

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Economy, Transport and Environment Select Committee
Date:	19 January 2017
Title:	Review of A-Board Licensing Trial in Andover
Reference:	8058
Report From:	Director of Economy, Transport and Environment

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1. Purpose of Report

- 1.1 The purpose of this report is to provide members of the Economy, Transport and Environment Select Committee with a summary of the licensing scheme for A-Boards which was trialled in Andover Town Centre between June 2015 and July 2016.
- 1.2 Members' views will also be invited on an alternative method for licensing A-boards, taking into account the results of the Andover trial and the mixed views A-boards often generate within local communities. In terms of the Council's transformation agenda, there remains a strong desire to reduce the ongoing resource implications for all highway licencing activities.

2. Contextual Information

- 2.1 The widespread encroachment of portable advertising boards (commonly known as A-Boards) on the public highway is 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 is generally deemed to be unauthorised under the terms of the Highways Act 1980.
- 2.2 The County Council has always had, under the terms of the Highways Act 1980, a policy in place to resist the placing of A-Boards on the public highway. However, following a review by the Select Committee, the Executive Member for Environment and Transport made a decision on 3rd April 2012 to adopt a new policy making provision for A-Boards to be legitimately placed on the highway, i.e. outside or near shops, under a licensing scheme to be controlled and administered by district councils. The County Council sought to engage all Hampshire district and borough councils on the implementation of this new policy, as was requested by the Select Committee. The new policy was reviewed by the Select Committee in June 2013, at which point it was reported

that there had been no take-up by the local district and borough councils to operate the licensing scheme. The Committee asked that the Director of Economy, Transport and Environment write to each of the district and borough councils reminding them of the policy and that the County Council continue with the approach of only taking enforcement action over A-Boards when complaints were received.

- 2.3 It should be noted that consent to place objects on the highway can be exercised by both the County Council, as the Highway Authority, and also by district and borough councils through the Highways Act 1980. The appropriate section of the Highways Act relating to the placement of A-Boards on the highway is section 115 A-K and this is also currently used for licensing tables & chairs etc. It is a function that can be discharged to district and borough councils.
- 2.4 The policy that was adopted in April 2012 of regulating 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 as 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 vulnerable 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 Whilst other authorities across the UK offer licensing agreements for A-Boards, or advocate self regulation, so far none of Hampshire's local district or borough councils have taken up the licensing option available within the County Council's current policy. Therefore, the County Council's zero tolerance policy has been enforced, although generally only in areas where complaints have been prevalent. This policy has, at times, led to a perception by some businesses of unfair treatment and this has generated mixed views across local communities.
- 2.6 In July 2015 a revised licencing scheme was introduced, as a 12 month trial, for the central Andover area, following complaints in Andover and subsequent lobbying by the local business community. The trial ran in tandem with the existing policy for A-boards, which remained active in all other areas outside Andover Town Centre.

3. Performance of the Andover A Board Trial

- 3.1. The Highways Operation Centre started taking applications from businesses in the Andover pilot area from June 2015. Initial predictions indicated that up to 70 applications could be expected from the businesses within this area, based on the number of A-boards identified during site visits. An area planning consent was agreed by the Borough Council for a defined area within the town centre area to allow businesses to apply for an A-Board without requiring a separate planning consent from the Borough Council, under the Town and Country Planning (Control of Advertising) (England) Regulations 2007.

- 3.2. Within the first month of the trial a total of 14 applications were received which was significantly fewer than predicted. After a further four months this increased to 18 applications, and this was despite active promotion and lobbying through the Town Centre Partnership and a decision to waive the £50 licence fee for the period of the trial.
- 3.3. Due to the low uptake the licencing process became significantly more resource intensive than initially predicted. Unlicensed A-boards continued to be placed within the town centre and these required ongoing enforcement, albeit initially to encourage compliance.
- 3.4. In attempt to address the lack of applications from A-board owners, inspections were carried out and all unlicensed A-boards were recorded. Those businesses without a licence were sent a letter explaining that they must comply with the process or risk having their A-boards being removed under the Councils existing A-board policy, and thereby incurring a charge for removal and storage. Regrettably this only generated four more applications, bringing the total to 22. Unlicensed A-boards still remained and these required further follow up over the subsequent weeks/months. The County Council was keen from the outset to make the trial a success but this was very much reliant on the support of the local business community which, unfortunately, did not materialise.
- 3.5. The Andover Town Centre Partnership was helpful and tried to encourage its members to support the trial but despite this it was, on the whole, poorly supported.
- 3.6. Feedback has been gathered from those businesses who participated in the trial. Most of these were happy with the process and found it relatively straightforward. Some businesses commented that the pilot was a good compromise but suggested slight tweaks such as a one-off payment for a fixed period rather than an annual fee. Had the Borough Council not agreed to the area planning consent, each business would have required a separate consent per A-board and this would not only have increased the cost for each business significantly, it would also, almost certainly, have reduced the number of licence applications received.

4. Future Direction

- 4.1. The Andover A-board pilot has not been a great success. With this in mind it is recommended that the licencing scheme, in its current form, should not be extended or rolled out any wider.
- 4.2. Consideration is currently being given to an alternative model for licencing A-boards that can utilise recently introduced enhanced website functionality for self service applications and e-payments. This would reduce the resource requirements for the Highways team and hopefully encourage better take-up of the licencing option by businesses as it will have a degree of self certification. There are a number of legal issues that would need to be resolved before this idea can proceed as the requirements of Section 115 of the Highways Act are very specific and applicants would still need to satisfy the requirements of the local planning authorities to comply with the Control of Advertising Regulations under the Town and Country Planning Act. There is currently inconsistency across the Hampshire districts and boroughs on the interpretation of the

planning position, some requiring full planning consent for A-boards and others viewing them as a largely de-minimis issue. Section 115h of the Highways Act requires the Highway Authority to consult with the district/borough council for each A-board application and this has the potential to make the process very resource intensive. However, discussions are ongoing with the County Councils legal practice team to establish if there is an effective way of satisfying this requirement through the self-service process.

- 4.3. It is suggested that a £50 fee be levied per application to cover the administration and ongoing inspection costs and that a licence be valid for three years.

5. Conclusions

- 5.1. The Andover trial has not been as successful as anticipated. Reasons for this are difficult to understand completely but it is not thought to be as a consequence of poor promotion or a lack of encouragement.
- 5.2. Officers will continue to explore alternative licencing methods for A-boards that would utilise improved website functionality whilst ensuring the clear requirements of the Highways Act are met. Should a sensible and cost effective alternative licencing mechanism be identified, a decision will be sought from the Executive Member for Economy, Transport and Environment regarding a further trial and/or roll-out.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	Yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	Yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	Yes
Corporate Improvement plan link number (if appropriate):	

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. Equality Duty

- 1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

- 2.1. Impact assessments are undertaken in advance of any formal executive decision. Information about those impact assessments, including equalities and impact on crime and disorder and on climate change, will be set out in the appendices to the relevant decision making reports. This report is an update to the Select Committee and is not proposing any change or decision at this stage, therefore impact assessments have not been undertaken

3. Impact on Crime and Disorder:

- 3.1. Impact assessments are undertaken in advance of any formal executive decision. Information about those impact assessments, including equalities and impact on crime and disorder and on climate change, will be set out in the appendices to the relevant decision making reports. This report is an update to the Select Committee and is not proposing any change or decision at this stage, therefore impact assessments have not been undertaken

4. Impact on Climate Change:

- 4.1. How does the proposal impact on our carbon footprint / energy consumption?
No impact.

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

Impact assessments are undertaken in advance of any formal executive decision. Information about those impact assessments, including equalities and impact on crime and disorder and on climate change, will be set out in the appendices to the relevant decision making reports. This report is an update to the Select Committee and is not proposing any change or decision at this stage, therefore impact assessments have not been undertaken.