details of the licensing approach (as operated by Kirklees

MDC and Royal Borough of Windsor and Maidenhead Councils) were obtained and reviewed to consider their potential application in Bradford; approaches of a number of other local authorities were also reviewed. Similarly, based on the Executive's comments discussions were held with the Council's Warden Service to look at options for partnership working in relation to the highway obstruction enforcement.

- 3.2. Other key stakeholders including Bradford District Chamber of Trade, RNIB, Ilkley Civic Society, Bradford Strategic Disability Partnership were similarly asked for their input into this report in order to try to establish a consensus approach to this issue.
- 3.3. The current **Bradford Council** approach is based around the enforcement of a published A-Board policy which sets out criteria for the suitable placement, dimensions and design of display boards. Where A-boards fail to comply with these requirements the Council's Highway Enforcement Officer affixes a notice to the A-board advising that it is illegal and that it should be removed from the highway. Failure to remove the A-board results in its removal after 7 days; there is no further warnings being issued to the business. Fundamentally, the key problem with this approach is Council staff resources are insufficient to deal with the problem on a day-to-day basis. Consequently the Council must adopt a reactive or campaign style enforcement approach.
- 3.4. The **Leeds City Council** zero tolerance approach mirrors Bradford's current scheme albeit procedurally it is more protracted. Whilst the scheme operates from the basic presumption that no obstructions will be permitted on the highway it still requires enforcement action to resolve issues of non-compliance. In the Leeds methodology this involves a number of letters being issued by the Council to the offending company as described below:
  - a) Where an obstruction is identified the owner of the A-board is written to requesting that the A-board be removed enclosing a leaflet describing Leeds City Council's approach to dealing with obstructions.
  - b) If this letter fails to elicit compliance with the Council's request then a further letter is issued advising of the Council's intention to take positive action (removal and prosecution) if no action is taken.
- 3.5. When considering its own approach to this issue at its meeting of 17<sup>th</sup> December 2013 **Kirklees Council's** Cabinet resolved to adopt a multifaceted street by street approach to the issue of A-boards on the highway, including:
  - a) Dealing with items as obstruction as defined under the Highways Act which will involve removal and possible prosecution.
  - b) Putting in place a licensing system, so that only items licensed by the Council can be displayed, thereby giving control over numbers/size and locations etc. – this is enforced under the Town and Country Planning Act. The current charge for a permit is currently £105.
  - c) A complete ban including obstructions and displays of merchandise, across the district and providing at cost, an alternative where deemed suitable such as finger posts or information boards listing shops – enforced by Highways Act and/or advertising regulations.

- d) Requiring repositioning of items to prevent issues.

Variations of these approaches are adopted for different street conditions around the district which are defined as:

- a) Pedestrian precinct areas where combination of (b) and (c) would be used to describe the strategy for dealing with the obstruction issue.
- b) Wide pavements where a combination of (b) and (d) would be used to deal with obstructions.
- c) Narrow pavements where a combination of (a) and (c) would be used.
- d) Rural roads / farm road ends where obstructions would be dealt with by (d).

This approach was welcomed in September 2014 by the Guide Dogs Charity (formerly the Guide Dogs for the Blind Association) who whilst understanding the commercial value that A-boards represent in terms of cheap advertising for businesses wanted pavements clear for all pedestrians.

### National Best Practice

- 3.6. Nationally, many Local Councils have adopted an approach similar to that of Bradford by producing agreed guidelines/requirements for the siting of A-boards on the public highway. In these areas any organisation wishing to place an A-board on the highway is responsible for complying with the guidelines/requirements which have been designed to protect all highway users, including those with mobility and visual impairments. Examples of best practice guidelines from various Councils are described in the following paragraphs.
- 3.7. **Kent County Council** has based their requirements on the Department for Transport's (DfT) guidance on 'Inclusive Mobility' which suggest that a minimum unobstructed width of 2 metres must be provided wherever possible, or 1.5 metres where fewer pedestrians are expected. However, neither of these requirements are law and therefore cannot be enforced. Kent CC also encourages organisations to consider alternative methods of advertising off the highway instead of using A-Boards (e.g. fixed wall boards, mounted display boxes, window displays, hanging signs, changeable cloth signs, display screens and light bars.)
- 3.8. **Bristol City Council** have put in place a very practical guide for the use of A-Boards. This includes where they may be placed on the highway (i.e. within a distance of 60cm immediately in front of the premises which they are advertising provided that 1.8 metres of clear footway can be retained between the road and the board. They have also included a general guide on the style, size, colour and use of illumination etc. in order to discourage a proliferation of mismatched A-boards which ultimately could lead to a cluttered appearance.
- 3.9. **Nottingham City Council's** May 2009 A-Board policy requires that A-boards should not be either of swinging or rotating construction and should be less than one meter high. It completely banned A-Boards in parts of the city where there were in excess of 20,000 pedestrians a day or where pedestrian safety and servicing needs were adversely affected by narrow footways or other physical restrictions. Nottingham City Council does not license A-boards, and if a business does not comply with the

guidelines the Council sends warning letters, and then confiscates the A-board in a similar approach to the Leeds scheme.

- 3.10. In 2012 **Hull City Council** introduced an A-board policy which was designed to reduce the presence of A-boards being unlawfully displayed and encourage businesses to either advertise through alternative routes or to seek consent from the Council to display advertisements on the highway. This policy allows A-boards to be present in certain locations subject to strict criteria. A-boards without consent on non-permitted areas, or deemed to be breaching such consent, are subject to seizure and enforcement action
- 3.11. In **York City Council** a Scrutiny review in January 2015 concluded that a policy allowing the use of A-boards under strict criteria should be introduced. The policy should include a list of streets where the use of A-boards is prohibited at all times due to limited footway widths and that appropriate resources should be identified to permit the proper enforcement of the revised policy through cross directorate/team working.
- 3.12. In the **Royal Borough of Windsor and Maidenhead**, a license is required to place an A-board in a public space with a flat charge of £450 for every application. A further £450 is charged every two years to renew the licence. If the application for an A-board is refused £150 is returned to the business. Licenses for A-boards are issued with the following guidelines:
  - a) A-boards and other goods are only allowed on pavements where sufficient width of footway can be left clear and unobstructed for pedestrian use (usually a minimum of 2 metres).
  - b) A-boards and goods must be removed from the street outside the times permitted in the licence.
  - c) A-boards and goods must not be placed in the way of vehicle movements – this is to ensure free and unobstructed access by emergency services.

- 3.13. In Scotland, enforcement of placing or depositing obstructions in the highway is covered under the Roads (Scotland) Act 1984. The approach taken by **Edinburgh Council** towards 'A' boards on the Royal Mile, Rose Street and Rose Street area came into operation on 1 July 2010 and was introduced as the first step in the larger 'Table and Chairs Policy' citywide. Enforcement of the policy is via Environmental Wardens.

### **Consultation Responses from Key Stakeholders**

- 3.14. The **Royal National Institute of Blind People (RNIB)** support a complete ban on A-boards. In their view, such a ban would enable many people to walk along their local streets without fear of colliding with a heavy, painful sign. They do not believe that a complete ban would have an adverse economic impact on traders. In their view, a complete ban places all traders on the same footing regardless of the width of pavement outside their premises. As examples of authorities where such approaches have been adopted the RNIB cite Leeds, Hull and North Lincolnshire however, as described in paragraphs 3.4 and 3.10 neither the Leeds nor Hull schemes are total bans.

- 3.15. RNIB want businesses and other people who use A-boards to be more aware about the impact of this form of advertising. They believe that unmonitored, over-use of the boards without any local guidelines is dangerous and obstructive. Also, that the continued use of A-boards without consideration for the passing pedestrians is a low level form of anti-social behaviour.
- 3.16. Whilst the RNIB favour a total ban on A-boards, and particularly dislike the placing of A-boards perpendicular to the building line of a street, it should be noted that often A-boards placed in these locations are actually placed on private curtilage and not the highway. Consequently they cannot be dealt with by the Council as Highway Authority as an obstruction of the highway. Neither can these A-boards be dealt with under the powers of the Town & Country Planning Act as A-boards in these locations are permitted under the regulations.
- 3.17. Consultation with the **Local Disabled Persons** groups has been facilitated by the Council's Mobility and Inclusion Officer and a summary of their comments has been included in Appendix B of this report.
- 3.18. The **Bradford District Chamber of Trade** have been consulted on the various options for dealing with highway obstructions as detailed in this and the previous report to Executive. The Chamber are opposed to the introduction of any form of license fee for businesses to display A-boards and also do not support the proposal that A-boards should be completely banned favouring instead continuation of the Council's existing A-board policy with appropriate enforcement of businesses contravening the policy being issued a letter requesting the removal/re-siting of an A-board which if this fails to generate appropriate action is followed up by the Council removing the item and pursuing persistent offenders through the courts.

### **Partnership Working with Department of Environment & Sport**

- 3.19. As described in paragraph 3.3 the main issue with Bradford's approach relates to the lack of enforcement staff resources. To address this discussions have taken place with the Wardens Service in Environment & Sport to establish a partnership protocol which would allow Council Wardens to assist in the enforcement of highway obstruction legislation. The agreed arrangement would merely formalise the arrangement which has informally operated without significantly diverting warden resources from their other duties. Wardens would work in conjunction with the Highway Enforcement Officer to target specific areas of the District for contravention of the A-Board policy. Where contraventions were identified the Warden would be required to serve the initial 7 day notice and pass on location details to the Highway Enforcement Officer for follow-up action.

### **Clothing Banks**

- 3.20. The depositing of clothing banks on the highway is similarly a contravention of the Highways Act 1980. Legitimate charitable concerns are generally aware of legislation and their responsibilities to the community. Clothing banks generally present their own unique set of problems for the Council, namely:
  - a) Banks are often placed in locations obstructing pedestrian thoroughfares, or sightlines for drivers;
  - b) Banks are unsightly and attract fly tipping, leading to subsequent complaints

- from local residents; and
- c) Damage to footways and verges generally occurs by either the placing of the clothing ban or the machinery used to deposit and/or lift it.
- 3.21. Currently, the following elements of the Highways Act are available to deal with clothing banks causing a nuisance:
- a) Section 143 (Power to Remove Structures from Highways) – this section of the Act requires the Authority to identify the owner of the item obstructing the carriageway and request its removal. The act then affords the owner a period of 28 days to remove the item. If no action is taken at the end of this period the item can be recovered by the Authority and any costs incurred can be recouped.
- b) Section 148 (Removal of things so deposited on highways as to be a nuisance etc) – this section of the Act affords the Authority the ability to request immediate removal of any item deemed to be causing a nuisance (nuisance includes obstruction of sightlines) and to recover reasonable costs.
- 3.22. At present removal of clothing banks is accomplished using the provisions of Section 143. However, this leads to delays in response, public frustration and repeat complaints about items.
- 4. FINANCIAL & RESOURCE APPRAISAL**
- 4.1. The Council currently employs a single Highway Enforcement Officer who in addition to having responsibility for dealing with the enforcement of highway obstructions also deals with enforcement of all other aspects of general highway legislation.
- 4.2. Funding for Council's highway enforcement activities comes from existing revenue budgets. This report does not propose any additional financial commitments.
- 5. RISK MANAGEMENT AND GOVERNANCE ISSUES**
- 5.1. Responsibility for maintaining the safe operation of the highway under Section 130 of the Highways Act 1980 rests with the Council as local Highway Authority. Licencing of trading activities on consent and licensed streets is the responsibility of the Council's licensing team who consult with highways about each application for a new consent or license.
- 5.2. Enforcement relating to illegal obstructions is an activity which although has limited officer resources for progressing prosecutions currently deals with the majority of contraventions on an informal basis through advising offenders of the relevant highway law. Where this has failed to secure compliance with the Council's requirements direct action to remove the obstruction takes place. Given the nature of the obstruction the Council currently do not pursue prosecution of offenders through the Courts.
- 5.3. Partnership arrangements with the Council's warden service, cleansing service and Council's licensing team have helped increase the number of incidents which the Council can respond to. However, it is highly likely that there remain many more unreported or unidentified contraventions given the significant lengths of highway in

the District (in excess of 11,000 kilometres) which are outside the Council's knowledge.

- 5.4. Introduction of a full zero tolerance approach has two potential disadvantages. Firstly, it may raise public expectation that no A-boards would be present. It is important to note that any option including a zero tolerance approach will only apply to public highway therefore A-boards can be allowed, subject to planning requirements, on private land. Secondly, whilst a zero tolerance approach could be justified by reference to national guidelines on mobility such an approach whilst being welcomed by many members of the public would be unfair to small businesses that otherwise would be permitted to advertise without causing a nuisance to pedestrians.

## 6. **LEGAL APPRAISAL**

- 6.1. The Council has a dual role in the control of obstructions arising from advertisements on the highway, that of:

**Local Planning Authority** who have the powers and duties under the Town and Country Planning Act 1990 (as amended) and the

**Highway Authority** who have powers and duties under the Highways Act 1980 and responsibility for street scene enforcement.

As the Local Planning Authority the Council is responsible for the day-to-day operation of the advertisement control system, and for deciding if a particular advertisement should be permitted or not. The advertisement control system in England are part of the planning control system. The present regulations are contained in the Town and Country Planning (Control of Advertisements) Regulations 2007. It should be noted that A-boards located on private land contained within the forecourt of a premises will require neither express consent under the planning system nor approval under the Highways Act as these are deemed to have consent under the deemed consent provisions.

## 7. **OTHER IMPLICATIONS**

### 7.1. **EQUALITY & DIVERSITY**

Section 149 of the Equalities Act 2010 states that the Council must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and other conduct prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between such persons.

Having due regard to (a) above involves having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic and take steps to meet the needs of persons who share a relevant protected characteristic that are different from those who do not share it. A

relevant protected characteristic is defined as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In the case of the issue of highway obstructions the most relevant characteristic would be visually impaired or blind persons, those with mobility issues, the elderly and parents with young children in prams or push chairs.

By the development of the various policies and Codes of Practice described in this report the Council has endeavoured to establish balanced criteria which are fair to licence holders of existing street trading licences and pavement cafes, future applicants for consents, owners and occupiers of business premises fronting onto the highway, all customers and persons who will be using the streets concerned for any lawful purpose, (including those with special requirements).

## **7.2. SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications arising from matters contained in this report.

## **7.3. GREENHOUSE GAS EMISSIONS**

There are no apparent greenhouse gas emission impacts arising from the contents of this report.

## **7.4. COMMUNITY SAFETY IMPLICATIONS**

As the Highway Authority the Council has a statutory duty to protect the rights of its citizens to the safe use and enjoyment of the highway.

Obstructions to the highway invariably can interfere with this enjoyment to varying degrees depending upon the size of the obstruction and its actual location. As the local Highway Authority the Council has the power to remove obstructions and prosecute through the Courts persistent or intransigent offenders.

## **7.5. HUMAN RIGHTS ACT**

A fair balance must be struck between the rights of property owners to make beneficial use of their properties and any need to restrict such rights in the overall public interest.

By the development of the various policies and Codes of Practice described in this report the Council has endeavoured to establish balanced criteria which are fair to licence holders of existing street trading licences and pavement cafes, future applicants for consents, owners and occupiers of business premises fronting onto the highway, all customers and persons who will be using the streets concerned for any lawful purpose, (including those with special requirements).

## **7.6. TRADE UNION**

There are no Trade Union implications arising from this report.

## **7.7. WARD IMPLICATIONS**

Activities associated with the removal of obstruction of the highway impact on all

wards within the District. However, given the nature of most obstructions being centred in retail centres activity tends to be concentrated in the city centre and outlying town and village centres.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

9.1. There are a number of options which Executive may consider adopting as a way of dealing with the proliferation of A-boards and shop displays on the District's highway network. Executive may choose one or a combination of these suggestions to be implemented in the District including:

- a) **Maintaining the status quo** - Executive's selection of this option is likely to be unacceptable to disabled groups but would be generally acceptable to local businesses. Enforcement of the current A-board policy would be based on being able to give priority to clear cases of obstruction whilst resisting the more frivolous complaints in the knowledge that this approach is fully supported by Members. The current A-boards policy contains sufficient criteria to permit the easy distinction between both classifications through appropriate questioning of the complainant or as a result of on-site observation.
- b) **Introduce a permit scheme requiring all A-boards to be authorised by the Council with enforcement funded through an appropriate licence fee** – This option is likely to elicit significant opposition from businesses who use A-boards to advertise their premises and could also be seen as unacceptable to the local disability groups. However, setting an appropriate licence fee would permit the Council to secure additional staffing resources to enable a more proactive approach to enforcement to be taken. Staff resources to operate and enforce such a system do not currently exist within Planning, Transportation & Highways Service.
- c) **Introduce a trial of full zero tolerance approach** – in this approach three key district centres and one key transport corridor would be subject to a trial of a total ban of any A-board or shop pavement displays. Initially the key centres of Bradford city centre, Saltaire, and Ilkley together with the A647 Leeds Road corridor approach from Thornbury Gyratory to Bradford City Centre (see Appendices A1 to A4) would be targeted for a period of twelve months during which time the Council would enforce a zero tolerance approach commencing in the New Year.

Further roll out of the total ban proposal could follow subject to successful implementation and positive results after the initial trial period.

9.2. In relation to enforcement of removal of nuisance clothing banks on the Highway, Executive may resolve to retain the existing arrangements of enforcing their removal under Section 143. Alternatively, the more proactive and preferable approach, of enforcing their immediate removal under Section 148 of the Highways Act to provide a more pro-active service could be selected.

## **10. RECOMMENDATIONS**

- 10.1. That Executive approve the introduction of a zero tolerance approach in three District centres of Bradford city centre, Saltaire, Ilkley and along the A647 Leeds Road between Thornbury Gyratory and Bradford City Centre for the initial trial period of twelve months commencing in January 2016.
- 10.2. That prior to the implementation of the trial ban reasonable steps be taken to contact all local businesses within the zones likely to be affected to advise of the Council's intentions and the effective date of the implementation of the ban. That in the period running up to the introduction of the trial in January 2016 all businesses are offered appropriate advice and support in relation to making alternative arrangements for their advertising.
- 10.3. That training sessions for the Council's Warden Service are arranged by the Council's Mobility & Inclusion officer to ensure that enforcement staff possess an appropriate basic understanding of differing disabled peoples access needs prior to the commencement of the trial.
- 10.4. Subject to the performance of this trial in addressing the concerns of disabled user groups a further report be presented to the Health and Social Care Overview & Scrutiny Committee to review the findings of the trial and make recommendations as to any amendment to the scope of the zero tolerance policy following the initial trial period.
- 10.5. That Executive endorse the proposal that clothing banks placed on the Highway be classed as a nuisance, affording the ability to use Section 149 as the default approach to their removal.

## **11. APPENDICES**

Appendix A1 to A4 – District centre A-board exclusion zones.

Appendix B – Local Disabled User Group Comments on proposals.

## **12. BACKGROUND DOCUMENTS**

- 12.1. Highways Act 1980
- 12.2. Local Government (Miscellaneous Provisions) Act 1982
- 12.3. Statutory Instrument 2004 No. 3701
- 12.4. Town and Country Planning Act 1990 (as amended)
- 12.5. Countryside and Rights of Way Act 2000
- 12.6. Report of the Assistant Director Environmental & Regulatory Services to the meeting of Regulatory and Appeals Committee to be held on 28 August 2013, Proposed changes to the current street trading restrictions within the Bradford District and adoption of a district wide street trading policy.
- 12.7. Report of the Strategic Director, Regeneration & Culture to the meeting of Health &

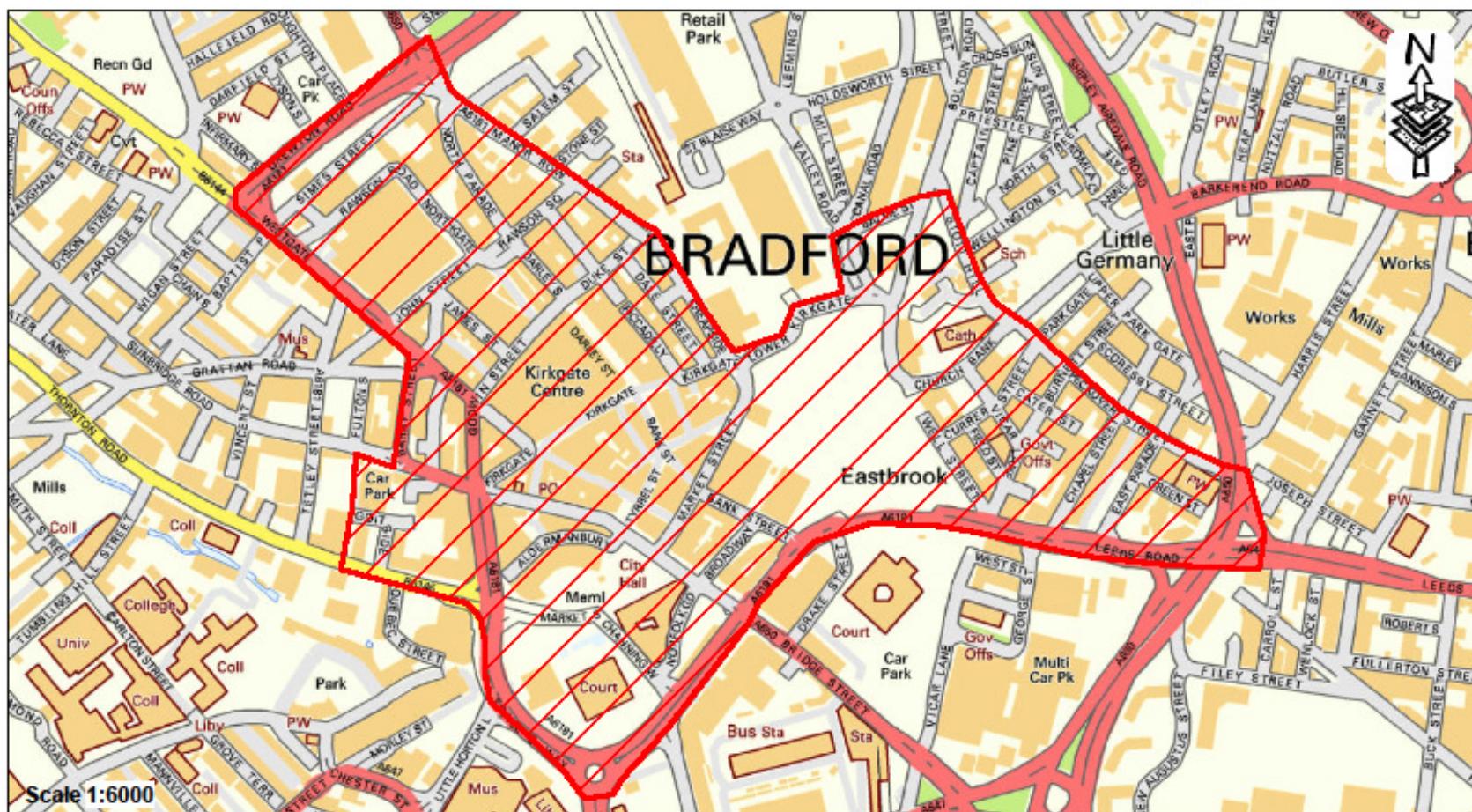
Social Care Overview & Scrutiny Committee to be held on 6 February 2014, The Council's approach to dealing with 'A' boards and other obstructions on the highway under the Highways Act 1980.

- 12.8. 'A' Boards and Shop Pavement Displays as Obstruction on the Public Highways report to Environment and Waste Management Overview and Scrutiny Committee, 1 September 2011.
- 12.9. 'A' Boards and Shop Pavement Displays as Obstruction on the Public Highways report to Executive on 4 February 2011
- 12.10. 'A' Boards and Shop Pavement Displays as Obstruction on the Public Highways report to Environment & Waste Management Overview and Scrutiny Committee, 18 January 2011.
- 12.11. City of Bradford Metropolitan District Council Transportation, Design & Planning Director Decision Sheet 80/04
- 12.12. City of Bradford Metropolitan District Council Transportation, Design & Planning Director Decision Sheet 17/05
- 12.13. Report of the Transportation, Design & Planning Director to the meeting of Executive 17 October 2005.
- 12.14. Minutes of Executive's meeting held on Monday 17 October 2005
- 12.15. Kent City Council A-Board Guidance and Application Form
- 12.16. A-Boards on the Highway – Policy and Guidance, Kirklees Metropolitan Council, October 2014
- 12.17. Kirklees Metropolitan District Council Cabinet Report, 17 December 2013, Proposed controls on street based advertising such as A-boards and goods for sale
- 12.18. Who Put That There! The barriers to blind and partially sighted people getting out and about, February 2015, RNIB Campaigns.

Bradford

City of Bradford MDC

[www.bradford.gov.uk](http://www.bradford.gov.uk)



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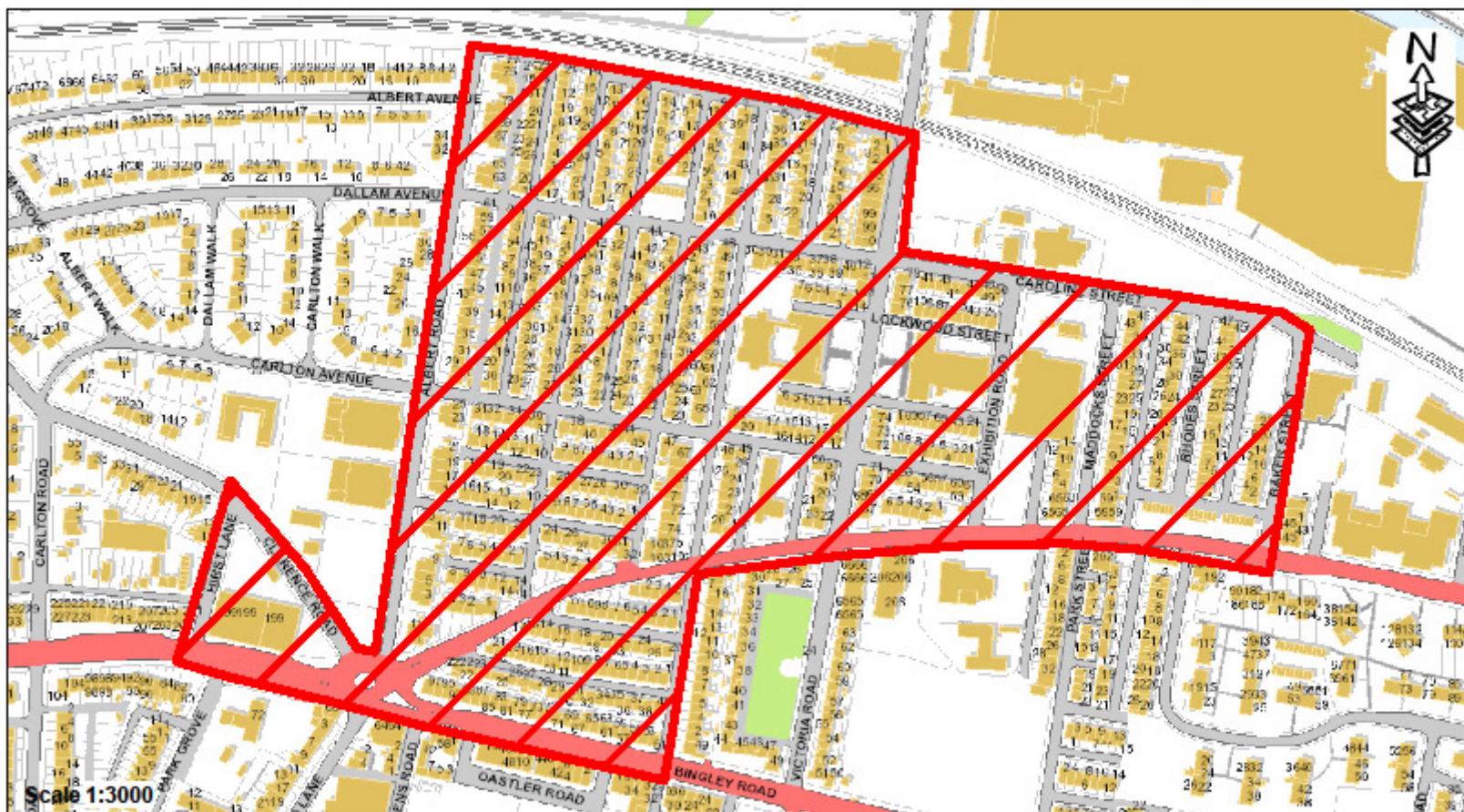
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## Saltaire

City of Bradford MDC

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City of Bradford Metropolitan District Council  
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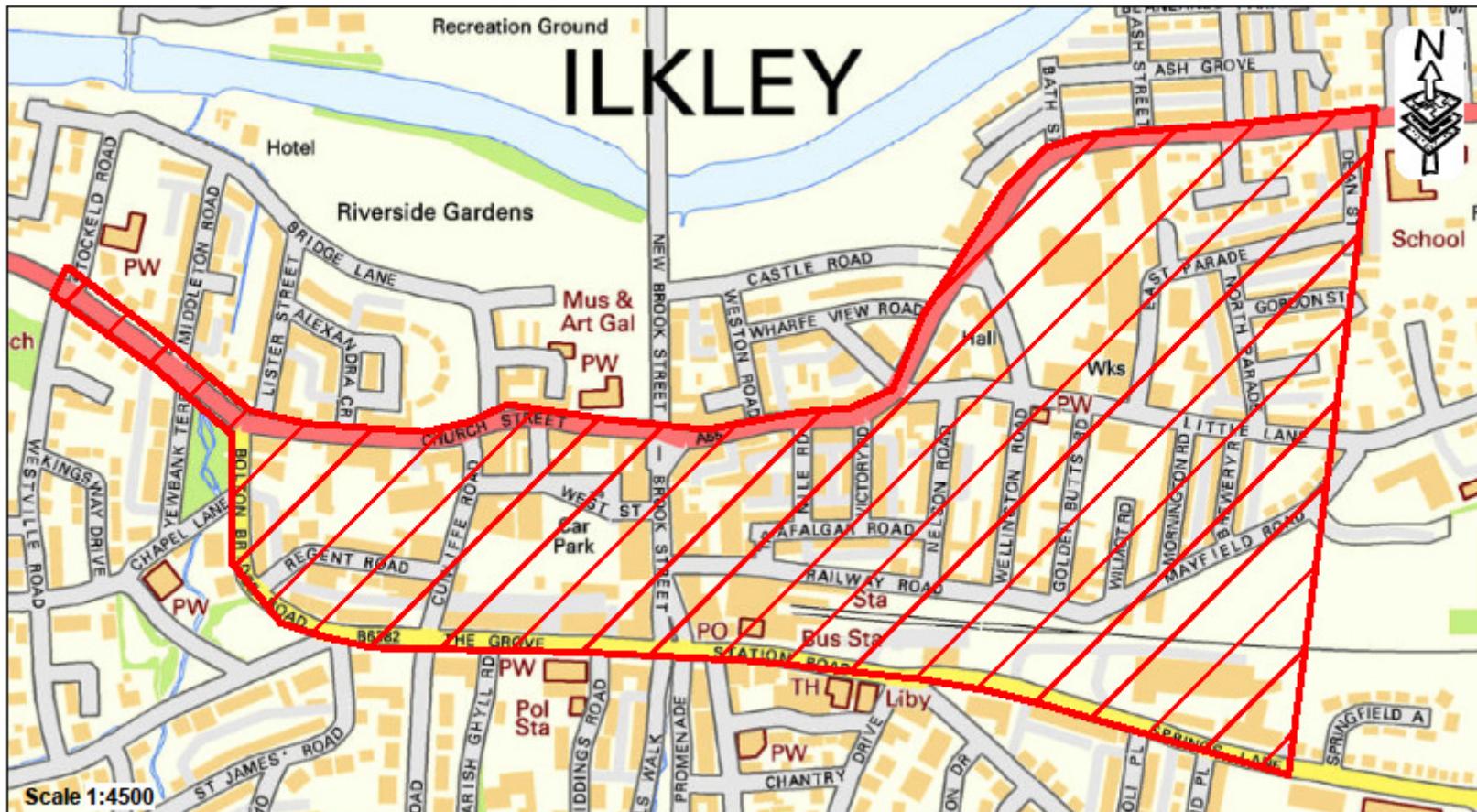
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Ilkley

City of Bradford MDC

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## A647 Leeds Road Corridor

**City of Bradford MDC**

[www.bradford.gov.uk](http://www.bradford.gov.uk)



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**Exec Committee Highway Obstruction Report – Disabled Peoples Comments**

The following is a gathering of comments, made by disabled individuals and are in no particular order.

A 100% zero tolerance approach across the whole district would be the ideal scenario. However of the 3 options on the table, option c) is the preferred choice. This is assuming the locations proposed remain the same and that the boundaries of the designated areas take in to account borders which make the trial period meaningful. An ad hoc or inconsistent approach will not fully work. The duration of the trial period needs to be of a considerable length that takes in to account implementation, monitoring and enforcement factors. These factors are not made clear in the report.

If the council proceeds with any option other than option c, then any officers taking on the responsibility of the newly envisaged enforcement roles (Neighbourhood Wardens?) would also benefit from relevant identified training that covers a basic understanding of differing disabled peoples access needs.

Tougher action is required on those who regularly offend by obstructing the highway at placing A-boards and shop pavement displays outside or near their premises. The current policy is of an arbitrary nature and relies on the goodwill of the trader to comply and lacks any real teeth in making sure the guidelines are properly adhered to. It allows a cat and mouse game to take place between the traders and the single Highway Enforcement Officer who has responsibility for making sure this and other additional duties he has are carried out. This is both time consuming, and has untold potential health and safety consequences on those pedestrians who are deemed vulnerable.

The group acknowledges the difficulty the Council has in balancing the needs of people with mobility issues and the desire of shop keepers to promote their businesses; however these two issues are not as polarised as they appear. People with visual impairments, those in wheelchairs and motorised scooters or those pushing prams and buggies are all shoppers. Pavement obstacles are a hindrance and act as a deterrent to these groups of shoppers and in such cases the removal of obstructions will increase foot fall not decrease it. Having free advertising space, on the public highway seems wrong in the eyes of the law and unfair to those traders who comply?

There is much reference made in the report as to what other local authorities are doing to tackle enforcement. It was felt this information was irrelevant and should be more about 'what it should be' rather than 'not what it is'.

The report is unclear as to whether on street café pavement displays, tables and chairs that are not properly screened/fenced off will also be properly enforced. It is recognised that outdoor cafe eating areas create a good feeling of ambience which can enhance the overall shopping experience in a positive way. However, tables and chairs not properly separated from passing pedestrians or take up too much pavement width than is permitted, can also create much hindrance to free and safe movement of people.

Westfield have stated recently in various forums via its media public press outlets, that the new Broadway Shopping Centre will adhere to a strict policy of banning use of A boards and any unauthorised display of goods within their boundary. It would be good to have the rest of the city centre follow suit.

In line with national government policy, public realm environments in many high pedestrian areas such as city centres and key tourist destinations have changed considerably over the recent years. The government policy aims to encourage designers and custodians of the built environment to ensure people can walk in safe and accessible places. Pavement obstructions only add to already existing clutter. It goes against the grain of how we want our areas of shopping to look and feel like.

We believe most traders are genuine and law abiding citizens and that any misdemeanours on the highway unknowingly caused, is usually through ignorance of disabled peoples needs, rather than a deliberate attempt at setting out to harm or obstruct people's movement. Implementation of any new approach towards tackling pavement enforcement should include explanatory type narrative that educates traders about disabled people's access needs, as well as the reasons this having to be done.