

Executive

27 August 2015

Report of the Director of City and Environmental Services

Advertising Boards (“A” Boards) and Other Equipment on the Public Highway

Summary

1. The purpose of this report is to advise the Executive of two options, with regards to “A” Boards and other materials used to promote primarily private businesses across the city. This follows on from the former Cabinet resolution (10/02/15), attached at Annex B.

Recommendations

2. It is recommended that the Executive approves the following:
 - (i) That Officers prepare a Consultation Draft Policy to include a formal licensing arrangement for A Boards in accordance with strict criteria, (this being consistent with the earlier Cabinet resolution) and commence a consultation exercise on the Draft Policy over forthcoming months;
 - (ii) That such consultation to be focused to provide engagement with representatives of the business community, in particular retail groups and the Business Improvement District (BID) and also representatives of those who are blind and partially sighted, those with mobility issues such as charities/groups including the RNIB, Guide Dogs and York specific groups, such as York Blind and Partially Sighted Society (YB&PSS);
 - (iii) That a further report be brought to the Executive later in the year to present the findings of this consultation and a recommended Final Draft Policy, together with estimated financial implications of implementation and enforcement. At this next stage the Final Draft Policy will have been the subject of a full Equalities Impact Assessment and consultation process, before being recommended to Members for approval.

Reason:

To provide adequate control of the many and varied obstructions (particularly for those with impaired mobility for example, blind and/or partially sighted) temporarily located on the public highway. This taking into account of the Council's responsibilities under the Highways Act 1980, the Equality Act 2010 and Town & Country Planning Act 1990.

To contribute further to the removal of street clutter, improve the street scene and public realm.

Background

3. The report attached (Annex A) is that of the Community Safety Overview & Scrutiny Committee 12/01/15, which was considered by Cabinet on 10/02/15 (Annex B). This report provides comprehensive background and history to "A" Boards in the city and presented a series of options, from maintenance of the current position (one of tolerance and action on occasion), voluntary guidelines, policy with/without licensing, total ban or some combination.
4. In its consideration of this report the Cabinet resolved to request (The Director of CES) to prepare guidelines for the use of A Boards across the city, in consultation with interested parties, for consideration at a future meeting.
5. Members confirmed that enforcement was key, as there was need to balance the use of "A" Boards with the livelihood of small businesses. With limited resources there was need to work with and support businesses to find alternative methods of advertising.
6. Further work by officers was temporarily halted due to a need to reprioritise resources. A letter was received dated 17th June from RNIB, Annex C. The RNIB campaigns for a zero tolerance approach from local authorities; however it recommends an approach which whilst aligned to this, would give some flexibility, in having a formal application process. The letter goes on to say that if the Council were minded to follow this approach they would seek to work with the council in developing the policy/detail. Also attached (Annex D) is the Council's formal response to the letter.

Options

7. **Option 1** – Zero Tolerance. To put in place a policy which bans the siting of "A" boards or comparable advertising materials from placement on the public highway. Whilst seemingly straightforward, ensuring compliance could require substantial officer resource, with an expectation that it is robustly enforced. It would also probably be seen as draconian and not

fully aligned with the views expressed by Cabinet members previously. Hackney Council are known to have a ban in place, however this approach would not currently appear to be the norm for most local authorities in England and Wales.

8. This option is not recommended at this point in time as it is felt that analysis and consultation on a regulated approach requiring “A” Boards to be controlled through licence is worthy of consideration and further reporting.
9. **Option 2** – Prepare a Draft Policy and consult appropriate bodies. The Draft Policy would propose that A Boards require formal permission and would only be permitted by licence within strict parameters. An annual application process would be put in place, with a likely fee charged; assessment by officers; notice placement; ability of the public to raise objections. It is envisaged that the policy would include a series of essential criteria, such a limiting the number, size and location of “A” boards. An example of such a Policy followed by Liverpool City Council is shown at Annex B.
10. As highlighted within the CSO&SC report, this option will require an adequate level of resources in order for it to be prepared, implemented, monitored and enforced. The further analysis will determine a reasoned estimation of what this will be. As such, full approval of a licensed approach will be expected to have financial implications for the Council with budgetary matters addressed.
11. This is the recommended option. As discussed above, it facilitates further examination of what a licensed system would authorise, what the process would be, the financial implications and how it would represent a robust and defensible approach to complying with the Council’s statutory duties under the Highway, Planning and Equality legislation. It would of course provide for engagement with representatives of the business sector and groups such as the RNIB, Guide Dogs and YB&PSS, and would be subject to a full equalities impact assessment before bringing before a future Executive to consider whether to approve and implement.

Consultation

12. Subject to the decision by the Executive consultation will be undertaken during the development of the draft policy. The results of the consultation will be reported to Members when the draft policy is brought back for a decision on implementation.

Council Plan 2011-2015

13. This item contributes to the priorities of protecting vulnerable people and protecting the environment.

Implications

Legal	There are no legal implications.
Financial	It is anticipated that the licence fee will be utilised to provide resources for the administration of the policy. An assessment of the potential for enforcement activities to be undertaken through existing street based services e.g. Civil Enforcement Officers, will be contained in the final report
Human Resources	There are no HR implications.
Crime and Disorder	There are no crime and disorder implications
Sustainability	There are no sustainability implications
Equalities	There are no equalities implications with the report, however as highlighted at 2(iii), the recommended option will include for the provision of a full EIA.
Property	There are no property implications

Risk Management

14. In compliance with the Council's risk management strategy there are no risks associated with the recommendations in this report.

Contact Details:

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Report
Approved



Date 31/07/15

Wards Affected:

All



For further information please contact the author of the report

- Annex A Community Safety Overview & Scrutiny Committee 12/01/15
- Annex B Report to Cabinet 10/02/15
- Annex C Liverpool Council "A" Board Policy
- Annex D RNIB letter
- Annex E CYC response

Glossary of abbreviations used in the report:

BID – Business Improvement District

CES – City & Environmental Services

CSO&SC – Community Safety Overview & Scrutiny Committee

EIA – Equality Impact Assessment

HR – Human Resources

RNIB – Royal National Institute for the Blind

YB&PSS - York Blind and Partially Sighted Society