

Report of the Assistant Director Governance & ICT

Review of the Use of A-boards Across the City

Introduction

1. A-boards are used by businesses and other organisations to advertise on the pavement. They are heavy metal boards in an 'A' shape scattered across walkways, sometimes causing a dangerous obstruction.
2. The proliferation of A-boards can make it difficult to negotiate the path, and falling over an A-board can be painful and can adversely affect a person's confidence and mobility. Therefore it is essential for all people including those in wheelchairs or with pushchairs, and the blind and partially sighted to have a clear route along a pavement. Without this, many people will walk into A-boards and injure themselves, or inadvertently walk into the road whilst attempting to avoid an A-board. Sometimes A-boards are at different distances from the kerb on the same street; this increases the possibility of crashing into more than one A-board in a short space of time.

Local Authority Responsibilities

3. Councils have a dual role in the control of A-Boards on the highway, that of the:
 - Local Planning Authority who have powers and duties under the Town and Country Planning Act 1990 (as amended) and the
 - Highway Authority who under the Highways Act 1980 have powers and duties to protect the rights of the public to the use and enjoyment of the highway, specifically in regard to the use of the highway safely and without obstruction, and responsibility for street scene enforcement.

4. However, an A-Board located on private land contained within the forecourt of a premise requires neither express consent under the planning system nor approval under the Highways Act.
5. A number of other types of advertisement can also be displayed at a shop or other business without needing the Council's Consent i.e. they have 'Deemed Consent', except those on a listed building which require listed building consent. However, there are size and positioning limits on those signs e.g.:
 - An unlit 'fascia' sign above the shop window and below any first floor windows.
 - An unlit hanging or projecting sign at right angles to the frontage, at least 2.5 metres above the ground (Outside of a conservation area, certain types of illumination to these signs are permitted).
 - Signs inside a shop provided they are more than 1 metre back from the window
6. The Government has produced an illustrated booklet which explains the types of advertisement that are allowed without needing consent, entitled 'Outdoor advertisements and signs: a guide for advertisers' – see: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/326679.pdf>
7. Where consent is needed, Draft Local Plan policies are used to judge the application - see Annex A.

Use of A-Boards in York

8. City of York Council (CYC) has a long established practise of tolerating A- boards on the highway unless a complaint is made in which case action is taken to get the board removed. This approach regularly results in the board owners making complaints about staff because they feel victimised, and this then takes up a significant amount of staff time in dealing with the complaint.
9. Approximately 4 years ago in the city centre, a more thorough approach was taken following a number of more wide ranging complaints. As a result most of the A-boards in the footstreets area were removed by their owners. By tackling the city centre as a project rather than taking individual action officer time dealing with the matter was substantially reduced.

10. At that time, the advice given to the owners was that if their board was positioned flat against their property it would be unlikely that any further action would be taken. In addition, City of York Council has for the last 2 to 3 years been actively de-cluttering the city centre by taking action to remove street signs, bollards and other items of street furniture.
11. Officers have confirmed that more recently, a reduction in resources has resulted in the issue of obstruction by A-boards not been as vigorously acted upon as in the past. In fact, a brief audit was carried out a short while ago and approximately 150 boards were observed back on the city centre streets causing obstructions. For example, about a year ago 3 A-boards were observed in front of an historic building at the Goodramgate / Deangate junction. In the first week of December 2012 this number had increased to 8 boards in a line.
12. Obviously, this level of obstruction of the footway is becoming a growing concern, and is seen as a very real problem for those who are blind / partially sighted or need to use a wheelchair. Bearing in mind the re-emergence of A-boards in the city centre, much of the benefit of the council's de-cluttering work has also been lost.
13. The Cabinet Member for Transport & Planning is currently considering taking forwards a zero tolerance zone for the city centre – see map of suggested zone at Annex B. It has been recognised that the viability of some businesses that benefit from boards due to their location being off the beaten track, may be affected by the introduction of a zero tolerance zone. So as part of the ongoing work, this is being looked at to try to overcome the problem whilst still ensuring the majority of boards are removed. It is intended that an approved policy for the city centre will be in place early in the new financial year.
14. But what of elsewhere in the city? It has been identified that there are a growing number of A-boards in the Clifton Green area, some of which are obstructing the footpaths, others are tied to trees. And it is likely that the same kinds of issues are duplicated in other local shopping areas.
15. CYC's countryside officer also has concerns around the use of trees for displaying notices as it can cause permanent damage to the bark of a tree and therefore effect the growth and lifespan of a tree.

National Best Practice

16. Nationally, many Local Highway Authorities have already addressed the issue around the use of A-boards. In many places a licence is not required but the Local Highway Authority has agreed some guidelines/requirements for A-boards on the public highway. Examples of best practice guidelines/requirements from Kent County Council and Bristol City Council are shown at Annexes C & D respectively.
17. In those Local Highway Authority areas, any organisation that wishes to place an A-board on the highway is responsible for complying with the guidelines/requirements in place which have been designed to protect all highway users, including those with mobility and visual impairments.
18. **Kent County Council** has based their requirements on the Department for Transport (DfT) guidance on 'Inclusive Mobility' which suggests a minimum unobstructed footway width of 2.0m wherever possible, or 1.5m where fewer pedestrians are expected. However the two metre guideline is not law, and cannot be enforced. The DfT guidelines also state:

"Apart from road works and scaffolding, there are many other sometimes temporary obstructions that can cause problems for disabled people, particularly those with visual impairments. A-frame advertisement boards placed outside shops ... vehicles and bicycles parked on pavements are all potential hazards.

Wherever feasible obstructions of this kind should be kept to a minimum and should not encroach on the clear space (horizontal and vertical) needed to provide safe passage for pedestrians."
19. Kent CC also encourages organisations to consider alternative methods of advertising off the highway instead of using an A-board, e.g. fixed wall boards, and mounted display boxes, window displays, hanging signs, changeable cloth signs, display screens or light bars.
20. **Bristol City Council** have put in place a very practical guide for the use of A-boards. This includes where they may be placed on the Highway i.e. within a distance of 60 cm immediately in front of the premises they are advertising provided that 1.8 metres of clear footway can be retained between the road and the board. They have also included a general guide on the style, size, colour and use of illumination etc, in order to discourage a proliferation of mismatched A-boards which ultimately could lead to a cluttered appearance.

21. In regard to the acceptable footway widths required by Kent County Council and Bristol City Council (2m and 1.8m respectively), it should be noted that in some areas of York, these do not exist. Therefore this would need taking into account if a decision were taken to introduce some suitable requirements/ guidelines for York (outside of the city centre zone being addressed by the Cabinet Member for Transport, Planning and Sustainability). If a decision were taken not to allow A-boards in areas where an acceptable footway width does not exist, it may result in criticism from affected traders, and lead to allegations of victimisation.
22. Elsewhere, other Local Authorities have introduced their own acceptable standards and guidelines for the placing of A-boards and use Licensing Officers to enforce their guidance. However this has a resource implication which often means the local guidelines are not correctly enforced.
23. In **Nottingham**, following consultation and discussions with local businesses in May 2009, the City Council agreed an A-boards policy. Their new guidance outlined that an A-board should not be swinging or rotating and should be no more than one metre high. And, it completely banned A-boards in parts of the city where there were in excess of 20,000 pedestrians a day or where pedestrian safety and servicing needs were adversely affected by narrow footways or other physical restrictions.
24. Nottingham City Council does not license A-boards, and if a business does not comply with the guidelines the council sends warning letters, and then confiscates the A-board.
25. In the **Royal Borough of Windsor and Maidenhead**, a licence is required to place an A-board in a public space with a flat rate charge of £450 for every application. A further £450 pounds is charged every two years to renew the licence. If the application for an A-board is refused, £150 is returned to the business. Licences for A-boards are issued with the following guidelines:
 - A-boards and other goods are only allowed on pavements where sufficient width of footway can be left clear and unobstructed for pedestrian usage of the area (usually a minimum of 2 metres)
 - A-boards and goods must be removed from the street outside the times permitted in the licence.

- A-boards and goods must not be placed in the way of vehicle movements - this is to ensure free and unobstructed access by the emergency services

26. In **Brighton & Hove**, a comparative scrutiny review was carried out in 2010, following concern over how accessible their public highways were. Their Scrutiny Panel considered whether pavements in the city were too cluttered thereby reducing the ability of residents and visitors to move freely, in particular those with mobility issues. The review took into account and balanced the competing needs of different groups of highway users. They considered evidence from disability advocacy groups, residents associations, business associations and private residents, and carried out site visits to areas identified as hotspots around the city. As part of that wider review, the Scrutiny Panel looked in detail at issues around the use of A-boards. The findings from that review associated with the use of A-boards, are provided at Annex E.
27. The **Royal National Institute of Blind People** (RNIB) supports a complete ban on A-boards. In their view, it would enable many people to walk along their local streets without fear of colliding with a heavy, painful sign. They do not believe that a complete ban would have an adverse economic impact on traders. In their view, a complete ban places all traders on the same footing regardless of the width of pavement outside their premises.
28. RNIB wants businesses and other people who use A-boards to be more aware about the impact of this form of advertising. They believe that unmonitored, over-use of the boards without any local guidelines is dangerous and obtrusive. Also, that the continued use of A-boards without consideration for the passing pedestrians is a low level form of anti-social behaviour.

Analysis

29. In March 2013, having considered all of the information gathered (as shown above and in Annexes A-E), the Committee were asked to consider whether or not the use of A-boards warranted further investigation and whether a full scrutiny review on their use should be undertaken with the aim of identifying suitable requirements/ guidelines for implementation across the whole city. It was suggested that as part of a review Members could consider:
 - Whether introducing an A-board licence was a suitable approach, recognising:

- a. It may have income potential, and may encourage more responsible use, and help monitor the proliferation of A-boards.
 - b. It would require an appropriate level of enforcement which may have a significant impact on staff resources.
 - What appropriate Enforcement measures could be taken by the Council in relevant situations under the Highways Act 1980. It was recognised that to help address the staffing resource issue, Members could consider the approach taken by Brighton & Hove i.e. identifying additional staff resource in monitoring and enforcing the streetscape through improved cross directorate/team working, with officers undertaking multiple enforcement regimes, including the use of civil enforcement officers, city cleaning officers and PCSOs.
 - What might be acceptable in respect of A-boards e.g. dimensions, colour, design, rules on illumination and safety considerations etc
30. CYC Highways recommended that a review based on the suggestions above would be beneficial, as in their view their current practise was time consuming, resulted in allegations of victimisation and did not effectively tackle the problems some people had freely and safely using the footway.
31. The Committee noted the work being undertaken by officers in support of the Cabinet Member for Transport & Planning consideration of a zero tolerance zone for the city centre, but agreed:
- i. They did not want to see one approach for the city centre and another for the rest of the city.
 - ii. A full scrutiny review was not required.
32. Instead, some members of the Committee argued strongly for a total ban on A-boards across the whole city and agreed they wanted to recommend a total ban to Cabinet.
33. Other members of the Committee in recognising that it was necessary to clamp down on those that were dangerous, agreed that the council should acknowledge that the overwhelming majority of A-boards were safe and sensible, vital for local businesses and supportive of York's economy. They therefore did not agree with the suggested recommendation to Cabinet. Instead they argued for the introduction of some sensible guidelines and the provision of appropriate enforcement.

34. CYC's Traffic Network Manager has provided information on the implications of having a total ban on A-boards and the effect it may have on the city and CYC resources. In particular, whilst a total ban would benefit the appearance of the city and the safety of the partially-sighted, there is likely to be an adverse consequence to the small business community. There may also be issues around the ability of the Traffic Network Team to enforce a city wide ban – see Annex F.

Council Plan 2011-15

35. Ensuring the public highway remains free of obstruction and safe for all users (particularly for those with mobility difficulties or who are blind / partially sighted), contributes to the corporate priority of building safer inclusive communities.

Implications

36. There are no known Financial, Legal or HR implications associated with the recommendation in this report.

Options

37. Having considered the information within this report, the Committee may choose to:
- a) Proceed with a recommendation to Cabinet for a city wide ban on the use of A-boards
 - b) Proceed with a review on the use of A-boards in order to identify suitable requirements/ guidelines for implementation across the whole city, in line with the bullet points in paragraph 29 above
 - c) Make no recommendation to Cabinet thereby leaving the arrangements as they currently stand, as outlined in paragraphs 8-11 above
38. If Members are unable to agree on their recommendation to Cabinet i.e. whether or not to recommend a total ban on the use of A-boards across the city, the Committee can instruct the scrutiny officer to prepare a minority report for submission to Cabinet at the same time as the majority report.
39. In those circumstances each member of the Committee may support (by signature) no more than one report. The report with the support of the greatest number of committee members shall be the report of the

Committee, and the report with the support of the least number of members shall be the minority report.

Recommendation

40. Having considered the information provided in this report, in particular the implications associated with implementing a total ban on the use of A-boards, Members are recommended to proceed with a scrutiny review to identify some sensible guidelines for the use of A-boards across the whole city.

Reason: To ensure the removal of the many and varied obstructions from the public highway, the protection of trees, and the safety of all public highway users.

Contact Details

Author:

Melanie Carr
Scrutiny Officer
Scrutiny Services

Tel No. 01904 552054

Chief Officer Responsible for the report:

Andrew Docherty
AD Governance & ICT

Report Approved

Date

5 April 2013

Specialist Implications Officer(s) N/A

Wards Affected:

All



For further information please contact the author of the report

Background Papers: N/A

Annexes:

Annex A – Draft Local Plan Policies Used to Judge Applications for Advertisement Consent

Annex B – Map of the Suggested Zero Tolerance Zone for the City Centre

Annex C – Best Practice Guidelines from Kent County Council

Annex D – Best Practice Requirements from Bristol City Council

Annex E – Findings from Brighton & Hove City Council Scrutiny Review

Annex F – Analysis of Pros & Cons of introducing a City Wide Ban on A-Boards