

**HAMPSHIRE COUNTY COUNCIL**

**Report**

<b>Committee:</b>	Environment and Transportation Select Committee
<b>Date of meeting:</b>	11 June 2013
<b>Report Title:</b>	Review of 'A Board' Signage Policy
<b>Reference:</b>	4957
<b>Report From:</b>	Director of Economy, Transport and Environment

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**1. Purpose of Report**

1.1. The purpose of this report is to update members of the Environment and Transportation Select Committee of the progress made with the introduction of a licensing scheme for A Boards within the District Councils following the adoption of the A Boards policy introduced on 3 April 2012.

**2. Contextual Information**

2.1. The widespread encroachment of portable advertising boards ('A' Boards) on the public highway may be considered by some to be an unsightly nuisance and a possible interference to free passage along the highway. The placing of such boards on the public highway can constitute an obstruction and are unauthorised under the terms of the Highways Act 1980.

2.2. Traditionally the County Council had, under the terms of the Highways Act 1980, a policy in place not to permit the placing of 'A' Boards on the highway but on 3<sup>rd</sup> April 2012 the Executive Member for Economy, Transport and Environment agreed to the adoption of a policy to enable 'A' Boards to be placed legitimately on the public highway outside shops on the basis of a licensing scheme controlled by district councils.

2.3. Consent to place objects on the highway can be exercised by both the County Council as the Highway Authority, and by district councils through the Highways Act 1980. The appropriate section of the Highways Act covering the placement of A Boards on the highway is section 115 A-K (this is currently used for licensing tables & chairs etc) and is a function that was carried out by the District Councils.

- 2.4. The adopted A Boards policy of regulating the use of 'A' Boards rather than a blanket ban was aimed at reducing the conflict between the desires of traders to promote their businesses, and the rules for unobstructed movement set down in the Highways Act. Whilst it is acknowledged that 'A' Boards can be an obstruction and an unsightly nuisance it is also accepted that controlled use can reduce the negative influence of such items on the street scene, promote safer access for highway users and disabled groups, assist in promoting tourism, aid in maintaining the vitality of town centres and provide a service for the benefit of the public. A combination of all of these factors enhances the economic sustainability of town and rural businesses, and communities.
- 2.5. Under the policy the District Council would be the licensing authority, rather than the County Council. The County Council would continue to treat unlicensed 'A' Boards as unauthorised signs on the highway and seek their removal. The County Council would adopt a policy of not permitting 'A' Boards in areas other than those where the District Councils agreed to undertake such a licensing scheme.
- 2.6. The draft policy was presented to the Environment and Transportation Select Committee at its meeting on 3<sup>rd</sup> April 2012 prior to formal adoption by the Executive Member. Members of the Select Committee were advised that a series of meetings were planned with Officers in the District Councils to introduce the policy and encourage take up of such a scheme in the individual District Council areas.
- 2.7. The Committee recommended that a further report was brought back to the Committee to report on progress once discussions with the District Councils had taken place.

### **3. Meetings with Hampshire District Councils**

- 3.1. Following the Select Committee meeting in April, meetings with the relevant Officers in each of the district councils were requested. Meetings were held with each of the districts, with the exception of the New Forest District Council who declined to meet as they were not in favour of such a scheme. Appendix 1 sets out the dates of each of the meetings.
- 3.2. The majority of district council officers indicated they would seek further advice and comments from their respective Management Teams and Elected Members. Thereafter, the County Council received formal notice from Eastleigh Borough Council and Rushmoor District Council that they would not be interested in adopting such a scheme.
- 3.3. The Hampshire Licensing Officers, representing Hampshire district councils, met on 6<sup>th</sup> September 2012 and considered the proposed scheme. They unanimously agreed not to adopt such a scheme independently of a wider review of the County Council's delegations (e.g Agency Agreements).

3.4. Appendix 2 gives further information about the district council concerns. Their reluctance to endorse the scheme is primarily due to:

- A lack of resources to set up and manage such a scheme
- Concerns over the policing of unlicensed boards by the County Council and the resources necessary to take enforcement action if such a scheme were to be undertaken.
- The fact that most district councils did not perceive A Boards as a significant problem with some suggesting responsibility should remain fully with the County Council.

#### **4. Conclusion**

4.1. Due to the reluctance of the district councils to undertake licensing schemes in their areas the status quo remains whereby an A Boards on the public highway are unauthorised. However, unless specific complaints are made to the County Council, enforcement action is unlikely to be taken.

## Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

### IMPACT ASSESSMENTS:

#### 1. Equalities Impact Assessment:

1.1. The use of 'A' Boards on the public highway potentially affects the unobstructed use of the public highway by mobility- and visually- impaired people. While the number of 'A' Boards present on the highway might increase under the proposed policy, the proposed policy should provide for those 'A' Boards that are present to be better regulated, and might make those that are not licensed easier to remove, in contrast to the difficulty in enforcing the removal of the 'A' Boards placed on the highway under current arrangements.

#### 2. Impact on Crime and Disorder:

2.1. 'A' Boards potentially could be instruments of vandalism and misuse. While the number of 'A' Boards present on the highway might increase under the proposed policy, the proposed policy should provide for those 'A' Boards that are present to be better regulated and might make those 'A' Boards that are not licensed easier to remove, in contrast to the difficulty in enforcing the removal of the 'A' Boards that are placed on the highway under current arrangements.

#### 3. Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

The impact on the County Council's carbon footprint/ energy consumption is considered negligible

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

It is thought that the proposed policy does not have much opportunity to consider the need to adapt to climate change and be resilient to its longer term impacts

### Appendix 1 – Meetings held with Hampshire District Councils

District Council	Date of meeting
Basingstoke & Deane BC	18/05/2012
East Hampshire DC	08/02/2012 and 03/07/2012
Eastleigh BC	05/04/2012
Fareham BC } Gosport BC }	18/06/2012
Hart DC	01/03/12 and 16/05/12
Havant BC	26/06/2012
New Forest DC	No meeting held
Rushmoor BC	TBC
Test Valley BC	15/03/2012
Winchester CC	01/06/2012

## Appendix 2 – Issues raised at meetings with Hampshire District Councils

	BDBC	EHDC	EBC	FBC and GBC	HDC	HBC	RBC	TVBC	WCC
Wouldn't be able to resource it	*	*	*	*					
Is it really a problem?/ District Council has no evidence of need	*	*		*		*			*
Additional cost to traders/ controversy/ bad PR		*	*	*		*			
Are 'A' boards really amenities?			*						
Would need very high licence fee to cover costs			*						
Unobstructed width inconsistent with tables and chairs			*						*
Visually impaired people follow building line				*					
Do A-boards need advert planning consent?				*	*				
Procedure consistent with tables and chairs?				*					
Would HCC commit to enforcing unlicensed boards?		*		*		*			
Alternatives – working with the traders, periodic letters	*			*					
Enquiries from traders about other traders might increase				*					
Could get a legitimate proliferation of 'A' boards				*					
Do DCs want them licensed or cleared?				*					
Favour devolving scheme to parish councils					*				
Apply consistently across district, not just towns					*				
Apply only in certain areas, i.e. high-profile town centres		*							
Need to consult with DCs					*				
Potential support for 'A' boards pointing down side streets									*
Traders might go for it if cost of licence was nominal						*			
Would go against DC's "open for business" agenda						*			
Might not be over-costly to administer						*			
There is a proposal to give DCs power to remove unauthorised signs, by agency agreement						*			
£5m P.L. insurance should not be a problem because most traders would have that level of cover anyway						*			
'A' boards can make a town centre look interesting		*							