



## Health and Wellbeing Board

**Date:** FRIDAY, 28 NOVEMBER 2014  
**Time:** 11.00 am  
**Venue:** COMMITTEE ROOMS, WEST WING, GUILDHALL.

**10a. Items placed on the Highway (streets and pavements)**  
Report of the Director of the Built Environment

For Information  
(Pages 1 - 16)

Item received too late for circulation in conjunction with the Agenda.

**John Barradell**  
Town Clerk and Chief Executive

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<p><b>Committee(s):</b>          Planning and Transportation – <b>For decision</b></p> <p><i>Streets and Walkways – <b>For Information</b> and comment</i></p> <p><i>Port Health and Environmental Services – <b>For information</b> and comment</i></p> <p><i>Health and Wellbeing Board – <b>For Information</b> and comment</i></p> <p><i>Policy and Resources – <b>For information</b> and comment</i></p>	<p><b>Date(s):</b>          13 January 2015</p> <p>17 November 2014</p> <p>18 November 2014</p> <p>28 November 2014</p> <p>11 December 2014</p>
<p><b>Subject:</b>          Items placed on the Highway (streets and pavements)</p>	<p><b>Public</b></p>
<p><b>Report of:</b>          Director of Built Environment</p>	<p><b>For Information</b></p>
<p><b>Summary</b></p> <p>This report considers the adoption of a policy to enable the safe management of footpaths and the street environment in a proportionate manner.</p> <p>The comments received from Members following a recent report relating to ‘A’ boards indicated that the issues being experienced on the City’s streets were wider than just ‘A’ boards. One of the issues was around the management of dealing with a variety of different items placed on the highway, including inappropriately parked cycles, newspaper and leaflet stalls and tables and chairs as well as ‘A’ boards.</p> <p>The City continues to receive a number of complaints every year relating to items obstructing the highway. The review has had regard to Highways legislation in relation to obstruction and the need in the City for increased unobstructed footway.</p> <p>A footpath capacity assessment will be undertaken using specific criteria to identify streets that are at full or near full pedestrian capacity at peak times and streets where footfall is lower. Using an industry standard methodology for assessing footpath capacities criteria can be used to identify streets that are at full or near full pedestrian capacity at peak times and streets where footfall is lower. These locations will be identified by Officers through the street classification in line with the design guidelines of the Mayor of London for what makes a good street.</p> <p>The report recommends that while each case will be considered on its merits, a pragmatic and proportionate approach will be adopted as follows:</p> <ol style="list-style-type: none"> <li>1. For footpaths and footways which are narrow in design, less than</li> </ol>	

2m wide, there will be a presumption that anything placed on a pavement will cause a significant obstruction and constitute a nuisance/danger and will be dealt with using Highway Legislation to secure removal.

2. For footpaths and footways wider than 2m (other than those with high footfall referred to in (3) below) - an assessment will be made by Officers, on a case by case basis, as to whether the Item poses a significant obstruction due to the available footpath space. This will allow all users adequate space to pass and re-pass or whether the obstruction is so minor that it can be considered a *de minimis* or “fractional” obstruction.
3. For footpaths and footways assessed and identified as having high footfall (such as transport hubs and related pedestrian routes) there will be a presumption that any items placed on the highway will cause a significant obstruction and constitute a nuisance and/or danger (and will be dealt with using Highways Legislation to secure removal)

This policy also aligns with the Mayor of London’s strategies via TfL, they have adopted a progressive approach to reducing obstructions on the highway.

The City is recommended to formally adopt this approach to manage obstructions on the highway.

### **Recommendations**

Members of Port Health and Environmental Services Committee, Health and Wellbeing Board and Streets and Walkways sub-committee and Policy and Resources committee are asked to comment on the contents of this report prior to it going to Planning and Transportation Committee for decision.

Members of Planning and Transportation Committee are asked to consider this report and agree the recommendations that:

1. The City adopts this progressive approach to obstructions on the highway set out in the report to enable the safe management of footpaths and the street environment in a proportionate manner.
2. In doing so applies the principles set out in the summary above at 1, 2, and 3.

## **Main Report**

### **Background**

1. A report relating to ‘A’ boards was presented to a number of Committees for comments, these included Streets and Walkways sub-committee, Health and Wellbeing Board, Port Health and Environmental Services Committee and Policy and Resources Committee. From this process the comments received from Members indicated that the issues being experienced on the City’s streets were wider than just ‘A’ boards and the

primary issue being one of how the streets should be regulated to deal with obstructions. These could be from a wide variety of sources but would include inappropriately parked cycles, newspaper and leaflet stalls, and tables and chairs as well as 'A' boards. A revised policy concerning the control of Tables and Chairs was agreed by Planning and Transportation Committee on 30 July this year.

2. This report proposes a policy on how the City will deal with items causing an obstruction of the highway.

#### Context

3. The historic layout of many City streets means that there are a number of areas where streets and lanes have very narrow footways. Even streets with wider footways may often not be able to cope with the high levels of pedestrian footfall they experience at peak travel times.
4. To date, redevelopment and environmental enhancement schemes have resulted in a number of street design improvements which provide more usable pedestrian space. An example of this is Cheapside where there has been a conscious design decision to widen the footpaths and to maintain a 'clear street' with minimal street furniture, creating more freedom of movement for all users.
5. The City is also expecting a significant increase in commuters, shoppers and visitors. The current daily population of users of the City is estimated to be around 330,000 people and with the arrival of the 'Eastern Clusters' office developments, the construction of Crossrail, Bank upgrade and the ThamesLink upgrade, the City's daily population, over the next ten years, is predicted to rise to well over 400,000. This will result in the streets becoming even more congested and public footpath space ever more precious. It is already apparent from daily observation that pressure on footways is often leading pedestrians to 'walk in the road'. Accordingly a high priority for the Corporation's Environmental Enhancement Team is that the City's streets should continue to be altered to create more space for pedestrian movement.
6. Supporting the principle of providing more and safer space for pedestrian movement Corporation officers have also been working to de-clutter the streets removing unnecessary signage and street furniture as well as introducing 'Time Banding' for Bagged Waste. This initiative, agreed by the Port Health and Environmental Services Committee in September 2011, restricts the times when waste bags may be placed on the highway for collection to avoid times of high footfall.
7. Despite recognising the importance of available footway to facilitate the safe movement of pedestrians the Corporation also recognises, where practicable, the needs of traders. Tables and Chairs are licensed to be placed on the highway if the site is suitable and many traders also consider that placing boards or other items on the street helps generate business. A report setting out the current policy adopted by the Planning and Transportation Committee concerning Tables and Chairs use in the highway was agreed on 30<sup>th</sup> July this year and the principles contained are consistent with this report. In some streets placing items such as boards

or tables and chairs would clearly cause an unacceptable degree of obstruction whereas in others, where the footway is wider or footfall less, it might be argued that any obstruction is negligible or 'de-minimis'.

8. A further consideration is that the needs of those wishing to place items on the highway have to be balanced against those who consider such items as dangerous obstructions, for example, some groups representing the visually impaired. The City has received increasing numbers of complaints for items causing an obstruction of the highway over recent years resulting in officers dealing with 59 reports in 2011, 119 in 2012 and 127 in 2013.
9. A final consideration is that even small scale use of additional 'things' or structures placed out on the street by some traders can serve to encourage wider use as individual businesses seek to compete with neighbours which results in a proliferation of items in an area or street. Some traders may feel disadvantaged against their competitors if they are not allowed to place out items on the highway due to the footway size. Clearly this problem is most likely to manifest itself in narrow side streets where traders may already feel disadvantaged against main street traders.
10. It is against the above backdrop that Members are asked to consider the City's approach to items causing an obstruction on the highway. In so doing Members may wish to be aware that TfL, over recent years, have revised their approach to obstruction and have implemented a zero tolerance policy to obstructions on what they call 'prestige footways'. See Appendix 1.

#### Proposed Policy on Obstructions of the Highway

11. In considering the de-minimis principle to obstructions the City will need to do two things; firstly, define the necessary footpath space that must at all-time be available and secondly, consider the peak footfall requirements of any street.
12. In terms of available footpath width, advice from the City's Access Team is that a minimum of 2m of clear footpath is a practical approach to managing the street environment, this is currently the criteria used when assessing table and chairs applications which the Access Team are consulted on.
13. Following an assessment of the footpath widths across the City around 50% are less than 2m and therefore it is proposed that there will be a presumption that no form of obstruction be permitted on these streets and that any item placed on these footpaths is not capable of being considered a *de minimis* or fractional obstruction.
14. The approach to be taken for the remaining 50% of streets is that it will be necessary to assess the footfall at peak times. Officers in the Planning and Transportation use an industry recognised methodology, see Appendix 2, to assess and identify footpaths where high footfall is experienced at peak times.
15. Where an assessment exceeds the parameters of this methodology and shows that the footpath is being used to or near its capacity, it is likely that anything placed on the footpath will cause a significant obstruction, this will be broadly in line with assessments made for tables and chairs license

applications. Where footpaths fall within the parameters of the methodology, then consideration will be given to permitting items to be placed on the footpath as any resulting obstruction could be considered to be *de minimis*. As these assessments are carried out the City will be able to give streets a classification of use and purpose.

#### Enforcement of Policy

16. The City as the Highway Authority has powers to secure removal of any unlawful obstructions and deal with any person causing such an obstruction. These powers are set out in Appendix 3
17. Where items could be permitted by this policy on the basis of constituting a *de minimis* obstruction it would be essential to consider each on a case by case basis.
18. There are some exceptions when the highway can be used for purposes other than the primary purpose of passing and re-passing. These include the temporary erection of scaffolding for building repairs, maintenance or development and other things such as signs and bollards, temporary roping of defined areas for patrons of licensed premises, to improve pedestrian safety. Additionally there are 'Tables and Chairs', which may be deemed 'an amenity' or to be 'a public benefit' and may be licensed where appropriate under section 115E of the Highways Act 1980.
19. The Comptroller and City Solicitor advises that the highway authority's powers, S.115E Highways Act 1980, to license the placing of objects or structures on the highway extend only to objects or structures which enhance amenity or provide a public benefit. Some local authorities have been found to license 'A' Boards, using section 115E of the Highways Act 1980; however this is being challenged by London TravelWatch. The City Solicitor advises that licensing could only be considered appropriate if 'A' boards were considered to be a public amenity or for public benefit. Officers do not consider this to be the case in relations to advertising boards and therefore licences would not apply to such 'A' Boards.
20. Other permitted activities by the City as Local Highway Authority include the requirement to maintain, repair and clean the highway to the required standards using associated equipment. In addition, certain signage is permitted or required for public benefit or public safety purposes in connection with the exercise of statutory functions, such as traffic management, street works or polling station signage.
21. The Street Environment Officers (SEO), within Cleansing Services are responsible for monitoring compliance with the above highway legislation. Currently the SEOs use a set of guidelines relating to 'A' boards, but not policy, which follow the 'de- minimis' principles to ensure that anything placed on the street does not significantly obstruct the highway. These stipulate a minimum width of 2 metres of available footpath which allows users to pass and re-pass on the highway. This width is an 'ideal minimum width' quoted within the industry. The guidelines prescribe a number of other criteria to ensure that they are not an obstruction on the highway and aid the safe management of street furniture. These can be easily modified for this policy to encompass items placed on the highway. A copy of these can be found in Appendix 4.

22. The current approach to enforcement of is that the SEOs do not aggressively target businesses using additional equipment. However, when a complaint is received, SEOs will investigate using the above guidelines. If the business does not or cannot comply then they are asked to remove it. Failure to do so will result in the SEO removing it in accordance with the above relevant highway legislation procedures. By approving this policy the SEO team will have a clear understanding of the City's approach to obstructions on the highway and will be able to manage the street environment more consistently and effectively.
23. There will be a requirement for good communication of this policy, with possibly a transition period of education and engagement to help support businesses to understand the reasons for this approach before any enforcement is taken. A similar approach was adopted for the introduction of the Time Banding Scheme restricting when bagged waste can be put out on the highway. This approach was generally successful. This will be undertaken by the Street Enforcement team within the Cleansing Services as they already monitor the City streets for compliance under the highway regulatory framework.

#### Other considerations

##### Transport for London's Position

24. Transport for London (TfL) has for some time been advocating the de-cluttering of the pavements and streets. With an initiative in 2001 'to return our pavements back to the pedestrian' by clearing away unnecessary obstructions etc. from the TfL Road Network. In 2009, the Mayor of London initiated 'the better streets initiative' which offered guidance on what makes good streets. The document published guiding principles including statements such as:

*'Street design should be based on simple and robust principles which reflect the characteristics of London and its neighbourhoods.'*

*'A clear understanding of the function of a particular street and a brief that articulates this is one of the fundamentals of creating great streets. Improvements need to reflect whether the street is primarily a retail high street, a residential road, a place for cultural activity, a busy through route, or something else; the more capable the street is of bearing heavy pedestrian use, the more appropriate the removal of segregation measures is likely to be.'*

25. The London Plan followed and, TfL, taking forward the Mayor's Transport Strategy - Accessibility Implementation Plan, stated how it intended to improve access for all.
26. TfL are taking a progressive approach to removing obstructions from the street and have identified a number of streets which they call 'prestige footways' where they are taking a zero tolerance to obstructions on these, this can be found in Appendix 1 and includes Bishopsgate, Gracechurch Street, Upper and Lower Thames Street, Byward Street and Tower Hill within the City. TfL highway officers currently enforce against any obstructions on these streets within the City.



## London TravelWatch

27. London TravelWatch is a watchdog organisation representing the interests of transport users in and around the capital. Officially known as London Transport Users Committee, they were established in July 2000. London TravelWatch is sponsored and funded by the London Assembly, which is part of the Greater London Authority, and is independent from the transport operators.
28. London TravelWatch promotes integrated transport policies and presses for better public transport, with higher standards of quality, performance and accessibility. They liaise with transport operators, providers, regulators and local authorities.
29. London Travelwatch has recently undertaken a campaign sponsored by the Royal National Institute of Blind People (RNIB) to highlight the problems caused by obstructions on the highway. This work found that street clutter was a major concern around the country affecting those with impaired vision and guide dogs. This is also an issue which affects those in wheelchairs and with mobility impairments and people with prams etc.
30. Following the campaign a report was published challenging authorities to carry out their obligations under legislation to clear the highway of such obstructions. This report is available on their website:

[http://www.londontravelwatch.org.uk/news/2013/11/passenger\\_watchdog\\_calls\\_for\\_the\\_removal\\_of\\_obstructions\\_on\\_london\\_s\\_pavements](http://www.londontravelwatch.org.uk/news/2013/11/passenger_watchdog_calls_for_the_removal_of_obstructions_on_london_s_pavements)

## Other London Boroughs

31. Across London, local authorities take differing approaches to deal with the various 'things' or structures that are placed on the highway, these include:
  - Royal Borough of Kingston upon Thames has a zero tolerance.
  - In Greenwich enforcement is focused on its town centres.
  - Hackney and Barnet have zero tolerance of highway obstructions.
  - Newham is pro-active in dealing with highway obstructions.
  - Kensington and Chelsea, operates a zero tolerance policy on a selection of their streets.
  - Bromley is successful in keeping its town centre clear of unlawful obstructions. The rationale for selection relates to footfall and the profile of the street.

## Equalities Act 2010

32. Section 149 - Public sector equality duty - A public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes removing or minimising disadvantages suffered by people due to their protected characteristics (such as visual or mobility disabilities).

33. The maintaining of clear and accessible pavements has particular importance in relation to the elderly and those with visual and mobility impairments. It could be argued that anything placed on a highway of any width could potentially become a hazard and obstruction for people with sight impairment or mobility issues.
34. The City of London Corporation's Access Officer comments that, structures placed on the highway and their positioning can be very problematic for disabled people. For blind and partially sighted people it is essential to have as clear route as possible along footways however in practical terms it wouldn't be the intention to advocate a blanket ban on everything but a measured approach which enables greater control over what is on the streets.
35. Equally for wheelchair/ mobility scooter users and parents with buggies, negotiating a footway which has structures placed on it can be challenging. If things are poorly positioned they can lead to a lack of available footpath space and can have far reaching impacts ranging from minimal inconvenience to major health and safety concerns. The fact that many of the footways in the City are of narrow width means that anything placed upon such a footway results in there often being insufficient space to pass by without stepping into the carriageway.
36. It is important that, in considering the exercise of its legal powers, the City reaches its view based on the considerations as set out above and therefore the City should be mindful of how it responds taking into account proportionality.

## **Conclusion**

37. In conclusion, whilst it is recognised that some traders consider the placing of items on the street important to their business, these 'items' are becoming more problematic and the City has seen continued complaints relating to them. The City has sought to apply principles in design to maintain a clear street environment when developing new projects, as has been shown with the Cheapside redevelopment and with new initiatives such as the introduction of restrictions on when waste bags can be placed on the highway by means of the Time Banding Policy. These measures go to reinforce the need to keep the footpaths free from obstructions and clutter at times of greatest demand.
38. The City must also plan for the ongoing growth in population with more than 400,000 people predicted to be competing daily for the use of the footpaths to move around the City.
39. For highway (footpaths) which are narrow in design, less than 2m wide, anything placed on them will be deemed to be an obstruction and dealt with using the Highway Legislation to have it removed. For footpaths wider than 2m, an assessment will be made by Officers as to whether the de-minimis principles can be applied as the structure does not pose a significant obstruction due to the available footpath space allowing all users adequate space to pass and re-pass.
40. For areas assessed and identified as having high footfall, such as transport hubs and related pedestrian routes, it is highly unlikely that any

obstruction could be considered *de minimis* and these will have a zero tolerance approach to anything being placed on the highway and the Highway Legislation will be used to maintain a clear street principle for the reasons outlined in the report. These locations will be identified by Officers through the street classification process being undertaken which aligns with the design guidelines of the Mayor of London for what makes a good street.

41. This policy seeks to start to address the issues which have gradually emerged over time in a pragmatic way and also aligns with the Mayor of London's strategies via TfL, which have adopted a progressive approach to reducing obstructions on the highway by having a zero tolerance to on their 'prestige footways' which include streets within the City.
42. The GLA funded London TravelWatch group are actively championing to clear London streets of obstructions and clutter which is supported by the RNIB.
43. Given the above, the City is recommended formally to adopt the approach to manage obstructions on the highway using the de-minimis principle which will allow officers to manage obstructions on narrower footpaths and also apply design principles to specific locations of high footfall.

#### Implications and implementation

44. Implementing the recommended approach is likely to be very challenging and may, in part, be unpopular amongst some who have placed items on the highway in the past.
45. It will therefore require careful communication, possibly with a transition period of education and engagement to help support businesses to understand the reasons for this approach before any enforcement is taken. A similar approach was adopted for the introduction of the Time Banding Scheme restricting when bagged waste can be put out on the highway. This approach was generally successful. This could be undertaken by the Street Enforcement team within the Cleansing Services as they already monitor the City streets for compliance under the highway regulatory framework.
46. It is also acknowledged that the City itself needs to ensure that signage used by for legitimate activities such as road works and diversions needs to manage in a way that reduces or minimizes the impact on the pedestrian movement.
47. These principles are broadly in-line with the City's enforcement policy of education, engagement, support and enforcement only as a last resort.

#### **Financial and HR Implications**

48. There may be additional training required for the officers responsible for monitoring and enforcing compliance of all of the relevant legislation and policies.

## **Legal Implications**

49. De minimis – the courts have held that some encroachments are so minor as to fall outside the ambit of criminal sanction, but it will be a matter of fact and degree in each case whether or not the encroachment is “de minimis”.
50. All other legal implications are contained in the body of the report.

## **Property Implications**

51. None

## **Strategic Implications**

52. SA1 - To support and promote The City as the world leader in international finance and business services. Creating clean and attractive city environment to attract businesses.
53. SA2 - To provide modern, efficient and high quality local services within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.
54. SA3 - To provide valued services to London and the nation.

Contact:

**Doug Wilkinson** MBA CMgr MCM  
Assistant Director  
Department of Built Environment  
Street Scene, Strategy & Safer City Partnership

T: 020 7332 4998 / 07990567275  
E: [doug.wilkinson@cityoflondon.gov.uk](mailto:doug.wilkinson@cityoflondon.gov.uk)



The voice of transport users  
**Inclusive streets**

TfL schedule of prestige footways with „zero tolerance“ for „A“ Boards.  
A zero tolerance approach to advertising boards on these roads was agreed in November 2011 by TfL’s Surface Transport Panel:

A200 Tooley Street

A200 Duke Street Hill

A 3 London Bridge

A3 King William Street

A10 Bishopsgate

A10 Gracechurch Street

A501 City Road (Moorefield Eye Hospital approaches)

**A3211 Upper Thames Street**

**A3211 Lower Thames Street**

A3211 Byward Street

A3211 Tower Hill

A4 Knightsbridge

A4 Cromwell Road

A4 Cromwell Gardens

A4 Thurloe Place

A4 Brompton Road

A3211 Victoria Embankment

The following have been described as additional areas to be covered.

**Already Established**

**Bishopsgate/Gracechurch Street**

**City of London**

Brompton Road

Kensington and Chelsea

Victoria Embankment

Westminster

Tooley Street

Southwark

**In Progress (i.e. prior to May** Hackney

**2013)** Stoke Newington High

Street

Nags Head

Islington

Clapham High Street

Lambeth

Borough High Street

Southwark

Balham High Road

Wandsworth

**May 2013 Rollout** Camden

Camden

High Street

Edgware Road

Westminster

Whitechapel Road

Tower Hamlets

**September 2013 Rollout** Finchley Camden

Road

Earls Court Road

Kensington & Chelsea

Kingsland High Street

Hackney

Upper Street

Islington

Streatham High Road

Lambeth

Peckham High Street

Southwark

Tooting High Street

Wandsworth

Wandsworth High Street

Wandsworth

### City of London Footway Guidance Note

Pedestrian comfort on footways is of paramount importance in the City's streets, and ideally we require wide footways which can accommodate huge numbers of pedestrians as well as places for people to dwell. However, due to the City's historic street pattern and narrow lanes it is often the case that a careful balance needs to be struck between having vibrant streets with places to sit and streets that are able to accommodate the safe and efficient movement of thousands of pedestrians

Manual for Streets, which is national guidance published in 2007 by the Department for Transport as a replacement for Design Bulletin 32, sets out that pedestrians should be at the top of the road user hierarchy and that it is important to have safe, clear, well defined and accessible footways, which will improve the quality of the walking experience and thus encourage people to walk more. **It states that there should be no maximum footway width, but for the lightest used streets (defined as lightly trafficked residential streets) there should be a minimum of 2 metres of unobstructed width.** This replaces the previous 1.8m minimum width.

TfL have also published some London-wide guidance: in 2004, Gehl Architects produced a document for TfL called Towards A Fine City For People. This looked at the way pedestrians move in cities, and introduced the **Gehl Threshold of 13 pedestrians per metre per minute (13 pmm) which is the threshold at which pedestrians become uncomfortable and seek alternative routes, or are at greater risk of behaviour such as stepping out into the carriageway.** This is considered to be more effective than Fruin's Level of Service (LoS), as LoS is more about capacity than pedestrian comfort, and as such LoS A can go as high as 23 pmm.

In 2010, TfL published a further guidance document, Pedestrian Comfort Guidance for London, which takes Gehl's findings into account. **This gives the following recommended minimum widths which the City has adopted:**

- For areas with a low flow (less than 600 pedestrians per hour): 2 metres. In tourist areas or high street areas this increases to 2.6 metres.
- For areas with an active flow (between 600 and 1,200 pedestrians per hour): 2 metres. In tourist or high street areas this increases to 3.3 metres.
- For areas with a high flow (more than 1,200 pedestrians per hour): 3.3 metres, although this may need to increase if it is an area of transport interchange with multiple bus stops on the same footway.

NB: High street areas are defined as areas dominated by a range of retail and food and drink premises. Tourist areas are those with high tourist activity, close to renowned sights such as St Paul's Cathedral or the Tower of London.

These numbers take into account the DfT and accessibility guidance, and the fact the pedestrians naturally leave a buffer of approximately 200mm between themselves and any obstructions. Minimum widths are measured at the narrowest point.



The City as Local Highway Authority

The City is the Local Highway Authority for most City streets and as such also has an obligation to ensure compliance with the Highways Act 1980. The relevant sections of this Act are:

- a) Section 137 - if a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway it is an offence and liable to a fine on Level 3 of the Standard Scale (currently up to £1,000.00).
- b) Section 148(c) - if, without lawful authority or excuse a person deposits anything whatsoever on a highway to the interruption of any user of the highway he is guilty of an offence and liable to a fine (again, Level 3 on the Standard Scale).
- c) Section 149 – if anything is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited it there to remove it forthwith. In the event of non-compliance, a court order may be obtained authorising the removal and disposal of the offending item. In the event that the highway authority considers the item to constitute a danger to users of the highway it can remove the item forthwith and, ultimately, seek a court order for its disposal.
- d) Section 149 (3) of the Act allows a Local Authority to recover its 'expenses' incurred in removal, but not for storage. A charge of £40 for removal of item if owners come forward to claim it may be levied. This charge is to be treated as a measure of deterrence rather than securing an income from this service.
- e) Section 130 – the highway authority has a duty to assert and protect the rights of the public to use and enjoyment of the highway.



**CITY OF LONDON  
A-BOARDS GUIDANCE**

**Section 149 Highways Act (1980)**

**A-Boards placed on the footway are subject to the following conditions;**

- Must be overall a maximum of 1200mm High X 800mm Wide x 500mm Base/Footprint
- Only one A-Board per business
- Footpath must have a minimum residual width (width of footpath not obstructed by A Board) of 2.0 metres left for the passage of pedestrians
- Must be placed against (physically touching) your building/business
- Must not cause an obstruction to pedestrians
- Must be placed on straight sight lines and not on any curved angles along the building line
- Rotating or swinging banner type signs are not permitted
- Boards must not be fixed or attached to any street furniture (lamp poles, sign posts etc.)
- All boards must be taken in/removed from the footpath when the business is closed

**A-BOARDS THAT DO NOT CONFORM TO THE ABOVE REQUIREMENTS WILL  
BE REMOVED WITHOUT NOTICE BY CITY OF LONDON STREET  
ENVIRONMENT OFFICERS**