

What can I do about - Advertising boards (A-boards)

So what's the problem?

A-boards are used by businesses and other organisations to advertise on the pavement. They are heavy boards in an 'A' shape scattered across walkways, sometimes causing a dangerous obstruction.

It is essential for blind and partially sighted people to have a clear route along a pavement. The proliferation of A-boards can make it difficult for those with sight difficulties to negotiate the path. This can result in them walking into A-boards and injuring themselves, or inadvertently walking into the road whilst attempting to avoid these obstructions. Falling over or bumping into an A-board can be painful and can adversely affect blind and partially sighted people's confidence and mobility. The over use of A-boards can restrict their freedom and opportunity to participate in their local community.

Consequently, RNIB supports a complete ban on A-boards. This would enable many people to walk along their local streets without fear of colliding with heavy, painful obstructions. Currently, there is no evidence which suggests that a complete ban will have an adverse economic impact on traders. We believe a complete ban places all traders on the same footing regardless of the width of pavement outside their premises.

A-boards and the law

Highways Act 1980

Section 130 (1) of the Highways Act 1980 imposes a duty on the Highways to assert and protect the rights of the public to use and enjoy the highway. This general duty is reinforced by s.130 (3) which states that the highway authority have a duty to prevent, as far as possible, the obstruction of the highway.

Not every obstruction of the highway will be unlawful, some obstructions such as vehicles unloading or erected scaffolding may be considered a reasonable use of the highway. Use of the highway is a matter of give and take. However, in RNIB's view, obstructions to the highway caused by A-boards, parking on pavements or (wheelie) bins are unlikely to be considered a reasonable use of the highway.

Equality Act 2010

Under the provisions of the Equality Act 2010, it is unlawful for service providers and those exercising public functions, including highways functions, to discriminate against disabled people. This includes a duty not to indirectly discriminate and to make reasonable adjustments where existing arrangements place a disabled person at a substantial disadvantage. In RNIB's view, a failure by a Highways Authority to exercise its duties under the Highways Act to prevent highway obstructions, places blind and partially sighted people at a particular (substantial) disadvantage and therefore is in breach of the Equality Act.

As the duties under the Highways Act are statutory duties, we consider that it is unlikely that a local authority will succeed in arguing that exercising their duties under the Act would be unreasonable or not proportionate.

If A-boards are a problem in your area, you can take the following steps:

1. Collect evidence

This is an important first step. You need to be able to prove why A-boards are a problem and how they are impacting on your daily life. Find examples of where the problem is particularly bad, perhaps this is on a narrow part of the high street or a busy junction. Find a person with a digital camera that can take pictures of the A-boards and show how they can inconvenience and block a person's journey.

It would also be useful to outline if a particular type of A-board is a problem, for example if an A-board has a rotating or swing board which makes it a particular hazard. If someone has had an accident or injury as a result of an A-board, document this as much as you can.

Sometimes an A-board is not outside the business it is advertising, it could be useful to measure how far away from the business the A-board is and whether it could be put in a more appropriate place.

Please ensure the safety of anyone involved in this - no-one should put themselves at risk.

2. Find other people affected by A-boards

Find other people who also have difficulties moving around as a result of A-boards. This could be other blind and partially sighted people, parents who use pushchairs and people who use wheelchairs or other mobility aids. Create a group and establish a means to communicate, possibly via email, phone or an initial first meeting; whichever suits you best.

3. Contact your local Councillor

Alert your local councillor to the problem. You can find their name and contact details at your local library or at your town hall. You have a number of local councillors, so if the first one you contact isn't receptive, contact another in your area.

Explain why it is an issue and outline the work and research that you have already done. Invite your councillor to join you on a walk of the area where the A-boards are the worst and show them why it is a problem for you.

4. Establish if your Local Authority has a policy on A-boards

You can find this out by looking on the local authority website. If you can't find any reference to A-boards on the website, then phone up the authority and ask to speak to a person in the highways department. If your local authority does have guidance on A-boards, you can examine whether the A-boards causing you a problem are contravening the guidance. If this is the case, contact the highways department or draft a letter, alerting them to this fact and ask them what action they will take.

Some local authorities charge for A-boards to be licensed and issue guidance with the licence. This helps the local authority keep a record of

how many A-boards are in the town/area. Ask the local authority how many A-boards have a current licence and on what grounds they are issued. At this point you might have the opportunity to influence the criteria for A-boards by further negotiation with the local authority. This would be a separate strand to the campaign, please contact RNIB campaigns to help with this.

If your local authority does not have any guidelines or policies on how they manage the use of A-boards, this needs to be highlighted to your councillor. You can also ask your council to develop some guidance, and offer to have an input into its design.

5. Enforcement

Enforcement of A-board guidelines (if there are any) is often part of the role of a council's licensing or environmental officer. A-board enforcement can sometimes be lower down the list of their priorities. Try to find out if any A-boards have been removed recently by officers (or any other department in the local authority). Try to find out on what criteria an A-board is moved and on what basis it is returned to the business.

6. Contact your local newspaper

This issue impacts upon many people including parents with pushchairs, people who use wheelchairs and people with reduced mobility. As it is an issue that can be resolved at a local level, it is likely that your local newspaper will be interested in running the story. Give the pictures and evidence that you collected for your councillor to the journalist. Be ready to supply an individual who is happy to be part of the story and possibly have their photo taken and published.

7. Be positive

RNIB do not want local traders to lose business and does not seek to increase any effects of the economic downturn. A complete ban on A-boards places all traders on the same footing, and makes it fair for everyone regardless of the width of pavement outside a business. The local authority can work with traders to develop more effective forms of advertising that do not have a negative impact upon disabled people.

Never try to remove an A-board yourself or attempt to damage it. An A-board is someone else's property, and it is essential that you take correct and appropriate action throughout your campaign.

Contact your local RNIB campaigns team

RNIB have Regional Campaign Officers all over England (and campaigns teams in Wales and Scotland) who can help you plan your campaign. We can put you in touch with your regional campaigns officer who can help.

Please contact us to tell us about problems with A-boards - we need to know!

Telephone: 020 7391 2123

Email: campaigns@rnib.org.uk