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## Secretariat memorandum

Author: Vincent Stops

Agenda item 8

TRS035

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## Highway obstructions

### 1 Purpose of report

- 1.1 To brief the Transport Services committee on the background to the item on highway obstructions.

### 2 Background

- 2.1 Following on from London TravelWatch's Interchange and Walking in London report, and the inclusion in our '10 policies to keep Londoners moving' document of a reference to the removal of clutter from pavements, the Secretariat has been exploring the issue of highway obstructions. This was reinforced by our work with Transport for All when we surveyed the Olympic venues as street clutter was continually raised as a problem by blind and disabled users. The Chief Executive has also asked that some work be undertaken to try and understand the issue on Cowcross Street near London TravelWatch's Middle Street offices.
- 2.2 Disability groups are very interested in this issue and have asked to speak to members. The Chair has agreed to allow two representatives of the RNIB and Transport for All to address the meeting.

### 3 Issues

- 3.1 Groups representing disabled and blind travellers tell us that random objects (often advertising hoardings) placed on the pavements are a problem for them when getting around.
- 3.2 TfL have guidance (<http://urbandesign.tfl.gov.uk/Design-Guidance/Better-Streets/Five-Stages.aspx>) that suggests the first steps to improve London's streets would be to tidy up, for example to remove such things as advertising hoardings. Some years ago London TravelWatch supported the Managing Director of Streets at TfL when he wrote to frontagers asking that unlicensed objects be removed from the TLRN. We wrote more recently to the Chief Operating Officer regarding this issue and we were told it was still policy to clear obstructions.
- 3.3 It is an offence under the Highways Act 1980 for anyone to obstruct the public highway without lawful excuse. It is a duty of the local highway authority to keep the highway clear of obstruction. The law exists to ensure that the footways are not obstructed unless

there is good reason – servicing of frontagers, scaffolding for building etc. There is case law which generally supports this, but it is not definitive in every case.

- 3.4 We learned from engaging with Islington that although they would like to see obstructions moved they don't enforce this rule. Islington just advises frontagers. Islington has a licensing system (though it's unclear whether this is lawful), but this seems ineffective as most obstructions on Cowcross Street are either not licensed or not enforced against.
- 3.5 It seems that the law is clear, but its application is fudged because of the local pressure from shopkeepers and others to use the pavements for advertisement and generally extend their business activity.
- 3.6 This is an important issue for all pedestrians, particularly elderly, disabled, blind and partially sighted travellers.

#### **4 Equalities and inclusion implications**

- 4.1 The equalities issue are clear. Some groups have many problems navigating London's streets. If streets are obstructed this will present more problems for these groups.

#### **5 Legal powers**

- 5.1 Section 248 of the Greater London Authority Act 1999 places upon London TravelWatch (as the London Transport Users Committee) a duty to consider - and where it appears to the Committee to be desirable, to make recommendations with respect to - any matter affecting the functions of the Greater London Authority or Transport for London, which relate to transport (other than of freight).

#### **6 Financial implications**

- 6.1 There are no financial consequences for London TravelWatch.