

Our ref: 15046721
22 May 2020

Ms Harris
???

Account reference:request-664221-cad17062@whatdotheyknow.com

Freedom of Information Act 2000

Dear Ms Harris

I can confirm that the information requested is held by Birmingham City Council. I have detailed below the information that is being released to you.

Request

Land directly outside the boundary of 428 Tyburn road has been used as a public footpath for the 40 years that I have lived in this area. Bfs builders 428 Tyburn have placed a 10x10 foot signage on the footpath including other materials , put there daily by a forklift truck from the business. Residents have been informed by owner it is now his land after the purchase of 428 Tyburn land . Complaints were made to Highways by disabled resident and families who's access to footpath was blocked by goods and signage by bfs. Highways response to complaints was BFS owns the land outside boundary fence. Complaints have also been sent to local MP again the matter remains unresolved.

Could Birmingham city council confirm is the area outside 428 Tyburn road a public foot path or not.

If it is a public right of way,? why have the Council and Highways failed to enforce there legal powers to remove all obstructions after numerous complaints by members of public. (Fixmystreet)

Under the local Equality Act, the obstructions placed outside boundary of 428 Tyburn road hinders the safe passage of disabled pedestrians especially those reliant on wheelchairs and mobility scooters. The reversing of fork lift truck to place obstructions onto a public road has led to many near misse to members of public. How are you implementing the Equality Act and safe guarding the vulnerable in this community. If you fail to enforce your legal powers after numerous complaints.

Business and Customer Support
Inclusive Growth Directorate
PO BOX 28
1 Lancaster Circus
Birmingham
B1 1TU

Response

The land at the front of 428 Tyburn Road was not showing designated as Highway Maintained at Public Expense (HMPE) as Land Registry had listed the area as part of the property that has goods and a sign on the area outside.

It appears that when the property changed hands Land Registry were advised that the area of pavement was not highway which is why the company were displaying goods there.

However, following recent discussions between Birmingham City Council and Land Registry, I can advise that arrangements are being made for the area outside 428 to be designated as HMPE and as such it will be an offence to obstruct this area.

As soon as confirmation of the highway boundary line, to incorporate the land in question, has been completed our service provider, Kier, will attend site as per their contractual obligation and the owners will be informed that they can no longer display goods or signs on the footway.

Please quote the reference number 15046721 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days from the date this authority issued its initial response to your original letter and should be addressed to:

Corporate Information Governance Team
PO Box 16366
Birmingham
B2 2YY
Email: infogovernance@birmingham.gov.uk

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office

Website: www.ico.org.uk

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I will now close your request as of this date.

Yours sincerely

Jenny Bent
Business Support Coordinator

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