

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

4 SEPTEMBER 2014

REPORT OF CORPORATE AND SOCIAL INCLUSION SELECT COMMITTEE

CABINET DECISION

REGENERATION AND TRANSPORT – Lead Cabinet Member – Councillor Smith

REVIEW OF STREET CAFÉ FURNITURE AND A-BOARDS

1. Summary

The Committee, from a suggestion the Urban Environment Task Group, examined the issue of the location of advertising boards, street café furniture, and shop goods on the highway that would both support economic vitality without adversely impacting on pedestrians and other highway users.

2. Recommendations

The Committee recommend:

1. 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.
2. That the guidance is communicated to stakeholders and other interested parties thorough an effective communication strategy.
3. The implementation of the guidance will be largely self-regulatory with a light touch enforcement intervention where appropriate.
4. 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.
5. 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.

3. Reasons for the Recommendations/Decision(s)

1. The use of A-Boards by businesses and permitting cafés to have areas of seating on footpaths in the borough town centres have been increasing. The Committee's aim is 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.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

The Committee, from a suggestion by the Urban Environment Task Group, examined the issue of the location of advertising boards, street café furniture, and shop goods on the highway that would both support economic vitality without adversely impacting on pedestrians and other highway users.

RECOMMENDATIONS

The Committee recommend:

1. 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.
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4. 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.
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DETAIL

1. The use of A-Boards 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. In 2010 following discussions at the Urban Environment Task Group (UETG) regarding street cafés, shop goods and A-Boards consultation was carried out with Stockton Council's Viewpoint Panel which asked a series of questions about the use and management of advertising boards and produced the following results:

- 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. At its meeting on 16 July 2013 UETG agreed to refer the issue to Scrutiny for further investigation.
 4. The Corporate and Social Inclusion Select Committee had regard of the Burdus Report (2012) an independent study 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.
 5. The study of Yarm High Street 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.
 6. For the Members to fully appreciate the problems encountered by anyone with a visual impairment a representative from Guide Dogs for the Blind accompanied them on a site visit to Yarm. 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.
 7. The Guide Dogs for the Blind published advice and recommendations that it would like to see adopted by businesses and councils which has been considered and accepted, where available, in the draft "Street Cafés, Shop Goods and A-Boards on the Highway – Policy and Guidance 2013".
 8. The Committee also took representation from 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.
 9. The major issue for businesses and disability representatives 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. The Committee is keen for self-enforcement to work but is not averse to reviewing this should it fail to deliver the attractive and welcoming high streets for everyone to easily access and move around that the policy aims to deliver.

FINANCIAL IMPLICATIONS

10. None – Covered by existing resources.

LEGAL IMPLICATIONS

11. None – Covered by existing delegated powers.

RISK ASSESSMENT

12. This review of street café furniture and A-Boards is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

- 13. Economic Regeneration and Transport: Vibrant and successful Town Centres
- 14. Environment and Housing: Deliver Design Quality

Supporting Themes:-

- 15. Stronger Communities: Promote equality of opportunity
- 16. Older Adults: The welcoming community
Real choice, control and equal access to facilities and services

EQUALITIES IMPACT ASSESSMENT

- 17. This report has been subject to an Equalities Impact Assessment and has been judged to have a positive impact (Score – 76). Based on the data reviewed it is predicted to have a positive impact in the areas of promoting equality of opportunity and encouraging participation in public life. The recommendations are assessed to have a neutral impact in all other areas. No remedial actions are required.
- 18. The result of the EIA has been placed in the Members' Library and a summary version of the EIA will be published on the Council's website, following Cabinet.

CONSULTATION INCLUDING WARD/COUNCILLORS

- 19. None

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Education related? No

Background Papers None

Ward(s) and Ward Councillors: N/A

Property N/A