

Committee(s):	Date(s):
Port Health and Environmental Service Committee	24 November 2015
Subject: Progress on the enforcement of the obstructions policy.	Public
Report of: Director of the Built Environment	For Information
<p style="text-align: center;">Summary</p> <p>This report sets out the work that the Street Environment Team has been conducting to implement the Obstructions Policy that was introduced earlier this year. So far 124 obstructions have been removed from the City's footways, the majority of these voluntarily by the businesses once they were made aware of the policy.</p> <p>This report also set out the ongoing programme of work that the Street Environment Team will conduct to ensure that any remaining obstructions that contravene the policy are removed and the how compliance will be maintained.</p> <p>Recommendation(s)</p> <p>Members are asked to:</p> <ul style="list-style-type: none"> • Note this report. 	

Main Report

Background

1. In January 2015 the Planning and Transportation Committee approved a report outlining a policy that sought to restrict obstructions on the highway and enable the safe management of footpaths and the street environment in a proportionate manner.
2. The report was presented to Port Health and Environmental Services Committee, Health and Wellbeing Board, Streets and Walkways Sub-committee and Policy and Resources Committee for Members to comment. In the report it set out that the responsibility for enforcing this policy would lie with the Street Environment Officers (SEOs) in the Department of the Built Environment.
3. The policy details that each case will be considered on its merits, following a pragmatic and proportionate approach as follows:
 - a. For footpaths and footways which are narrow in design, less than 2m residual width, 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 Section 149 of the Highways Act 1980 or Section 17 of the London Local Authorities and Transport for London Act 2003 to secure removal.

- b. For footpaths 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.
 - c. For footpaths 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.
4. This report details the work that the SEOs have carried out this year to enforce the policy.

Current Position

5. As the introduction of this policy was going to be sensitive with businesses, especially those asked to remove their obstructions from the footway, officers have taken a gentle approach to the introduction of enforcing this policy, preferring to work with businesses and taking the time to explain the reasons and need for the introduction of this policy in several stages. In March 2015 all businesses in the City were sent a leaflet with their business rates statement informing them of the new policy. A copy of this leaflet is included as Appendix 1. Businesses were informed that the policy would be enforced from April 2015 allowing them time to comply.
6. SEOs have now inspected all footpaths and footways that are less than 2 metres wide and personally visited all businesses with obstructions on these streets. In addition to this, our SEOs are now in the process of inspecting footpaths over 2 metres with obstructions, and have engaged with any businesses on these streets who fail to comply.
7. Since May 2015 a total of 124 businesses have been visited, issued with the detailed guidance (see Appendix 2) and asked to remove obstructions from these footpaths. Of these 124 businesses, 101 businesses removed their obstruction within seven days.
8. The 23 businesses that failed to comply within seven days were issued with notices instructing that they remove the obstruction within a further seven days, and warning that if this was not complied with, the City would remove the obstruction after that date. Of these, 8 have been removed by the SEOs, with 15 still pending with time outstanding on their notices.

	Guidance issued	Notices issued	Removed by business	Removed by City
No. of businesses	124	23	101	8

Proposals

9. SEOs will now focus on the areas of City where the interpretation of the policy is not as straightforward. This includes carrying out assessments on footpaths over 2 metres in areas of high footfall to determine whether obstructions in these areas will fall under the policy. As these decisions are made on these streets a detailed record will be kept explaining the reasons for each decision to ensure that officer's discretion is consistently applied. Officers also need to give careful consideration to areas which are part pedestrianised, as the closure of the road to vehicles for periods of the day effectively widens the footpath, thus possibly making obstructions allowable in areas with designated pavements under two metres in width whilst pedestrianised. The process of introducing the policy in these complicated areas needs to be completed carefully and considerately to gain the support of as many businesses as possible and therefore this may take some time.
10. As we have introduced the policy across the City, officers have also met with Transport for London to seek agreement that they will enforce their policy on the streets they are responsible for in a similar manner. Meetings have been held and TfL are keen to learn from our experiences. We have shared with TfL our policy and the guidance documents attached at appendix 1 and 2.
11. To ensure that businesses maintain compliance with the policy after they have removed their obstructions, SEOs will continue to monitor all streets and obstructions in the City as part of their ongoing daily duties and will take enforcement activities where necessary.

Corporate & Strategic Implications

12. 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.
13. 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.

Implications

14. The literature produced and enforcement activities that have been carried out so far have been within existing budgets. It is still not envisaged that there will be any additional budget required and will be accommodated within the current local risk budget within Cleansing Services.

Conclusion

15. The implementation of the obstruction policy has been successful, with the vast majority of businesses willing to comply with the new policy. Officers will now focus on the more contentious areas and continue to ensure that the policy is observed across the City.

Appendices

- Appendix 1 – Leaflet issued to businesses with business rates March 2015
- Appendix 2 – Detailed guidance issued to business with non-compliant obstructions.

Background Papers:

Port Health and Environmental Services, 18 November 2014, *Items placed on the Highway (streets and pavements)*

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Street Obstructions Policy



The City's streets are busier now than ever. We are therefore introducing a new policy to better control obstructions on our streets to ensure they remain safe for public use. This is a similar approach to that being taken by Transport for London, which is also seeking to minimise the number of items that might block the footway. This can range from bicycles to A-boards (see further examples below) and is particularly important where footfall is high or the footways are narrow.

Examples of obstructions:

- ♦ Freestanding advertisement boards (A-boards)
- ♦ Abandoned bicycles
- ♦ Bicycles secured to street furniture or railings/barriers
- ♦ Potted plants or planters
- ♦ Distribution stands (newspapers and magazines)
- ♦ Tables and chairs
- ♦ Display stands
- ♦ Unauthorised bins, bags or litter bins



Street Obstructions Policy



From April 2015:

- ♦ Obstructions will not be tolerated on footpaths and footways which are narrower than two metres wide.
- ♦ Obstructions will not be tolerated on footpaths assessed and identified as having high footfall (such as transports hubs or stations and related pedestrian routes).
- ♦ Obstructions will not be tolerated where they interrupt safe pedestrian movement (regardless of the width of the pavement).
- ♦ For further information on the details of this policy, and other City of London Cleans Streets policies, please visit our webpage at:

www.cityoflondon.gov.uk/cleanstreets

The City is keen to work with businesses to support their needs and look for alternative solutions on streets where obstructions are not permitted. Please contact our Street Environment Team on the details below.

- ✉ SEOTeam@cityoflondon.gov.uk
- ☎ 020 7606 3030
- 🌐 www.cityoflondon.gov.uk/obstructions



Appendix 2 - Detailed guidance issued to business with non-compliant obstructions.

**City of London Corporation
Items placed on the Highway
GUIDANCE NOTE**

Section 149 Highways Act (1980)



Your business appears to have placed an item (including A-board) on the public highway outside your premises. This is not authorised and enforcement action will be taken where any the following criteria are not met:

- There must be a minimum residual width of 2 metres of unobstructed footpath for the passage of pedestrians.
- Where there are high volumes of pedestrian footfall, the footpath or footway will be assessed using an industry methodology (Gehl). The Gehl model has a threshold of 13 pedestrians per metre per minute (13pmm) 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. If a street is assessed at or above 13pmm, 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).
- Items must be no more than 1200mm high x 800mm wide x 500mm base or footprint.
- No more than one item (A-board) per business.
- Items must be placed against (physically touching) your building or business and must not obstruct any crossing points or dropped kerbs.
- Items must not cause an obstruction to pedestrians and must be away from street furniture including bus stops to maintain the 2 metres of unobstructed footpath for the passage of pedestrians.
- Items must be placed on straight sight lines and not on any curved angles along the building line and not in the sight line of any crossing points.
- Items must not be of a rotating or swinging banner/flag type.
- Items including A-boards placed on the highway must not be fixed or attached to any street furniture, lamp poles, sign posts etc. and must not have other 'things' attached e.g. balloons and streamers.
- All items, including A-boards must be taken in or removed from the footpath when the business is closed.
- A-boards which have fallen over must be immediately removed or made secure to ensure the above criteria are met.

Items (A-boards) that are deemed to be a danger, which are placed on the highway whether because the above criteria are not met or for any other reason will be removed without notice by the City of London Corporation's Street Environment Officers.

Any business placing items on public highway does so at their own risk and may be liable, in the event of injury, loss or damage being caused to a highway user.

Nothing in this guidance grants any permission, licence or consent in respect of A-boards or other items.

Advertising is subject to advertisement control and the local planning authority may enforce against and remove unauthorised A-boards which do not have advertising consent. The local planning authority's policy is to resist excessive or obtrusive advertising.