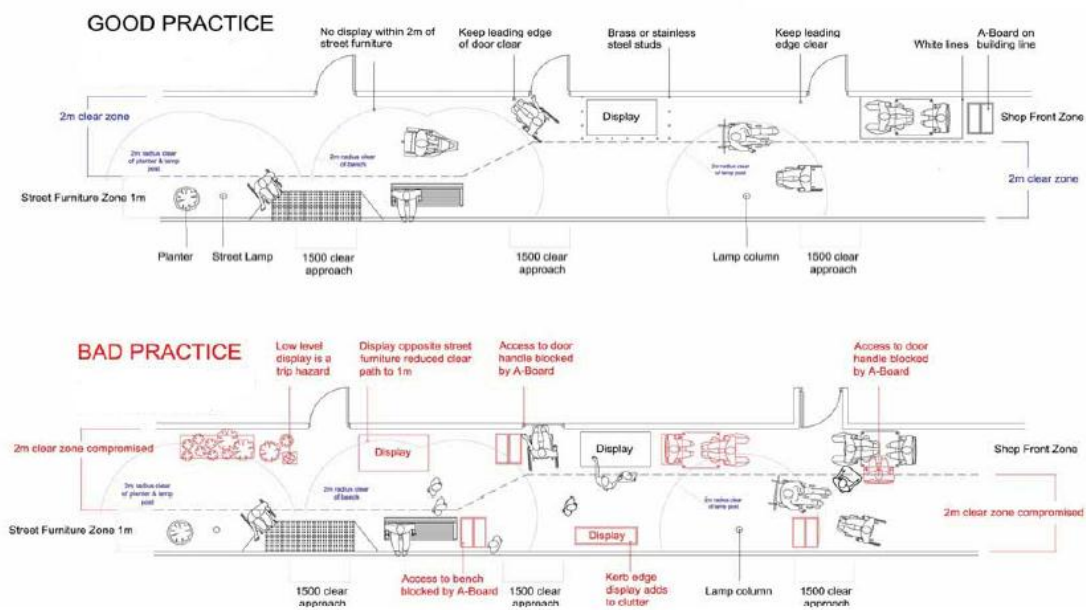


Corporate and Social Inclusion Select Committee

Scrutiny Review of Street Café Furniture and A-Board Advertising



4 September 2014



Stockton-on-Tees
BOROUGH COUNCIL

Big plans, bright future

Corporate and Social Inclusion Select Committee
Stockton-on-Tees Borough Council
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Select Committee – Membership

Councillor Stoker (Chair)
Councillor Stott (Vice Chair)

Councillor Brown
Councillor Cherrett
Councillor Clark
Councillor Kirby
Councillor Laing
Councillor N. Wilburn
Councillor Woodhead

ACKNOWLEDGEMENTS

The Select Committee thank the following contributors to this review:

John Angus..... Community Projects Officer, Development and Neighbourhood Services
Mike Chicken..... Built & Natural Environment Manager, Development and Neighbourhood Services
Linda Oliver..... Engagement Officer (North), The Guide Dogs for the Blind Association

The Committee also extend thanks to the Stockton Disability Advisory Group, The Royal National Institute for the Blind, Yarm Chambers of Trade, and Norton Village Association for their interest and involvement in this review.

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Foreword

Cllr Stoker - Chair

	<p>Councillor Stoker (Chair) – CSI Select Committee</p>		<p>Councillor Stott (Vice-Chair) – CSI Select Committee</p>
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Original Brief

Which of our strategic corporate objectives does this topic address?

Provide clean streets, attractive parks and green spaces

What are the main issues and overall aim of this review?

- To provide a balance between business encouragement, the important contribution that street café / street food can contribute to the vibrancy of our town centres in a well-managed fashion whilst providing guidance and good practice guides
- To counteract any difficulties negotiating items of café furniture, A-Boards and shop goods on the highways for everyone but especially visually impaired people, mobility aid users, and those with pushchairs.
- To assess Stockton Council draft guidance that will regulate the use of private street furniture and shop goods including advertising banners attached to railings.

The Committee will undertake the following key lines of enquiry:

- Impact on businesses of introducing policies for using A-Boards, street café furniture and/or where shops position items for sale on the highways
- Impact of A-Boards, street café furniture and/or shop goods on the highways for visually impaired people, mobility aid users, and those with pushchairs

1.0 Executive Summary

- 1.1 The use of A-board advertising by businesses and permitting cafés to have areas of seating on footpaths in the borough town centres have been increasing. The Committee therefore wanted to provide a balance between business encouragement, and the vibrancy it creates in our town centres and any difficulties negotiating items of café furniture, A-Boards and shop goods on the highways for everyone but especially visually impaired people, mobility aid users, and those with pushchairs.
- 1.2 For the Committee Members to fully appreciate the problems encountered by anyone with a visual impairment they were accompanied on a site visit to Yarm by Linda Oliver (Guide Dogs for the Blind).
- 1.3 The Committee then met with the Chambers of Trade in the borough along with members of Stockton Council's Disability Advisory Group. The intention was for business owners and affected persons to hear each other's concerns and ideas so that the beginning of a consensual outcome could be identified.
- 1.4 The major issue for both sides was with regard to enforcement and whether this could operate by encouraging businesses to self-enforce and regulate the position of street furniture or whether a licensing policy with enforcement powers was required.
- 1.5 Trade Associations supported self-enforcement possibly policing any problems whilst disability representatives felt that a licensing policy without strict enforcement in place might not provide any appreciable improvements.
- 1.6 This ultimately provided the Committee with similar options to the Urban Environment Task Group that had originally suggested this scrutiny topic and which can be found at paragraphs 4.29-4.33.
- 1.7 As a result the Committee recommend the following to apply to A-Boards, street café furniture and shop display goods so as to support economic vitality without adversely impacting on pedestrians and other highway users:
 - R1 **That guidance documents are issued by Stockton Borough Council, following consultation, for street cafes, A-boards and shop goods displays on the adopted highway across the borough.**
 - R2 **That the guidance is communicated to stakeholders and other interested parties thorough an effective communication strategy.**
 - R3 **The implementation of the guidance will be largely self-regulatory with a light touch enforcement intervention where appropriate**
 - R4 **The impact of the guidance is to be measured and, with input from businesses and disability groups, a report produced after six months from the date of adoption of the guidance.**
 - R5 **That the issue of the guidance relating to A-boards, street cafes and shop goods does not replace any requirements for planning consent, street trading or Licensing approval**



- 1.8 Key to the recommendations has been the involvement of traders and disability groups. The wider consultation that will follow will invite the opinions of others before any policy is in place. The ultimate aim is to have attractive and welcoming high streets for everyone to easily access and move around.

2.0 Introduction

- 2.1 The use of A-board advertising by businesses and permitting cafés to have areas of seating on footpaths in the borough town centres have been increasing. Although the Council want to encourage businesses, such use of the footpath may cause issues in terms of disabled access and access for pushchairs therefore it essential that A-boards and café seating areas are situated in an appropriate place.
- 2.2 The issue has been considered previously by the Urban Environment Task Group (UETG), which is chaired by Cllr Steve Nelson and attended by several Cabinet members and key officers. The group has recognised that it should be addressed however a policy has yet to be developed to ensure that A-boards and café seating is positioned in the most appropriate areas in local town centres. It is especially timely to develop a policy with the redevelopment of Stockton Town Centre.
- 2.3 At its meeting on 16 July 2013 the UETG agreed to refer the issue to Scrutiny for further investigation.

3.0 Background

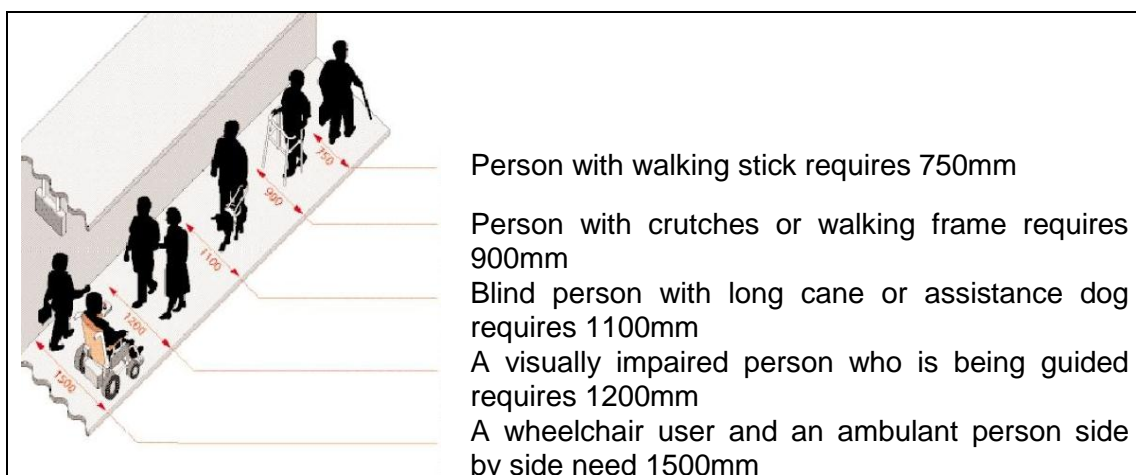
- 3.1 In 2010 following discussions at UETG regarding street cafés, shop goods and A-boards a consultation was carried out with Stockton Council's Viewpoint Panel, asking a series of questions about the use and management of advertising boards, which produced the following results:
- 56.5% (265) of respondents thought that advertising boards are a good idea;
 - 44.3% (203) of respondents thought that advertising boards make our town centres look colourful;
 - 44.2% (207) of respondents thought that advertising boards make our town centres cluttered;
 - 54.6% (256) of respondents thought that advertising boards cause a nuisance for pedestrians using the footpath;
 - 81.9% (384) of respondents thought that businesses' use of advertising boards should be regulated.
- 3.2 Following the adoption by SBC of the Electronic Licensing Management System (ELMS) in 2012 several applications for a highway license were made to position street cafés and/or A-boards. Officers began to reinvestigate the options for a policy, guidance, or a code of practice for issuing licenses to position such items on the highway.
- 3.3 The ELMS has now ceased and without a policy or guidance relating to the position of items on the highway applicants were advised to seek the required planning permission for which Highway Officers would assess and provide comments. As the Highway Authority provides comments on any planning

application for items placed on the highway, planning approval would be seen as tacit consent for a highway license.

- 3.4 To aid the development of a policy, guidance or code of practise to govern the issuing of highway licenses an independent study was commissioned to assess the impact on adopted footways and pedestrian movements, particularly of disabled pedestrians of the existing street cafés, shop goods and A-boards, (many of which do not have any permissions to be sited on the Highway).
- 3.5 The decision was taken to undertake this study in Yarm High Street due to there being several locations where items are positioned on the Highway and a high volume of pedestrian footfall which may be affected by the positioning of such items.
- 3.6 The study was carried out by Burdus (October 2012), with the brief of assessing the situation from the point of view of a pedestrian with mobility issues travelling from one end of the High Street to the other.
- 3.7 The Burdus report advised the presence of café furniture, shop display and A-boards make it an extremely difficult street environment to vision impaired people and mobility aid users.

4.0 Evidence

- 4.1 The Department for Transport's 'Inclusive Mobility' Report published guidelines that highlight good access for disabled people, and also meet the needs of many other people. The overall objective of the guide was to provide inclusive design and through that achieve social inclusion. The diagram below shows the differing amounts of pavement access required.



4.2 The Committee was shown examples of some of the problems for consideration in this review.

Norton – Sufficient space but would require a barrier to denote the street café.



Stockton – Footway width is insufficient to provide adequate a pedestrian clearway of 2 metres



Yarm – The siting of the A-board results in insufficient width to allow a 2 metre pedestrian clearway. Barriers would be required around street café.



- 4.3 For the Members to fully appreciate the problems encountered by anyone with a visual impairment Linda Oliver (Guide Dogs for the Blind) accompanied them on a site visit to Yarm.
- 4.4 The following photographs were taken to show what was witnessed by the Members and show aspects involved with furniture, A-Boards and shop display items (florists) that impinge on the pavement.





- 4.5 A particular reason for involving the Guide Dogs for the Blind was as a result of their 'Streets Ahead' campaign which aims to champion the needs of blind and partially sighted people and to work with engineers, architects, town planners and other urban design professionals so that the needs are well understood and where possible addressed.
- 4.6 In 2012 the Guide Dogs for the Blind organisation carried out a survey to determine the extent of street clutter in the UK. A-Boards, hanging baskets and overgrown trees, static council bins, cars parked on pavements, bicycle/bicycle rack, commercial wheeled bins, and electricity boxes all proved problematic.
- 4.7 Stockton-on-Tees was at that time listed as equal 41st worst town for overall street clutter (of 103 high streets surveyed) with four A-Boards blocking the pavement and two A-Boards hard to see which were positioned both alongside buildings, kerbs and in no particular order.
- 4.8 The Guide Dogs for the Blind published advice and recommendations that it would like to see adopted by businesses and councils which is reproduced below with a Stockton Council response to their recommendations from the draft "Street Cafés, Shop Goods and A-boards on the Highway – Policy and Guidance 2013" where available (paragraphs 4.8-4.15).
- 4.9 "Having a clear pathway is crucial for many blind and partially sighted pedestrians who wish to navigate along their high street independently. Street clutter such as A-Boards, bicycle racks and static council bins can cause obstructions which can hamper a person's progress along a high street.

- 4.10 Ideally Guide Dogs would like High Streets to be clutter free as regardless of their placement items such as A-Boards will always potentially cause an obstruction. However; Guide Dogs understands that A-Boards and other items of street clutter may be unavoidable. In such circumstances we have the following guidelines to help councils and businesses limit the disruption caused by street clutter and maximise the use of exterior advertising tools:
- 4.11 Guide Dogs do not recommend whether this should be along the walls of the building or the kerb; however, whichever placement is preferred by the council or businesses should be applied consistently along the street. Once a position has been agreed upon this should remain consistent every day to help blind and partially sighted pedestrians learn to avoid these obstacles along the route.
Guide Dogs Recommendation - Street Clutter should be positioned consistently along a pavement, leaving an unobstructed pathway for pedestrians. *SBC Draft Policy Response - All items to be positioned at the building line and not at the kerb edge so that staff and customers do not have to cross the normal flow of pedestrians. (Note: SBC class street clutter as any item of furniture or signage which is not necessary to aid the function of the highway and benefit highway users or any item of necessary furniture or signage which is positioned incorrectly thereby causing an obstruction).*
- 4.12 Walking with a guide dog can mean a person needs more room to walk along a street than if they were unaided. Therefore a space of 1.5 metres on the pavement should be large enough for a guide dog and owner to fit comfortably through and should be left whenever possible. A space should also be left between items to ensure pedestrians can enter and leave businesses without unnecessary obstruction. This could also help Wheelchair users to move freely along the pavement.
Guide Dogs Recommendation - Where possible a gap of 1.5 metres should be left on the pavement for pedestrians to pass unobstructed. *SBC Draft Policy Response - A minimum 2m unobstructed zone must be maintained.*
- 4.13 If an A-Board simply repeats information from the shop front then a business should question whether the stand really required.
Guide Dogs Recommendation - Businesses should only use A-Boards where necessary. *SBC Draft Policy Response - Other means of advertising should be considered to avoid any need for A-boards (the owner should seek planning advice).*
- 4.14 A strong colour contrast which stands out against the item's surroundings and in different weather conditions will help partially sighted pedestrians identify and manoeuvre around an obstacle more easily. This should also be considered for temporary items of street clutter such as ladders.
Guide Dogs Recommendation - Items of street clutter should always be painted in a strong colour contrast or marked with colour contrasting hazard tape. *SBC Draft Policy Response - A-boards should be of a distinctive colour and edged in a contrasting colour for visibility by partially sighted pedestrians.*

- 4.15 The Highways Act 1980 places a duty on Highway Authorities to maintain roads and footpaths for the safety of users. In particular Section 148 highlights that if, without lawful authority or excuse, a person deposits anything whatsoever on a highway to the interruption of any user of the highway it is an offence which is liable to a fine. In Scotland similar guidelines are expressed in Transport Scotland's Good Practice Guide for Roads 2009. Guide Dogs believe a licensing system would be a clear way for council's to enact this duty.

Guide Dogs Recommendation - Councils should consider introducing licensing for A-Boards to ensure appropriate use along the high street.

SBC Draft Policy Response - SBC policy and guidance applies to all existing and any new Street Cafés, A-boards and shop good displays positioned on the Highway. Any items positioned on the Highway which does not follow this policy and guidance will result in following steps:

- *Education and awareness raising with the business owner*
- *Written warning advising offender of their obligation to remove or remedy illegal items*
- *Serve a statutory notice detailing offence, timescale to remove or remedy illegal items and consequence of non-compliance*
- *Removal of offending items and disposal if not recovered by business (storage costs will be charged)*

- 4.16 There are multiple benefits to sectioning off outside areas of café tables, chairs and other furniture. Using structures with both top and bottom tapping rail will aid blind and partially sighted pedestrians who use a long cane from walking into table and chairs and disturbing customers enjoying their social activity. In turn it will prevent such customers from having someone walk into them with a stick or long cane. A further benefit is security as customers may feel more relaxed having their bags and shopping protected behind the covering. Such structures could also be used for advertising, reducing the need to have A-Boards and other advertisements cluttering the environment. These structures could also restrict businesses and customers from encroaching beyond their allocated space and thereby preventing them from obstructing the footway for passing pedestrians.

Guide Dogs Recommendation - Councils should consider the enforcement of sectioned off areas of Café street furniture. *SBC Draft Policy Response - The street café must be suitably enclosed with the installation of temporary barriers, which include hand and tapping rails to assist people with impaired vision. Rope barriers are not acceptable. The colour and design of the street café furniture should take into consideration the needs of people with visual impairment and should not be too bright, garish or overly reflective. The layout of the street café and means of enclosure must provide sufficient circulation space for staff and customers including wheelchair users and those with buggies etc. (For enforcement information see previous SBC response.)”*

- 4.17 The Royal National Institute for the Blind (RNIB) has also published its views regarding advertising boards and as a result supports a complete ban on A-

Boards in the belief that a complete ban will not have an adverse economic impact on traders as it places all traders on the same footing regardless of the width of pavement outside their premises.

- 4.18 The RNIB therefore wants businesses and other people who use A-Boards to be more aware about the impact of this form of advertising believing that unmonitored, over-use of the boards without any local guidelines is dangerous and obtrusive and that their continued use without consideration for the passing pedestrians is a low level form of anti-social behaviour.
- 4.19 The RNIB cite the Department for Transport (DfT) "Inclusive Mobility" guidelines (see para 4.1) which recommend that a pavement should have a clear width of two metres for people to walk on and therefore should be adopted as a working standard for local authorities. As previously stated, SBC's Draft Policy response advocates a minimum two metre unobstructed zone thereby meeting the requirements of the RNIB and DfT.
- 4.20 The RNIB and Guide Dogs for the Blind are aligned in campaigning for a licensed approach to ensure the actions of businesses can be enforced. The scope of this review is to counteract any difficulties negotiating items of café furniture, A-Boards and shop goods on the highways for everyone but especially visually impaired people, mobility aid users, and those with pushchairs. The Committee support the approach suggested by Council Officers which provides for an escalation of activity for businesses unwilling to abide by policies adopted to address the appropriate location of street furniture and A-Boards.

The views of local business owners and disabled people

- 4.21 A meeting was held on 7 May 2014 to which the Committee invited representation from the Chambers of Trade in the borough along with members of Stockton Council's Disability Advisory Group. The purpose of select committee meetings is to take evidence from expert witnesses and service users and provide a forum where expertise and experiences can be shared. The intention therefore was for business owners and affected persons to hear each other's concerns and ideas so that the beginning of a consensual outcome could be identified.
- 4.22 The Chairman of Yarm Chamber of Trade mentioned the lack of any real concern that his members had regarding the possibility of the introduction of a policy. Yarm businesses support using advertising boards and subject to restrictions their location would be an issue. Locating A-Boards directly outside a business it was argued provides limited visibility of the boards thereby reducing their effectiveness and might also provide a barrier to shoppers to the window displays of the business.
- 4.23 As Yarm is a conservation area the limiting numbers and/or location of A-Boards may see an increase in applications for protruding and swinging signs attached to the buildings.

- 4.24 The Committee was informed that increasingly swing boards are being used in Yarm as these were considered to cope better in windy conditions although it didn't reduce the amount of obstacle encountered by shoppers and other visitors to the High Street. Business owners had attempted to reduce the level of obstruction by placing the boards on the side where street lights and bins are found. This practice was not however standardised as was evidenced by the Committee on its site visit.
- 4.25 Yarm and Norton have attractive high streets that lend themselves to the increasingly popular European cafe culture that is enhanced by street café furniture but is restricted by the narrower pavement areas in England not necessarily found in mainland Europe. The difficulties this produces for mobility around tables and chairs whether due to visual impairment, wheelchair use or anyone pushing a pram or pushchair needs to be overcome.
- 4.26 Banner railings that enclose the seating for a cafe are considered as a way of providing a guide for blind or visually impaired people whilst also curtailing the spread of tables and chairs across the pavement when in use and as such are supported by the Committee. The Regional Campaigns Officer, RNIB highlighted to the Committee the problems that are encountered due to the lack of railings or a tap guide. In particular the area of a street cafe can be extended simply by the tables and chairs being in use by patrons who want distance from other café users.
- 4.27 The major issue for both sides was with regard to enforcement and whether this could operate by encouraging businesses to self-enforce and regulate the position of street furniture or whether a licensing policy with enforcement powers was required. RNIB has campaigned for Sunderland City Council to address the issues contained in this review and it was stated that a licensing policy had been introduced but without strict enforcement in place no appreciable improvements have taken place.
- 4.28 Representatives from Norton Village Association supported self-enforcement with the association possibly policing any problems. The use of the Council's Neighbourhood Enforcement Team could be a last resort for traders not willing to abide by the policy and having little regard for the public. The Chairman of Yarm Chambers of Trade believed that potential customers who had an issue with the positioning of A-Boards could address a business owner directly as this would hopefully produce a positive response.
- 4.29 As a result the Committee was left with options for a policy, guidance or good practice (with implications) similar to those of the UETG which are presented below:

- 4.30 **No change** – only challenge those items on the Highway which causing an obstruction or which have had complaints:
- No improvement to pedestrian movement;
 - Council could be open to potential injury claims;
 - Objections/complaints from those establishments who have been granted permission to site items on the Highway.
- 4.31 **Issue guidance to existing establishments** which have items on the Highway as to acceptable layouts, positioning and furniture types challenging those who do not follow the guidance, removing items after repeated challenges.
- Council could be open to potential injury claims;
 - Objections/complaints from those establishments who have been granted permission to site items on the Highway;
 - Budget pressure to produce and issue guidance;
 - Budget pressure to undertake enforcement;
 - Improvements may be erratic and limited.
- 4.32 **Only allow those items which have planning permission**, giving tacit consent Highway licenses to approved planning applications (subject to them providing evidence of acceptable public liability insurance) and taking enforcement against those who do not.
- Objections from establishments who already have items on the Highway, complaining that it will affect their trade;
 - Less cluttered footway, providing ease of pedestrian movement;
 - Creates a level playing field for all who wish to position items on the Highway;
 - Council could be open to potential injury claims;
 - Budget pressure to undertake enforcement.
- 4.33 **Only allow those with a license and planning permission** to site items on the Highway, charging fees for licenses and renewal, undertaking Enforcement for noncompliance.
- Objections from establishments who already have items on the Highway, complaining that it will affect their trade;
 - Creates a level playing field for all who wish to position items on the Highway;
 - Less cluttered footway, providing ease of pedestrian movement;
 - Public liability insurance evidence provided, protecting the Council from injury claims;
 - Costs of processing application and enforcement covered by application fee.
- 4.34 **Any of the above and consider below:**
- Allow street cafés, shop goods and A-boards
 - Only allow street cafés and shop goods
 - Only allow street cafés

4.35 As a result the Committee recommend the following to apply to A-Boards, street café furniture and shop display goods so as to support economic vitality without adversely impacting on pedestrians and other highway users:

R1 That guidance documents are issued by Stockton Borough Council, following consultation, for street cafes, A-boards and shop goods displays on the adopted highway across the borough.

R2 That the guidance is communicated to stakeholders and other interested parties thorough an effective communication strategy.

R3 The implementation of the guidance will be largely self-regulatory with a light touch enforcement intervention where appropriate

R4 The impact of the guidance is to be measured and, with input from businesses and disability groups, a report produced after six months from the date of adoption of the guidance.

R5 That the issue of the guidance relating to A-boards, street cafes and shop goods does not replace any requirements for planning consent, street trading or Licensing approval

4.36 The departmental officers highlighted to the Committee that subject to the adoption of the recommendations the proposed review procedure would follow the procedure laid down below:

- a. Identify which businesses position street cafés, a-boards and shop good displays on the highway and how many of these would be compliant to the guidance. Agree baseline position with stakeholders.
- b. Publish the guidance documents on the Council's website and issue to any business who currently position items of private furniture on the highway as well the business/trade organisations which operate across the Borough (e.g. Yarm Chamber of Trade, Norton Village Association);
- c. Reassess which businesses have positioned street cafés , A-Boards and shop good displays on the highway and which are compliant to the guidance;
- d. Provide advice to any businesses which do not position items of street furniture in accordance with the guidance and notify the relevant business/trade organisation, in order that they can provide additional advice;
- e. Record all incidents of non-compliance during the review period and report back to Cabinet providing recommendations for amendments to the guidance and process if required.
- f. Seek stakeholders' views on impacts of guidance.

5.0 Conclusion

- 5.1 Before the review commenced initial research showed that this issue can be contentious as other local authorities have received criticism and negative press coverage for their approach to street clutter.
- 5.2 The Committee has therefore engaged with the most affected parties regarding this topic to reach what is hoped is an agreeable arrangement that suits both sides as intended from the outset of this review.
- 5.3 Key to this has been the involvement of traders and disability groups. The wider consultation that will follow will invite the opinions of others before any policy is in place. The ultimate aim is to have attractive and welcoming high streets for everyone to easily access and move around.