

<b>Committee:</b> Streets & Walkways Sub Committee	<b>Dated:</b> 09/07/2024
<b>Subject:</b> Advertising Board Update	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	Vibrant thriving destination Diverse and Engaged Community Providing excellent services
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>£</b>
<b>What is the source of Funding?</b>	<b>n/a</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N</b>
<b>Report of:</b> Executive Director Environment	<b>For Information</b>
<b>Report author:</b> Andrea Larice, City Operations	

## Summary

Advertising boards or A-boards pose safety and accessibility issues, particularly for visually and mobility-impaired individuals. The Planning & Transportation committee approved a City-wide ban in March 2020 to ensure clear and accessible pavements. However, the implementation was delayed during the COVID 19 Pandemic and to allow time for footfall to recover post-pandemic.

Not allowing A-boards to be placed on any streets improves the user experience of people walking, those with sight and mobility impairments, people wheeling prams and using mobility aids. Footfall is increasing and the working population is forecast to continue rising. The maintaining of clear and accessible pavements has particular importance to creating "inclusive environments", which enable people to navigate their surroundings independently and safely.

Following discussions with members at the Streets & Walkways Sub Committee in May 2024, officers will start an engagement phase between July and December 2024 to communicate the A-board ban to businesses, landowners, and the community. Scheduling visits to businesses, maintaining an engagement log and communicating that A-boards are an obstruction to people walking and wheeling, and can be a trip hazard and a particular issue for people with visual impairments.

An update will be brought to this committee in January 2025 ahead of the enforcement phase commencing.

## Recommendation(s)

Members of the Streets & Walkways Sub Committee are asked to note the report.

### Main Report

#### Background

1. A-boards are usually used by shops and businesses to advertise and promote their business at pavement level. They are typically a simple stand-alone board on a heavy 'A' shape frame, which businesses place across the pavement and in the way of people, to attract their attention. Their size and type differ across a broad range of business activities.
2. Many businesses report that A-boards help generate business, which the City Corporation want to support. However, this need must be balanced against complaints, implications for planning policy and the assessment that A-boards are a highway obstruction and a trip hazard for people with mobility and visual impairments.
3. The Planning & Transportation committee approved a City wide ban of A-boards in March 2020. However, the implementation was delayed during the COVID 19 Pandemic and to allow time for footfall to recover post-pandemic.
4. A local authority wide ban on A-boards is in place in Hackney. Hackney Council introduced a borough-wide ban on A-boards in 2017 to ensure pavements remain accessible for all, particularly for people with disabilities, parents with prams, and those with visual impairments. This ban aims to reduce street clutter and maintain clear pathways.
5. Other local Authorities enforce bans on areas where footfall is high. For example, Westminster City Council has enforced a ban on A-boards on Oxford Street, Regent Street, and in Soho. Camden Council has restrictions on A-boards, especially in areas with high pedestrian traffic to maintain accessibility and reduce clutter.
6. Transport for London (TfL) actively enforces a prohibition or restriction of "A" boards on the Transport for London Road Network (TLRN, also known as Red Routes). Businesses found violating these regulations may face penalties or be required to remove their advertising boards.
7. The Royal National Institute of Blind People (2014) have been advocating for a complete ban stating that it is essential for blind and partially sighted people to have a clear route along the pavement. They note: "*The proliferation of A-boards*

*can make it difficult for those with sight difficulties to negotiate the path. This can result in them walking into A-boards and injuring themselves, or inadvertently walking into the road whilst attempting to avoid these obstructions. Falling over or bumping into an A-board can be painful and can adversely affect blind and partially sighted people's confidence and mobility. The over use of A-boards can restrict their freedom and opportunity to participate in their local community."*

8. Transport for all (2014) welcome a 'Zero-tolerance' on A-boards stating that it is essential for disabled people to have a clear route along the pavement. *"Street clutter is not just a problem for visually impaired people, but a problem for wheelchair users, scooter users, buggy users and older people too. Transport for All welcome this 'zero-tolerance' approach to businesses which repeatedly flout rules on keeping the pavement clear. Not everyone can step down into the road to bypass an A-board or other obstacle"*.
9. In October 2021 the Streets & Walkways Sub Committee approved our commitment to Transport for All's Equal Pavements Pledge. to the pledge includes *"Operate a zero-tolerance approach to street clutter. Issue warnings to businesses that obstruct pavements with A-boards, and follow up with fines."* (Transport for All , 2021)
10. Pressure on City pavements is increasing, with 24-hour footfall level now at 72% of 2019 levels.
11. Over the period of the City Plan, the GLA projections suggest that 104,000, or 14.2% more people will be working in the City of London by 2041 (City Corporation, 2023). It is imperative that we have accessible pavements that help people to navigate their surroundings independently and safely.
12. With Effect from 2 April 2024, the Pavement Licence Guidance has been updated to state that: *"Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007."*
13. Prior to 2 April, A-boards were not expressly prohibited and there may be some licences that have A-boards within the pavement licence area. These licences expire on the 30 September 2024. This means that no business should have an A-board under their licence post 30 September 2024.

### **Implementation and delivery approach**

14. We will take a phased approach, working towards enforcement by City Corporation Street Environment Officers.

#### 15. Phase 1 – Project development

- Develop the appropriate process, ensuring any legal issues considered, to enforce against A-boards on public highways and develop the project plan.
- Notify committee members of the project plan, timeline for engagement and enforcement.

#### 16. Phase 2 – Engagement with City Businesses

- Develop and disseminate key messages through various channels to ensure that all affected parties understand the new regulations and their importance.
- Engage with City Businesses and communicate why A-boards are being removed and their impact on accessibility and inclusivity.
- Identify challenges and concerns around enforcement within six months.
- Explore potential wayfinding options for businesses severely impacted by the ban.

#### 17. Phase 3 – Enforcement

- Begin enforcement actions by City Corporation Street Environment Officers to support the creation of accessible, clutter-free pavements that enhance the user experience for everyone.

### **Engagement approach**

18. Key Messages are being finalised for our various audiences supporting our ambitions for clear and accessible pavements for everyone. This will focus on notifying business that:

- The City Corporation are contacting businesses to remind them that A-boards cannot be placed on City of London footways and pavements.
- A-boards obstruct people walking and wheeling or using mobility aids and are a trip hazard for people with sight loss. A survey from the RNIB found that 95 per cent of blind and partially sighted people had collided with an obstacle in their local neighbourhood over a three-month period, of which 1 in 3 were injured (Royal National Institute for Blind People, 2021).
- City Corporation is working to ensure we have clear and accessible pavements support independent and safe navigation.
- City Corporation is giving businesses notice that we intend to commence enforcement in the new year.

19. We will request landowners' support us in asking their tenants to remove them to create more accessible and welcoming places in the city. There is a strong correlation between catering for greater diversity and financial performance. Becoming a disability-confident employer opens your business to a broader customer base.

20. For businesses that currently have pavement licence, which contains an advertising board, officers will still ask businesses to remove it.

### Engagement timeline

21. Timeline is as follows:

Date	Activity
May – July 2024	<ul style="list-style-type: none"> <li>• Validate committee approval and enforcement approach.</li> <li>• Develop communication materials (leaflets, letters) for businesses.</li> <li>• Target audience identification, developing a list of businesses and streets affected.</li> <li>• Sign-off to ensure all documents and assessments are approved.</li> </ul>
July 2024	<ul style="list-style-type: none"> <li>• Update report to Streets &amp; Walkways.</li> </ul>
July – December 2024	<ul style="list-style-type: none"> <li>• Notify relevant partners, including the Business Improvement Districts.</li> <li>• Schedule engagement visits to businesses.</li> <li>• Repeat visits to maintain engagement logs and discuss concerns with businesses.</li> </ul>
January - February 2025	<ul style="list-style-type: none"> <li>• Collate feedback</li> <li>• Report if required</li> </ul>
Spring 2025	<ul style="list-style-type: none"> <li>• Begin enforcement</li> </ul>

### Corporate & Strategic Implications

22. A-board ban supports the delivery of Corporate Plan Outcome: Vibrant thriving destination, and supporting a Diverse and Engaged Community by, improving the user experience of all pedestrians including those with sight and mobility impairments. Where everyone can travel independently, safely and without restriction.

23. The City of London Transport Strategy (Our streets are accessible) sets out our approach to improving accessibility in the Square Mile. The removal of A-boards is included in Proposal 17: Keep pavements free of obstructions.

### Financial implications

24. None, enforcement will be undertaken by existing staff resource.

### Legal implications

25. Approval for a City-wide ban on A-boards was granted in 2020. There are further steps to ensure due process is taken ahead of any formal enforcement action, which will be established with and agreed with legal advice as necessary.

Legislation relevant to enforcement is summarised below with further details in Appendix 1.

26. **Town Police Clauses Act 1847 S28 states** that it is an offence for a person in any street, to cause an obstruction, annoyance, or danger of the residents or passengers.
27. **Traffic Management Act 2004 places** a duty on the Local Traffic Authority to manage its highway network to “secure the expeditious movement of traffic”. The Act explicitly states that “traffic” includes pedestrians. It is therefore consistent, with this duty, for the City Corporation to seek to improve the pedestrian environment on its footways and in its pedestrian zones by removing unlawful obstruction that can have a detrimental effect on the free flow of pedestrians and those with impaired mobility.
28. **Highways Act 1980:** It is an offence under Sections 137 and 148 of the Highways Act 1980 to wilfully obstruct the highway without lawful excuse, punishable by a fine not exceeding £1,000. Sections 143 and 149 give the Highway Authority powers to remove any items which have been placed on the highway.

### **Risk implications**

29. There is a possible reputational risk to the City Corporation if the accessibility of our streets is not carefully considered. It is imperative that we have accessible pavements that help people to navigate their surroundings independently and safely.
30. There are also possible reputational risks if small to medium sized businesses do not feel supported and there are potential adverse impacts if the communication of A-board removals and enforcement are not carefully managed.

### **Health Implications**

31. Removing A-boards may have the potential to reduce injury caused by obstruction to people who are blind or visually impaired (RNIB, 2021). And help provide a street environment that allows all people to walk or wheel around the city more comfortably.

### **Equality Implications**

32. The Equality Act 2010 S20 (4) provides support to remove A-boards. The Act requires that where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage. The Act states that:

(2)The duty comprises the following three requirements:

(3)The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(4)The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(5)The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

### **Climate implications**

33. None identified at present.

### **Conclusion**

34. Not allowing A-boards to be placed on any streets improves the user experience of people walking, those with sight and mobility impairments, people wheeling prams and using mobility aids. Maintaining of clear and accessible pavements has particular importance ensuring “The Square Mile is accessible to all” and is central to the Transport Strategy’s Vision.

35. Officers will start engagement phase between July and December 2024 to communicate with businesses, landowners, and the community about the A-board ban. The engagement approach will be developed with the support of legal advice.

36. An update will be brought to this committee in January 2025 ahead of the enforcement phase commencing.

### **Appendices**

- **Appendix 1: City Solicitor notes on relevant legislation**

### **Background Papers**

- **March 2020, Advertising Aboard Policy, Planning and Transportation committee report, Agenda Item 2 (available on request)**
- **October 2021, Transport for All Equal Pavements Pledge, Streets and Walkways committee report:**  
<https://democracy.cityoflondon.gov.uk/documents/s159929/TFA%20Equal%20Pavements%20Pledge.pdf>

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## References

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 Transport for All, 2021. *Equal Pavements Pledge*, s.l.:  
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## **Appendix 1: Consideration of the legal implications and legal options available for a ban of A-boards.**

The following pieces of legislation are relevant for the consideration of the legal options available and ramifications of enforcing a ban of A-boards:

**Town Police Clauses Act 1847 S28** states that it is an offence for a person in any street, to cause an obstruction, annoyance, or danger of the residents or passengers and will be liable to a penalty not exceeding level 3 which is £1000. There is the possibility of imprisonment up to 14 days for the contravention of this Act but that is at the discretion of the judge.

**The Equality Act 2010 S20 (4)** provides support for blanket ban on A-boards given the needs of disabled pedestrians. The Act requires that where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage. The Act states that:

(2)The duty comprises the following three requirements:

(3)**The first** requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(4)**The second** requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(5)**The third** requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

Reasonable steps may be taken by COL to impose a blanket ban and produce a policy setting out steps for notification of contravention and removal of the A-boards if the above criteria is met.

**Traffic Management Act 2004** places a duty on the Local Traffic Authority to manage its highway network to “secure the expeditious movement of traffic”. The Act explicitly states that “traffic” includes pedestrians. It is therefore consistent, with this duty, for COL to seek to improve the pedestrian environment on its footways and in its pedestrian zones by removing unlawful obstruction that can have a detrimental effect on the free flow of pedestrians and those with impaired mobility. The Act also

includes provisions for the management of bus lanes, cycle lanes, and pedestrian areas, which are designed to improve safety and accessibility for non-motorized road users.

**Highways Act 1980:** It is an offence under Sections 137 and 148 of the Highways Act 1980 to wilfully obstruct the highway without lawful excuse, punishable by a fine not exceeding £1,000. Sections 143 and 149 give the Highway Authority powers to remove any items which have been placed on the highway. The boards may be removed and a fee charged for the storage and administration of collection. Liability arising from an accident involving an A-board remains with the owner of the A-board. Any damage caused to the A-board in removal would also be covered by the owner's insurance. If the bill is not paid, then an order may be obtained from the magistrates to recover the costs and to ask for a disposal order.

### **CPN to Prosecution**

The owner may be issued with a warning or a CPN. A warning may be given requesting that the item is removed and that they will be issued with a CPN. If the board is not removed (they will be issued with a FPN of £100 or could face prosecution). If it is not removed (or the owner has already been issued with a CPN) then evidence will be taken for breaching the notice. The owner may be informed of the breach and will be given a fixed penalty notice to discharge their liability for prosecution for this offence. If the fixed penalty notice is not paid then this will be followed up with prosecution action. If the item is not removed then an application may be made to the Justice of the Peace for a seizure order under section **51 of the Anti-Social Behaviour and Crime and Policing Act 2014** which will be followed up with prosecution action within 28 days.

### **Town and Country Planning (Control of Advertisements) (England)**

**Regulations 2007:** Advertisements in the form of A-Boards will result in one or more offences depending on the advertisement and nature of the location concerned. A-Boards are not excluded by Schedule 1 (exempt advertisements) or able to be subject to deemed consent under Schedule 3 of the 2007 Regulations, as such they require express consent before being allowed to be displayed.

**Clean Neighbourhood and Environment Act 2005:** Section 43, enables the Council, to serve a Fixed Penalty Notice where advertisements have been deemed to be displayed unlawfully (same approach is utilised to deal with fly posters).

**Section 224, Town & Country Planning Act 1990** makes it an offence for any person to display an advertisement contrary to the 2007 Regulations. In the absence of any offence being able to be resolved through the Fixed Penalty Notice, legal action could be taken under the following: i. The maximum penalty under this section is £2,500, and in the case of a continuing offence a further fine of up to one-tenth for each day the offence continues after conviction.

**Section 225, Town & Country Planning Act 1990** enables the Council using a Notice, to recover any costs incurred with the obliteration/removal of any advertisements displayed contrary to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.