

**Decision Session - Executive Member for
Transport and Planning**

13 September 2018

Report of the Assistant Director, Transport,
Highways and Environment

Advertising Boards (“A” Boards) on the Public Highway

Summary

1. The purpose of this report is to advise the Executive Member of the policy which was introduced in February 2017 which prohibited the placement of advertising boards and similar materials on the public highway, within the Business Improvement District (BID) boundary of the city centre.
2. This report includes a summary of how the policy has been implemented, with reference to the operation day to day and any enforcement work.
3. As part of the analysis of the policy further engagement with key stakeholders has been undertaken and this is included in the report.
4. Micklegate was designated as an exception within the zone due to its different physical characteristics (wider footways) and much lesser footfall. The report comments upon the licensing arrangements in place.
5. The final component relates to a review of advert board material outside of the city centre zone, this again being something required at the time of policy introduction.

Recommendations

6. It is recommended that the Executive Member approves:
 - 1) The continuation of the prohibition policy on ‘A’ Boards consistent with the policy and the geographical area remaining the same (BID boundary)

- 2) The continuation of the licensing procedures available to any business situated along Micklegate, as again defined in the policy street map. The licensing fee will be included in the annual review of fees and charges.
- 3) That outside of the BID boundary, no formal policy is introduced. However, in line with extant duty and responsibility (under the provisos of the Highways Act 1980 and the Equality Act 2010) that officers will continue to monitor and take any appropriate action with regards to 'A' Boards, considered to be impacting on the use of the public highway, in all other areas within the authority boundary.
- 4) Officers to ensure that the continuation of the policy within the BID boundary is communicated through appropriate channels, including directly with the BID, Make it York and York Retail Forum.

Reason: To continue 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 mitigate the impact on the visual amenity of the conservation area and setting of the many listed buildings in the city centre.

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

Background

7. The prohibition policy was introduced within the city centre (consistent with BID boundary) in February 2017. In the initial weeks of it coming into place, officers engaged with a number of businesses who initially continued to place advert boards on the highway. The procedure put in place through the policy includes for an initial discussion/reminder; this is then followed with a formal approach/written letter.
8. On a relatively small number of occasions council officers have had to remove an advert board and invoice the business. The total number of boards removed in 17 months is less than 20.

9. Officers from both Network Management, along with colleagues from Community Safety undertook a series of walk arounds, during February and March 2017 to seek to embed the policy, this included polite reminders and dropping off copies of the policy.
10. It is fair to conclude that the vast majority of businesses complied with the policy from the early days of its inception. As a result, the officer resource required to monitor and engage with non compliance cases has reduced noticeably, however there continues to be a low level of cases were new boards appear or old ones re-appear. This is expected given that business premise ownership, management and staffing are prone to change and awareness of the policy is not always the primary focus. On a monthly basis, current non compliance, advert board removals and reminders are in the region of 10-15.
11. The policy also introduced the scope for special circumstances to be presented by a business, a key criteria being that they do not have a shop front (such as a business operating at first floor level). In these cases, dispensation is available subject to the specific details. There are a small number (under 10) of boards which satisfy the policy criteria and which are sited through a licence on the public highway, within the BID zone. This has included a few businesses which are advertising a service without premises.
12. A further example of dispensation was given the business not situated on a main thoroughfare, i.e. they are located on a snickle or alley. There have again only been a small number of businesses who have progressed a board licence for such purposes.
13. The policy also introduced the principle of shared (or city approved) advert boards. This was seen as a possible option for businesses to share a location, such as a wall mounted board (which could include business that are all situated in close proximity). There are presently no boards of this nature. This is probably due to the limited circumstances of such situations and also the difficulty in finding a suitable location for a shared board. Locations such as Gillygate were initially thought to be potential streets where businesses could take this option forward. A piece of land was indentified at the junction of Gillygate and Lord Mayors Walk and discussion took place with the small business federation who were representing the traders on Gillygate. However there has been no approach to officers at this time to progress possible options.

14. The only street for which a full exemption was authorised was Micklegate, which requires any business seeking an advert board to submit an application and if considered acceptable a license will be issued. There are presently 18 licensed boards on the street. The reasons for this exemption followed considerable analysis of the street, its usage and activity. Due to the much wider footways and lesser demand overall (fewer pedestrians) it was recommended that the placement of boards was unlikely to generate a safety, amenity or equality issue.

Policy Review

15. Analysis of the prohibition within the central zone, primarily through observation and monitoring, demonstrates a high level of compliance which therefore achieves the primary reasons for its introduction: to control the very noticeable degree of obstruction that had developed; reduce the impacts on visual amenity within the city's historic core and mitigate the impact of street scene clutter generally.
16. It appears that businesses have endeavoured to make adaptations to the change and some innovation is evident. That has been as simple as boards been sited inside the premises or often a smaller version in the door or window. Different methods of marketing have been witnessed and new technology playing a role in some examples (digital displays in windows/entrances).
17. Consistent with the work prior to the drawing up of the policy engagement has again been undertaken with representatives of some key stakeholders. A short questionnaire was sent to:
 - - York Civic Trust
 - – Make it York
 - – York BID
 - – York Retail Forum
 - – York Blind & Partially Sighted Society
 - – RNIB
 - – York Older Citizens Forum
 - - York Independent Living Network
18. Whilst the engagement bodies are limited, they represent a significant number of people, including the community at large. The response to the questionnaire (attached at Annex A) can be summarised that there remains a consensus that the prohibition within the BID boundary has

been positive with regards to accessibility, ease of movement and visual amenity. There is support for the continuation of the alternate formats offered in the policy, e.g. shared boards. Some responses were more circumspect.

19. It is considered that the removal of almost all advert boards has noticeably improved accessibility within the core streets. In addition the improvement on the historic environment and street scene is considered very positive. Prior to the prohibition, the usage of advert boards in many streets was creating an adverse level of obstruction of the public highway and placed the authority at risk of legal challenge with respect to equality legislation.
20. As a way to reference some wider economic concerns which were highlighted prior to the implementation of the policy (e.g. not having advert boards may have an impact upon overall footfall and spend), data collected by the council, has shown that the volume of people visiting the city centre has remained stable despite noticeable impacts across the retail sector nationally.
21. An additional short survey was forwarded to the Micklegate Traders Association representative. The survey is attached at Annex A. This sought to gather a response on whether the businesses have found the licensed approach to be something which they would wish to continue. There are over 50 businesses on the street. And currently there are 18 licensed boards. The view of the traders appears that most wish to continue to have a licence to allow 1 board as per the policy. There has not been a consensus however on the street, in that some businesses have not sought to use an advert board and others indicate that they will not for the time being. Officers have not received any complaints regarding boards being used inappropriately since February last year. Such as an alleged obstruction or not being sited in the approved location.

Outside of the city centre

22. The previous resolution sought an examination of the use of advert boards outside of the prohibition zone. Officers have looked at a wide range of streets and areas across the authority area. The focus of these surveys can be categorised as:
 - Main streets immediately adjacent to the prohibition zone, e.g. Bootham, Lawrence Street, Blossom Street and so on.

- The inter urban areas, such as Boroughbridge Road, Fulford Road, Hull Road, Bishopthorpe Road and so on.
- District Centres, Acomb, Haxby, Huntington.
- Non residential areas – commercial zones such as Clifton Moor, Monks Cross
- Inner and outer villages

23. The findings from this work are that advert boards are used by businesses and some communities (e.g. a form of village notice board) both within the immediate urban areas, the suburbs, commercial areas and the more rural areas and villages. However, the degree of use is rarely at a level and density which generates the same issues which were experienced within the very central area of the city, currently covered by the policy. From the officer surveys and ongoing observations, it is considered that the likelihood for obstruction to a footway, footpath or pedestrian area is limited, this being due to the reduced number of boards, increased highway space and lesser footfall overall.
24. Perhaps the highest levels of use of boards are noticed on the routes immediately adjacent (and outside) of the prohibition zone, being along the main arterial routes such as Bootham, Tadcaster Road, Hull Road and Fulford Road as examples. However as advised above, their placement has not been seen as presenting a likely hindrance to the safe use of the highway nor at a scale which has an oppressive visual or amenity impact.
25. Within the denser urban areas including the district centres which have many businesses, again advert boards are seen in use. In many situations these are sited clear of the footway, as more space is available, such as a verge or simply on private forecourts and land. Many examples exist however as with the arterial routes they are not considered to cause undue impact.
26. One impact that has been observed is the clustering of boards, this being not uncommon in some of the commercial areas; an example would be Clifton Moor. The grouping of boards or similar advertising appears to be used as a means to both highlight and lay a bread crumb trail to businesses that are located away from the main highway. It is felt that the primary issue to be aware of is the potential that these clusters either cause immediate obstruction of the footways or cycle ways or that they serve as a possible distraction to drivers. Again it is not considered on

balance that the level of usage would warrant any formal mitigation, through an extension to the current policy. As has always been and remains the case, the council, using its powers as local highway authority, can respond to situations it sees (or that are reported to it) and take appropriate action. This would involve a visit to the site and recording and if an advert board or clusters are considered to be creating an impact then they will be removed and the owner (if known) will be advised, together with the reasons. This practise is well established in the outer areas of the city and it is advocated that it remains.

27. The same advice is recommended to all parts of the city outside of the BID based city centre prohibition zone.
28. The sole exception (outside of the caveats in place such as a business at first floor) being the retention of the licensed approach for Micklegate. This approach has proven attractive to some businesses and it has served to manage the use of advent boards within the street. The use has not presented an unreasonable risk to users of the highway and the level of demand is acceptable in terms of visual amenity and clutter.
29. It is of course always feasible that this could be reviewed in the future and immediate action can still be followed with any business not acting in compliance with the policy.
30. **Community Impact Assessment** - the Executive previously required that the policy be subject to a CIA, this is attached as Annex B. The proposed policy has a positive impact on the quality of life indicators for several communities of identity. Including the elderly, carers of older or disabled people, disabled people and those with young children. This is because the policy significantly reduces the presence of 'A' Boards within the zone, meaning the negative impacts they create in obstructing, hindering, and creating general difficulty for access and mobility, will be mitigated. As the recommendation here is for the policy to remain in place, these benefits will continue.

Council Plan

31. This item contributes to the following priorities and objectives;
 - Everyone who lives in the city can enjoy its unique heritage and range of activities.
 - Visitors, businesses and residents are impressed with the quality of our city.

- Residents are protected from harm and vulnerable people feel safe.
- That we always consider the implications of our decisions, including in relation to health, communities and equalities.
- Use of evidenced based decision making.
- Engage with communities, listening to their views and taking them into account.

Implications

32.

Legal	The policy addresses the council's duties with respect to its Highway, Planning and Equality responsibilities.
Financial	The resourcing of the policy is fulfilled through officer activity within Network Management team, Transport Services. Fees will continue to apply for any licensed boards, in line with the policy. Or those subject to enforcement.
Human Resources	n/a.
Crime and Disorder	There are no crime and disorder implications
Sustainability	There are no sustainability implications
Equalities	<p>In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:</p> <p>a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.</p>

	<p>b. Advance equality of opportunity between people who share a protected characteristic and those who do not.</p> <p>c. Foster good relations between people who share a protected characteristic and those who do not.</p> <p>The Act explains that having due regard for advancing equality involves:</p> <p>a. Removing or minimising disadvantages suffered by people due to their protected characteristics.</p> <p>b. Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.</p> <p>c. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</p> <p>The policy has previously been subject to a community impact assessment which demonstrates a positive impact from the proposals.</p>
Property	There are no property implications

Risk Management

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

Contact Details:

Author

Richard Bogg
Traffic & Highway Development Manager
Tel No. (01904) 551426

Chief Officer responsible for the report:

Neil Ferris, Corporate Director of
Economy and Place

**Report
Approved**

Date 28/08/2018

Wards Affected:

All

For further information please contact the author of the report

Background Papers

None

Annexes

Annex A – 'A' Board Questionnaire: City Centre and Micklegate Survey

Annex B – Community Impact Assessment