

# BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

## WEST NORFOLK DISABILITY FORUM

Notes of a Meeting of the West Norfolk Disability Forum held on  
Wednesday 5 February 2013 at 2.30pm in the Committee Suite,  
King's Court, Chapel Street, King's Lynn

### PRESENT:

**Representing the Borough Council:** Councillors Mrs S Smeaton (Chairman), Miss L Bambridge, T Bubb, M Chenery of Horsbrugh, M Langwade & J Leamon.

**Officers:** A Cox, R Parker & L Parnell.

**Representing Disabled People:** P French, G Henshaw and K Warner

**Apologies for absence were received from:** Councillors Miss L Allen and A Lawrence. A Bingham, W Blades, G Darling, P May, S Pomeroy and H Sismore.

		ACTION
1.	<p><b><u>THE LATE COUNCILLOR GARRY SANDELL</u></b></p> <p>The Forum held a moments silence in respect of Councillor Garry Sandell, who sadly passed away just prior to Christmas. Councillor Sandell had been a member of the West Norfolk Disability Forum for many years.</p>	
2.	<p><b><u>MINUTES</u></b></p> <p>The minutes of the meeting held on 20<sup>th</sup> November 2013 were agreed as a correct record, subject to the following amendment (in bold):</p> <p>Item 3, Page 4, second para, the sentence be amended to read: The Forum was informed that Civil Parking Enforcement Officers had the right to seize blue badges if there was clear proof that they were being misused, for example if the badge did not belong to the driver of the vehicle <b>and the badge holder was not present on the journey</b>, although they had not yet utilised this right, but could in the future.</p>	

3.	<p><b><u>MATTERS ARISING AND NOT COVERED ELSEWHERE ON THE AGENDA</u></b></p> <p><u>(i) Councillor Miss L Bambridge</u></p> <p>The Chairman welcomed Councillor Miss L Bambridge to the meeting. Councillor Bambridge had been appointed as one of the Borough Council representatives on the Forum.</p>	
4.	<p><b><u>DEALING WITH OBSTRUCTIONS ON THE HIGHWAY</u></b></p> <p>Alistair Cox, Town Centres Manager, was present at the meeting and provided those present with details on proposals for dealing with obstructions on the Highway.</p> <p>He outlined the proposals by Norfolk County Council to delegate powers under the Highways Act to enable the Borough Council to make arrangements to permit items such as advertising ‘A’ boards, litter bins, goods for sale and tables and chairs on the highway.</p> <p>Norfolk County Council maintained the highway under legislation contained in the Highways Act 1980. Section 137 of the Highways Act provided that it is an offence to wilfully obstruct the public passage along the highway without lawful authority. Norfolk County Council had a duty to remove obstructions from the highway. Section 143 and 149 of the act enabled the Highway Authority to take direct action to remove items which were considered a nuisance or dangerous.</p> <p>Section (115E) of the Highways Act allowed local councils to consider licensing highway amenities in consultation with the County Council. The Borough Council did not currently have responsibilities to clear obstructions from the highway.</p> <p>However, Norfolk County Council were looking to devolve sections 143 and 149 from the Highways Act so that the Borough Council could enforce and remove items legally.</p> <p>Alistair Cox informed those present that the intention was to trial the introduction of a “street activities code” to allow traders to place items on the highway under specific parameters.</p> <p>The arrangements would initially be for King’s Lynn town centre only, but it was the intention to eventually roll it out across the Borough.</p>	

Once the code had been introduced traders would be required to apply for a permit and a fee would be payable to cover the admin costs of the scheme. Each application would then be looked at on its own merits and judged against specific criteria. One of the conditions of the licence would be that traders would be required to have public liability insurance for the item. Alistair Cox outlined the specific criteria, which included that there needed to be a 2 metre gap between the end of the portable item and the edge of the pavement. No items would be permitted to be placed as an island away from the shop frontage and items would have to be located in the same position every day.

The Borough Council's Enforcement Officers would assist with policing the scheme and members of the public would be encouraged to report any items which were causing a hazard or were not licensed.

Alistair Cox explained that the Borough Council's Regeneration, Environment and Community Panel and the King's Lynn Town Centre Partnership had been consulted on the proposals. The Borough Council's Cabinet had also considered the proposals and had agreed for a policy to be produced and further consultation on the policy would take place.

The Forum discussed the proposals and commented that they would prefer to see the design of 'A' Boards standardised so that they were all the same size and height. The Forum also indicated that ideally they would like to see all 'A' Boards removed from the highway due to the obstruction they caused, especially to people who used wheelchairs or had a visual impairment. The Forum suggested that traders be encouraged to use banners or hanging signs which could be attached to the shop front.

Councillor Miss Bambridge explained that she was the Chairman of the North Lynn Safer Neighbourhood Action Panel and was aware that complaints had been raised regarding access through the Vancouver Quarter, especially for emergency vehicles. Alistair Cox informed those present that the Vancouver Quarter was privately owned land and therefore had different rules with regard to the street scene.

Councillor Miss Bambridge informed those present that she was a Member of the Informal Working Group who were looking at the operation of Markets in King's Lynn and explained that many suggestions to improve the Markets had been to make the stalls more uniformed. Alistair Cox explained that if the location of a

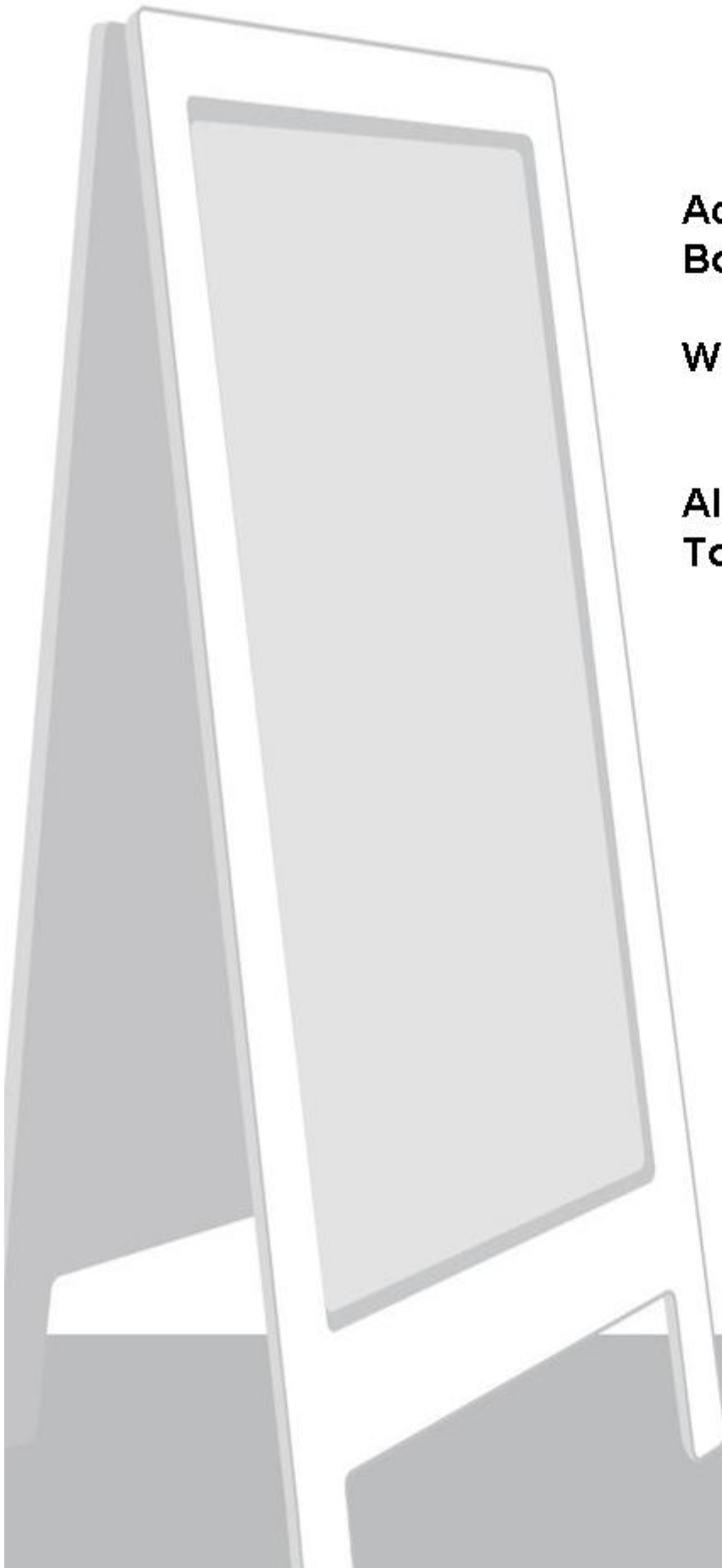
	<p>portable item was affected by market stalls a condition could be attached to the licence that the item could only be placed outside the premises on certain days of the week.</p> <p>Councillor Bubb raised concerns regarding people who used a wheelchair on the different surfaces in the town centre and how it was sometimes difficult to navigate a change of surface and asked what area would be considered as a highway, for the purposes of this scheme, in pedestrian areas. Alistair Cox explained that anywhere where vehicles were permitted would be classed as the highway.</p> <p>A copy of the presentation is attached at Appendix 1.</p> <p>The Chairman thanked the Town Centres Manager for attending the meeting and consulting the Forum on the proposals, she requested that the Forum be consulted on the draft street activities code in due course.</p>	
<p>5.</p>	<p><b><u>CELEBRATE ABILITY AND OPPORTUNITY AWARDS ARRANGEMENTS</u></b></p> <p><u>(i) Celebrate ability</u></p> <p>Celebrate ability 2014 would take place on Friday 21<sup>st</sup> November 2014 at Downham Market Town Hall from 10.00am to 4.00pm.</p> <p>The event would incorporate Trading Standards electric blanket testing event.</p> <p>The website was to be updated and publicity material would be produced.</p> <p><u>(ii) Opportunity Awards</u></p> <p>The Opportunity Awards would be held on Wednesday 2<sup>nd</sup> July 2014 at King's Lynn Town Hall.</p> <p>The deadline for nominations was 30<sup>th</sup> May 2014.</p> <p>Members of the Forum were encouraged to take posters and leaflets for display.</p>	
<p>6.</p>	<p><b><u>SECRETARY'S CORRESPONDENCE</u></b></p>	

	<p><u>(i) Baby Changing Facilities in King's Court</u></p> <p>The Secretary explained that this project, which the Forum had previously been consulted on, was on hold until after the staff toilet refurbishment project had been completed.</p> <p><u>(ii) Hunstanton – Shingle Pathway</u></p> <p>The Secretary explained that a response from the Borough Council's legal department was still awaited regarding who was responsible for maintaining the pathway and who it actually belonged to due to the changes in the area, i.e. Marstons Pub Development etc. The Chairman asked if the residents who had raised the issue initially had been updated on progress and an update would be provided at the next meeting.</p> <p><u>(iii) Tuesday Market Place</u></p> <p>The Secretary informed those present that the disabled parking bays which were previously located outside Lloyds/TSB Bank had now been located to Surrey Street, which was adjacent to the Marks and Spencer's customer collection point. Members of the Forum raised concerns regarding the cobbled surface that people using wheelchairs would have to navigate and the Chairman requested that the Secretary investigate and report back to the Forum.</p>	<p>AB</p> <p>RP/AB</p>
<p>7.</p>	<p><b><u>WORK PROGRAMME</u></b></p> <p>The Forum considered the Work Programme as attached to the agenda.</p> <p><u>(i) Budget</u></p> <p>Councillor Langwade requested that a report be brought to the next meeting on the West Norfolk Disability budget available and spend.</p> <p><u>(ii) Visit to King's Lynn Railway Station</u></p> <p>A follow up visit to King's Lynn Railway Station would be arranged once work had been completed.</p> <p><u>(iii) Careline Adaptations and Care and Repair Service</u></p> <p>Lisa Power agreed to come to a future meeting of the Forum to</p>	<p>AB</p> <p>AB</p> <p>LP</p>

	provide information on the above services.	
<b>8.</b>	<p><b><u>ANY OTHER BUSINESS</u></b></p> <p><u>(i) Front Lobby of King's Court</u></p> <p>The Forum asked for feedback on how the new front lobby at King's Court was working and if any issues had been encountered. The Secretary agreed to investigate.</p> <p><u>(ii) Boal Quay Car Park</u></p> <p>Councillor Leamon raised concern that there were no disabled parking spaces on the Boal Quay Car Park. She explained that the Car Park was also a shingle surface which meant it would be difficult for people who used wheelchairs to navigate. The Chairman requested that the Secretary investigate the issue and report back to the Forum.</p> <p><u>(iii) Lynnsport Front Lobby</u></p> <p>Pat French informed the Forum that the front lobby at Lynnsport had now been removed meaning that there was no shelter for people to wait under, whilst they waited for Lynnsport to open. The Chairman requested that the Secretary inform the relevant Portfolio Holder of her concern.</p> <p>Genevieve Henshaw commented that she was disappointed that there was no bus service running to Lynnsport.</p> <p><u>(iv) Cycle Path in the Walks</u></p> <p>Kathy Warner explained that there was not a cycle path through the Walks. Councillor Miss Bambridge agreed to raise the issue at the next meeting of the Walks Forum.</p> <p><u>(v) New branding on Council vans</u></p> <p>Lisa Power from Care and Repair informed those present that careline were looking to change the design of the branding on their vehicles. She agreed to circulate the design proposals via email for comments.</p>	<p>RP/AB</p> <p>RP/AB</p> <p>RP</p> <p>LB</p> <p>LP</p>
<b>9.</b>	<b><u>DATE OF NEXT MEETING</u></b>	

The next meeting of the West Norfolk Disability Forum would be held on Wednesday 23 <sup>rd</sup> April 2014 at 2.30pm in the Committee Suite, King's Court, Chapel Street, King's Lynn.
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**The meeting closed at 3.39pm**



**Advertising  
Board Policy**

**Working Document**

**Alistair Cox  
Town Centres Manager**



# History

- Frequent complaints to NCC about unauthorised items on the highway.
- Items are being placed indiscriminately on the highway which represent a nuisance to pedestrians.
- Adversely affecting the street scene.
- Items include “A” boards, litter bins, displayed goods for sale, table and chairs.
- Similar issue in Cromer in 2008

# Highway Responsibilities

- NCC maintain the highway under legislation contained in the Highways Act 1980.
- Section 137 of the Highways Act provides that it is an offence to wilfully obstruct the public's passage along the highway without lawful authority.
- NCC has a duty to remove obstructions from the highway.
- Section 143 & 149 of the act enables the Highway Authority to take direct action to remove items which are considered a nuisance or are dangerous.
- NCC are regularly requested to arrange items to be removed in line with their Policy and Duty.
- Highways tend to deal with unauthorised items when resources allow through "routine" inspections and a swell of public complaints. (some complaints come from local traders)

# District / Borough Council Powers

- They have different responsibilities / powers contained in the Miscellaneous Provisions Act and some authority within Highways Act
- Section (115E) of the HW act allows local councils to consider licencing highway amenities, in consultation with the County Council.
- Borough councils do not have responsibilities to clear obstructions from the highway.
- Borough / District Councils do not have powers to remove unauthorised items from the highway – YET ! (section 143 /149 HW Act)

# Proposal

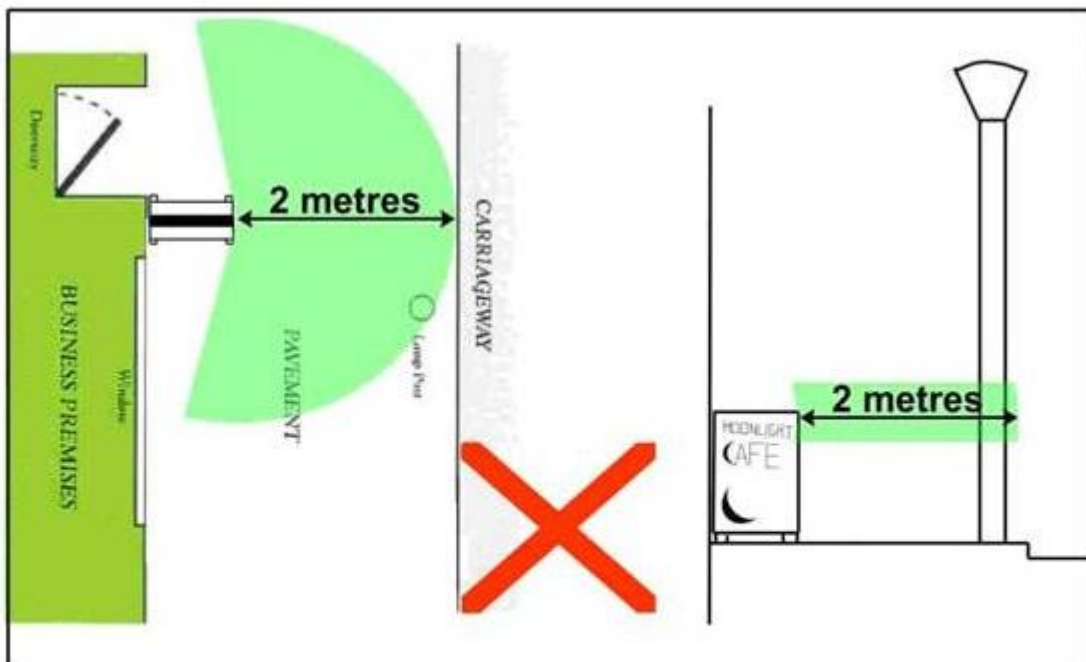
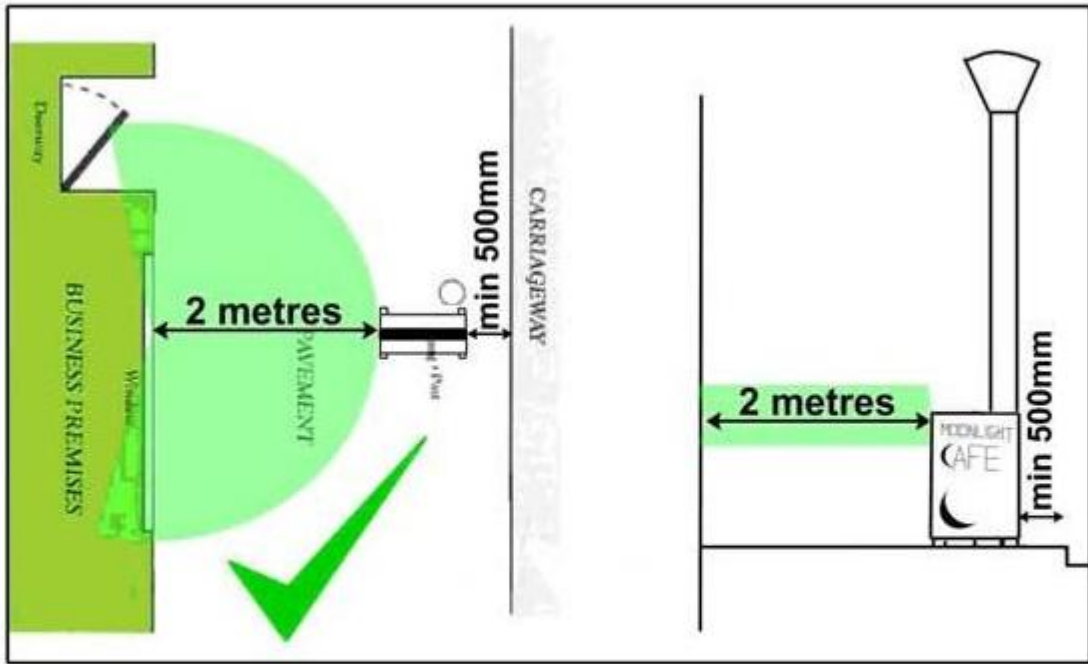
- NCC recognise that in some locations items could be placed on the highway and a more flexible approach could be adopted to allow portable items on the street which the county council would otherwise seek to remove.
- In Cromer NNDC and NCC took forward a “street activities code” to allow traders to place items on the highway under specific parameters.
- Looking to KLWN BC to also utilise their licensing powers allowing items on the highway and devolve powers to them to enforce and remove in line with a similar “street activities code”
- A code will be developed and will be considered in due course by KLWN BC Members.
- NCC will need to devolve 143 & 149 from the highways act so that the KLWN can enforce and remove items legally. (legal process)
- County Council Cabinet agreed on 2.12.13 to devolve powers to KLWN BC should the borough wish to take licensing forward.

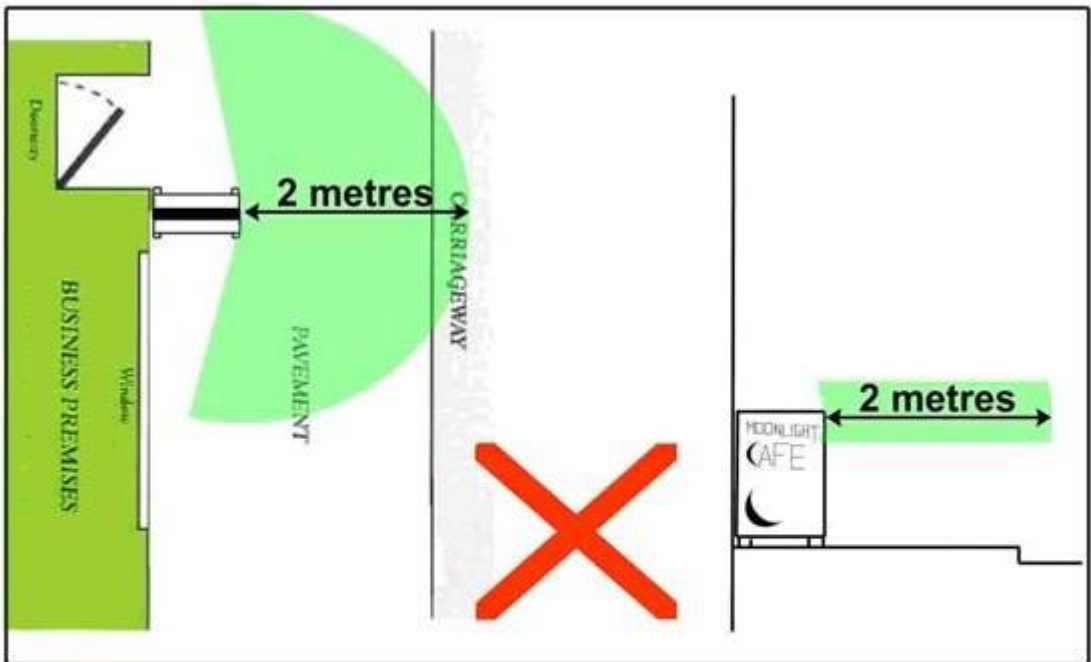
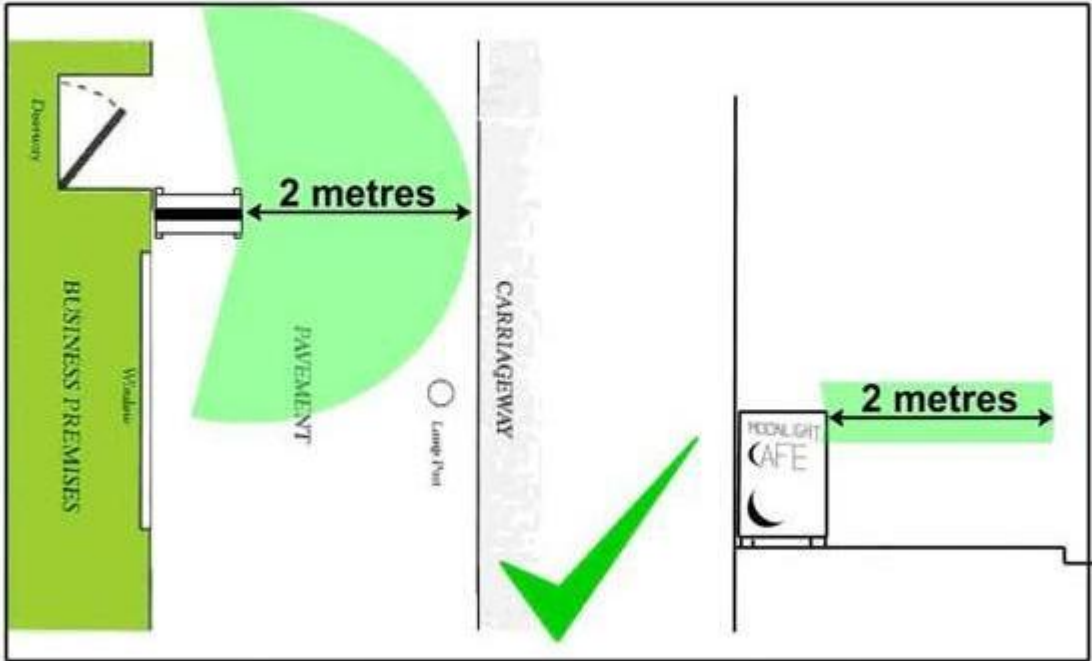
# The Code - Continued

- **Once in place** traders will need to apply for a permit to KLWN BC who will consider their application based on specific criteria.
- A fee is payable to KLWN BC to cover the administration of the scheme.
- Will apply to portable items: A boards, items for sale, bins, other items, tables and chairs,
- Public liability insurance will be a condition of the permit.
- There may be a sliding scale permit cost for various items to be determined by KLWN BC
- Each case will be considered on its own merits and with regard to the local conditions, such as footway width, existing street furniture.
- It is important that once the code is in operation that no unauthorised items will be allowed.
- Footway width will be a significant factor – see next slide

# Footway Widths

- Permits will not be issued when:
  - The footway is narrower than 2m then permission will not be granted for placing items at that location.
  - or at locations where the footway is wide and the placement of an item would reduce passage width to less than 2m.
  - The positioning of goods in the form of an island will not be permitted.
  - All items will need to be tight against the shop frontage.







# Next Steps

- KLWN BC REC Panel report on 8.1.14 – Agreed to develop a code to be considered by the Borough Council's Cabinet in March 2014
- When developed a legal agreement to be drawn up between NCC and KLWN BC to devolve relevant powers
- Rollout of Street Activities Code date to be determined

# Summary

- NCC are currently required to seek removal following complaints.
- Working with KLWN BC would allow a more flexible approach.
- Street Code should be seen as a positive way forward
- Will enable items to be placed on the street subject to available footway width (>2m) and satisfaction of other criteria.
- Some traders will no longer be able to display on Highway and they will feel disadvantaged, but should benefit the majority.
- Devolving powers to KLWN BC via legal agreement