

Town Centres

Purpose

Town centre pedestrianised areas present what are often contradictory issues that cross over the responsibilities and wishes of the Highway Authority, District and Town Council, and private ownership. The areas have been designed to provide environmentally pleasing and safe locations to attract shoppers and to provide a focal point for both the residential and working population of the wider community. In order to achieve this, the features and materials used are frequently high cost items. A number of towns have street markets, hold events and promotions which are important added attractions adding beneficially to the vibrancy and economies of the towns, but which if not co-ordinated can cause significant disruption. To engender an overall aura of vibrancy some legal matters, if dealt with in the same way as they would be elsewhere in highway areas, could result in an austere environment, counter to the overall objectives for the areas.

Markets, Events and Local Promotions

Most markets have their origins in statute or charter, granted to the towns concerned. The District or Town councils are therefore responsible for the operation of the markets, including frequency, setting them up and dismantling, setting stalls' rents and general management of them. There are also other events, including Mop Fairs, etc., and local promotions (frequently associated with local charities) that have significant impact on the town centres, the highway areas and passage through them. It is important therefore that there is proper control and co-ordination of these functions with other aspects that affect the highway.

Policy

The granting of permission for, and management of markets, events and local promotions shall rest with the District or Town Council and all such activities will be notified to the Area Manager and the Traffic Manager, in order that street works, such as routine and structural maintenance, public utility works, etc., can, so far as is reasonably practicable, be co-ordinated, in order to keep disruption to users of the highway network to a minimum.

Encroachments

Under section 148 of the Highways Act 1980, it is an offence for a person to deposit anything whatsoever on a highway to cause the interruption of any proper and authorised use of the highway.

It is recognised that encroachment by traders in front of shops to display goods, to advertise or to provide litter bins, and cafes with open-air tables and chairs, etc., can be amenities. However some traders, and particularly market traders, view encroachments, even where they do not specifically cause obstruction as being unfair, free, non-rated enlargements of the retail operations of their competitors.

Accordingly permits will be granted, with conditions relevant to the locations concerned. Action will be initiated against those organisations that fail to obtain permits and permits will be withdrawn from those who fail to abide by the conditions of the permit.

Policy

Where District and Town Councils wish to accept the principal of encroachments within certain streets, and subject compliance with any other regulations, (and in the case of street cafés, the requirements of the police) they may agree to permits being granted by the Area Manager, upon the payment of an administration fee to the County Council, subject to the following minimum requirements;

- Any encroachment shall be such that at least 1.8 metres of highway remains clear in front of the encroachment, either to the kerb, to any item of street furniture, or other permanent structure.
- No encroachment with retail goods for sale shall extend more than 0.6 metres into the footway, or a third of the width of the footway, from the wall of the building that forms the highway boundary, or from the line of highway boundary. These encroachments shall be located to the rear of the footway, close to the building frontage.
- Encroachments for street cafés must not extend any closer than 1.0 metres to a permitted vehicular traffic route, and must maintain a 1.8 metre unobstructed footway width.
- The length of any encroachment will be limited to the length of frontage of the retail premises seeking the permit.
- ‘A’ frames will be no more than 0.6m wide and 1.0m high, unless agreed otherwise with the Area Manager.
- Although encroachments may include retail goods, advertisements boards, litter bins, etc., they must relate to the trade of the premises from which they encroach.
- Any encroachment must be tidy and cause no obstruction or danger to highway users, particularly the blind and disabled, nor obstruct fire door exits, access to statutory undertakers plant and equipment, and should harmonise with the character of the area.
- Visibility sight lines near junctions and pedestrian signals must be maintained.
- An administration fee will be charged to cover the cost of granting a permit, inspection and monitoring.

Permits will be withdrawn from those who fail to abide by the conditions of the permit. Action will be initiated against those organisations that fail to obtain permits. All applicants will be responsible for clarifying their position with local planning authorities, particularly in relation to trade displays and street cafés .

Traffic calming schemes, town centre enhancements, developments and alterations to surfaces

There has been an increase in the introduction of traffic calming schemes, town centre enhancements and developments. These schemes are designed to provide a safer and more pleasing environment for the public. They do however present additional cost implications as they do not follow standard carriageway design and have unique site specific features such as, aesthetic paving, traffic calming measures and coloured surfaces etc. To continue to maintain these features in keeping with their original design and purpose demands a higher

level of maintenance cost that adds an increased burden onto the highway maintenance budget.

Policy

The Authority will, as far as reasonably practicable, maintain ‘like for like’ on traffic calming schemes, enhancements, and new developments within the town centre highway areas. It will also *endeavour to* maintain similar areas beyond the highway limits in the same way, *only* if an agreement can be entered into with the scheme developers that they will fund the additional cost in labour, plant and materials resulting from the use of enhanced materials over traditional methods.

Where it is not possible for service providers to make alterations within the curtilage of their properties, in order for them to comply with the requirements of the Disability Discrimination Act 1995, and there is no other alternative, the Authority will, where possible, grant permission under Section 115 of Part VIIA Highways Act 1980, to enable/facilitate them, to be able to make reasonable adjustments to surfaces in the highway areas outside their premises. Any permission will be subject to any interference with safety and convenience of highway users being acceptable and proportionate.

When major work is carried out to paved surfaces outside premises occupied by service providers, the authority will endeavour, as far as reasonably practicable, to match levels at thresholds in order to meet disabled access requirements, provided that there is no unacceptable or disproportionate interference with the safety or convenience of highway users.

Dropped kerb provision will be made, and existing dropped kerbs will be adjusted to meet current standards, where these can be achieved within the physical limitations of a site, when the authority carries out maintenance works to the surfaces in the same vicinity.

Comment [T.E.1]: Inserted 03/06/04 following comments coming from Warwick Disability Forum.

Responsibilities

In general, examples of items that the Highway Authority is responsible for include the following, *within the defined Highway areas* :-

- Surfaces,
- Drainage channels and grills
- Street lighting
- Traffic warning, regulatory and direction signs
- Road markings
- Parking and traffic management
- Tree grids
- Bollards,
- Winter maintenance [precautionary gritting in accordance with the policy (see section 10) and snow clearing]
- Skips and scaffold licences
- Disability Discrimination Act [DDA] access alterations to premises and licences
- Encroachments and ‘A’ frames

Where a District or Town council wishes to enter agreements for the siting of advertising/ council information panels [CIP], or placing of any structure within the defined highway area they shall consult with the County Council as the Highway Authority, and obtain consent before doing so, under section 115H Highways Act 1980.

Examples of items that the District or Town Councils will be responsible include the following:-

Surfaces in private and amenity areas,
Statues, fountains, and water features, etc. together with
associated special surfaces,

Planters, hanging baskets, and planting,
Markets, together with associated electrics and distribution
posts,

Finger posts
Painting,
Seats,
Litter bins,
Trees, and tree guards,
Surveys, promotions, control of soliciting and street collections,
Pitching booths, musicians etc.,
Christmas and festival decorations,
Fairs,
Council Information Panels

Cleansing

The District and Borough Councils are responsible, under section 89(2)(a) of the Environmental Protection Act 1990 for ensuring that the highway or the pedestrianised areas of town centres are, so far as is practicable, kept clean. The removal of detritus by sweeping not only improves the environment but also help prevent damage to the structure of the highway and allows drainage systems to function more effectively, reducing incidents of ponding etc. General sweeping and removal of detritus, including keeping highway drainage channels and the surface of drainage grids clear falls within the District and Borough Council's responsibilities. The County Council, as the Highway Authority only has a responsibility for sweeping to ensure that the safety of the highway user is not prejudiced, and it will maintain the underground highway surface water drainage systems, including the channels below surface grids.

Policy

To undertake sweeping of the highway areas where the safety of Highway users is at risk (see Sweeping in section 5.1) e.g. removal of accident debris, hazardous or toxic waste, and cleaning of underground highway surface drainage water systems (see Drainage Section 8) .

Safety Inspections

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Town centre areas are subject to higher usage by pedestrians than elsewhere and therefore a different approach is required in relation to maintenance. Hazardous conditions can develop quickly when individual setts, blocks or slabs are damaged, or become loose or out of alignment, or when a local subsidence occurs. When such cases arise the safety of significant numbers of highway users may be at risk.

Policy

Safety inspections will be carried out on a frequency of four weeks, within the areas of quality pedestrian corridors and increased inspections may be carried out in high risk areas.

Highway condition Assessment

As with Highway Condition Assessments carried out on the remainder of the highway [referred to in Section 5] they are important tools used for Best Value Performance Indicators, and the condition data is used to develop structural maintenance programmes.

Policy

Coarse Visual Inspections (CVI) will be carried out in pedestrianised areas and quality pedestrian corridors on a two year cycle.

Serviceability Inspections and Town Centres

Serviceability inspections will be carried out to determine the condition of all aspects of highway areas including signs, road markings, street furniture, surfaces etc., that may affect the use of the areas.

Policy

Serviceability inspections will be carried out appropriate to the classification of each road concerned, which will be on a frequency of no less than an annual cycle.