
Meeting of Executive Members for City Strategy and Advisory Panel

16 March 2009

Report of the Director of City Strategy

Micklegate Traders “A” Boards Petition

Summary

1. The purpose of this report is to consider a petition from Traders on Micklegate for the Council to permit the use of “A” board advertising for businesses across the City. The issues considered are primarily of public safety, upholding legislation in a fair and consistent manner, removal of obstructions from the highway and improving the street scene.
2. The report recommends that no formal or informal permissions be granted to obstruct the highway with “A” boards and the existing practice of treating such signage as unauthorised obstructions continue.

Background

3. Illegal signs on the adopted highway such as “A” boards are currently dealt with using the highway authorities powers for removing unauthorised obstructions. No system is in place for licensing such signage on the highway (which includes verges and footway/paths). Due to the limited resources available to address such issues, the current level in intervention is limited to a reactive one in response to complaints received and/or observations during investigation of complaints. Occasionally an enforcement campaign may be undertaken when the underlying level of abuse is considered to be unacceptably high.
4. Once the Council have become aware of an illegal “A” board obstruction a preliminary inspection is undertaken and the offending property/ business will be formally written to requesting the immediate removal of the sign, an example of this is provided (Annex A). In some instances an informal request prior to the issuing of a letter may be made, either verbally or via telephone contact, but this has proven to be less effective. When written to, the property / business is also informed that the council may take further action if this is not complied with within a certain time period.
5. These steps will often have the desired effect and require no further action. In some instances however the physical removal of offending signs / obstructions will need to be undertaken. This action is usually reserved for the more serious obstructions such as where they constitute a potential safety risk or severely restrict the available walking width of footway / paths. Notwithstanding this if any obstruction is deemed to be an immediate safety concern to the public, its removal can be more quickly instigated. Where signs are removed and the owner can be identified the sign is available to be returned subject to a recovery fee. Whilst this method of tackling the problem is limited, in that there may be “A”

boards on the highway where complaints have not been received, it is considered to be the most efficient use of the staff time and resources available.

6. In response to complaints received and subsequent area inspections several letters requesting the removal of "A" boards were issued during 2008. This included some business on Micklegate and had a positive effect with signs being removed and / or relocated to less obtrusive positions. Following this enforcement action, a 64 signature petition has been received representing several traders from Micklegate (see Annex B) calling on the City of York Council to urgently adopt a policy setting out clear guidelines permitting the use of "A" boards on the highway. It requests that such a policy be developed in consultation with businesses in the city.

Discussion

7. The current position of the Authority is to not authorise "A" boards on the highway and treats them as illegal obstructions. This allows for enforcement to be undertaken in response to any complaints received. In practice this tends to be concentrated on those locations where the greatest problems are encountered.
8. Obstructions on the highway such as "A" boards can present a danger to the blind and partially sighted, create difficulties for the elderly in general and wheelchair users in particular when trying to negotiate their way along footways. They can be unsightly and contribute to unnecessary clutter in the street scene. There is already a constant enforcement problem with these and other types of obstructions. "A" boards are often chained to street furniture where they can damage protective coatings or paintwork. They are also liable to be blown over in high winds and may cause maintenance issues when grass cutting or sweeping operations are taking place
9. Conversely the view may be taken that "A" boards are part of the character of a City, particularly a historic centre such as York with many narrow footways and side streets. As an advertising medium they can be effective in informing the general public of the range of wares available, particularly those more difficult to find. Many traders utilise such signage, although not all are on the adopted highway, which can limit what actions can be taken.
10. There are other forms of advertising in City centres that can be introduced such as information points, street maps, etc. These are, however, outside the scope of this report, which is considering highway obstruction issues.
11. Investigations have been made with several other highway authorities to determine how they deal with similar issues of highway obstructions such as "A" boards. Not all Authorities have a definitive policy towards this issue but of the ones that did, it appeared to be one of having developed an "enforcement policy" with guidelines for intervention. The levels of intervention varied greatly from one of zero tolerance, to one of a two tier approach, treating city centres differently to out of city areas. Where the guidelines tolerated the use of "A" boards there was again a wide variation in what rules of intervention were used. For instance minimum footpath widths ranged between 1.2 metres to 1.8 metres, some only allowed signs at the back of footway and permitted sizes of signs were specified differently in terms of height, width and square area. Generally speaking these

guidelines seem to be used as an enforcement policy that took no action against “A” boards that did not contravene the guidelines.

12. Very few authorities appear to have introduced a formal system of licensing advertising on the highway. Where this has been adopted there is also a legal process involved which requires planning approvals and then a strict licensing regime which allows signs subject to similar conditions to the guidelines process adopted by other authorities. The costs of planning permissions (non refundable) and an annual licensing fee have also been introduced by some authorities. When a licensing arrangement is in place it needs a much higher level of enforcement with constant inspections, administration and interventions.
13. The current method of dealing with “A” board obstructions is one of zero tolerance although the limited resources available to deal with the level of the problem means that responses are mainly reactive. Any significant departure from this is likely to have resource implications in terms of staffing, administration and budgetary costs. More proactive enforcement will require constant monitoring and enactment. Any formal licensing arrangement will be expected to be instantly responsive to any contraventions, particularly by those who may have paid for a licence.
14. Any changes that are considering the possibility of permitting the use of “A” boards (formal or informal) would have to be widely consulted upon. Traders are likely to be in favour of some form of authorising such signs whilst pedestrians and organisations representing disability groups are likely to favour a less tolerant approach.
15. The issue is primarily one of public safety, upholding legislation in a fair and consistent manner, removal of obstructions from the highway and improving the street scene.

Consultation

16. Formal consultation has not been undertaken at this stage. The views of organisations representing disabled, blind, partially sighted and pedestrians are likely to have a significant influence on any proposals. Particular consideration will have to be given to the Disability Discrimination Act
17. Clearly the above is only a handful of the issues that would need to be considered if a robust policy (formal or informal) permitting the use of “A” boards on the highway was adopted, any policy would also need cover other types of obstructions.

Options and Analysis

18. A number of option will now be considered:
 - A. Confirm the existing practise used to tackle obstruction of the highway as outlined in this report (paragraphs 2-4).

This is the recommended option as it allows the greatest flexibility to the council, is not overly restrictive and costly for businesses and allows a relatively quick resolution to problems raised. The existing strategy is effectively one of zero tolerance although in practical terms is will usually only result in action being taken in response to specific complaints or when the level of abuse becomes

unacceptably high. This is considered to be the most efficient use of the existing resources available.

Advantages:

- Action may be taken against any offences of obstruction.
- The level of bureaucracy and costs are kept to a minimum

Disadvantages:

- Action is in the main restricted to the more serious offences.

This can lead to a less consistent approach as this only responds to problems the Council becomes aware of.

- B. Approve the development of intervention guidelines for an enforcement policy for the removal of “A” boards and the like from the Public Highway (this would have to be brought back to a subsequent meeting for further consideration).

This is not the recommended option as it would not be as flexible as the current arrangements and may place an unnecessary resource burden on the City Council. If the principle of allowing “A” boards on the adopted highway were to be established a clear set of guidelines will need to be agreed through consultation with a wide range of stakeholders. Any guidelines would have to consider all types of obstruction for a more holistic approach.

Advantages:

- A more consistent approach could be made.
- A level of intervention can be established which effectively allows the less serious offences.
- Action could still be taken against the worse offenders.

Disadvantages:

- This would informally permit the use of “A” boards albeit subject to conditions.
- Many locations are unlikely to be able to satisfy the guidelines e.g. minimum footway widths.
- A more robust monitoring, administration and enforcement mechanism for dealing with offenders will be required.
- A higher level of enforcement action will need to be introduced which has cost implications.

Complaints and / or abuse may still arise from traders who cannot satisfy the conditions.

- C. Investigate the creation of a policy for licensing the placing of “A” boards on the Public Highway (this would have to be brought back to a subsequent meeting for further consideration).

This is not the recommended option because it would create a significant administrative and enforcement burden on the council, which could not be handled with the existing resources available.

The implications of introduction of a formal system of licensing would need to be fully explored before a decision to adopt such a system could be made. This is a significant piece of work that is not currently in any work programme. Its implementation is likely to require considerably more resources than currently available and involve planning approvals.

Advantages:

- A much more robust system would be able to more effectively deal with obstruction issues.
- Specific approvals would be given to the use of “A” boards on the adopted highway.

Disadvantages:

- This process would be much more bureaucratic.
- Significant increased costs for administration, monitoring and enforcement will be required.
- Traders may incur cost associated with applications and annual licence fees.

A much less tolerant level of abuse is likely to result and likely to lead to continual challenges / disputes.

Corporate Priorities

19. Considering this matter is part of our focus to meet the needs of our communities.

Implications

20. There are no Financial, Human Resource, Equality, Legal, Crime and Disorder, IT, Property or other implications associated with the recommendations in this report. There are likely to be implications for other options.

Risk Management

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

Recommendation

22. That the Advisory Panel advise the Executive Member to approve Option A above.
23. That the lead petitioner be informed of the decisions taken.

Reason: To allow the City Council to continue to tackle the problems of obstructing the Public Highway in a flexible, cost effective manner.

Contact Details

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Report Approved**Date** 16/2/2009**Wards Affected:****All**

Specialist Implications Officer(s) *List information for all*
Implication ie Financial *Implication ie Legal*
Name *Name*
Title *Title*

For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A: Example of standard letter issued.

Annex B: Front page of Petition.