

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Economy, Transport and Environment
Date:	3 March 2015
Title:	Trial of A-board licensing in Andover town centre
Reference:	6581
Report From:	Director of Economy, Transport and Environment

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1. Executive Summary

- 1.1. The purpose of this paper is to seek approval to commence a trial in **Andover town centre** to facilitate the licensing and placement of A-board signs on the public highway under Section 115 of the Highways Act 1980.
- 1.2. In addition approval is sought to delegate authority to the Director of Economy, Transport and Environment to agree the particulars of the trial which will include the administrative framework for its operation and regulation.
- 1.3. This paper will set out the reasons for the proposed trial and will identify the mechanism by which the County Council intends to regulate the use of A-boards.

2. Contextual information

- 2.1. Traditionally it has been the County Council's policy, under the terms of the Highways Act 1980, not to permit the use of A-boards on the public highway because they are deemed to constitute an obstruction which could prevent free passage and its legitimate use.
- 2.2. A revised and specific policy on A-boards was approved in 2012 to allow District and Borough Councils to legally license A-boards on the public highway with the primary aim of reducing the conflict between the desires of traders to promote and highlight their businesses and the rules for maintaining unobstructed movement as set down in the Highways Act. This revised policy effectively allowed for the regulation of A-boards rather than a blanket ban.

- 2.3 Whilst 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 streetscene, promote safer access for highway users and vulnerable groups, assist in promoting tourism, and maintaining the vitality of town centres. A combination of all of these factors enhances the economic sustainability of towns and rural businesses, and communities. Therefore a properly managed and well regulated A Board regime can provide a service for the benefit of the public
- 2.4. Whilst many other authorities across the UK offer a licensing arrangement, or indeed advocate self-regulation, none of the District and Borough Councils in Hampshire have chosen to take up the licensing option available within the current policy. Therefore the County Council's zero tolerance policy has been enforced Countywide, 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. Most recently this issue has arisen in Andover, where the County has had reason to actively enforce its policy following complaints about A Boards in the town centre. It is recognised that in the difficult trading environment for town centre businesses, this has caused concern within the Andover business community.
- 2.5 Under the recommended trial scheme in **Andover town centre** a regulated A-board licensing scheme is proposed which will run in tandem with the previously approved A-board policy, which itself will remain in force elsewhere in Hampshire. The trial in Andover will be administered by the County Council with the fee set at an appropriate level to cover staff costs and scheme operation. The trial is expected to last for a period of 12 months but it is anticipated that it will be initially reviewed after four months by the Economy, Transport and Environment Select Committee.
- 2.6 Strict guidelines will be published detailing minimum footway widths and maximum A-board dimensions and a clear application process drawn up. The permission will be based on the criteria set out in the published guidelines and will address the suitability and nature of the A-board location and also the type of A-board being proposed. Evidence of £5m public liability insurance will be required from each applicant as part of the consent process.
- 2.7 Where compliance is not achieved and A-boards continue to be placed without permission they will be removed in accordance with relevant legislation and the existing A-board policy.

3. Finance

- 3.1. It is proposed that the application fee will be £50 per business for the trial period to cover the basic administrative costs and routine inspection and regulation. The service will be cost neutral to the County Council.

4. Performance

- 4.1. Work could be quickly undertaken to draw up the necessary licensing documentation and, if approved, it is expected this will be available from the County Council's website in early 2015/16.
- 4.2. The Highways team will administer the process and, once an application is approved, will provide the applicant with an A5-size licence that will need to be displayed in a shop window to aid regulation. It is hoped that the Town Centre Management team will work in partnership with the County Council to ensure that the regulation of the approved A-boards is maintained and not abused by businesses.
- 4.3. The County Council's established enforcement procedures for A-boards will remain in place but, **within the trial area only**, owners of unregulated signs will be initially encouraged to sign up to the licensing scheme. Should signs remain unregulated then the County Council will take appropriate enforcement action in line with the current A-board policy.

5. Future direction

- 5.1. The trial in Andover will be evaluated, including seeking feedback from the traders and other interested parties, and the evidence considered and reviewed by the Economy, Transport and Environment Select Committee before any decisions are made over potentially changing the existing A Board policy, extending the trial or maintaining the existing policy approach.

6. Recommendations

- 6.1. That approval be given for a trial in Andover town centre for the licensing and regulation of A-boards on the public highway under Section 115 of the Highways Act 1980.
- 6.2. That the Director for Economy, Transport and Environment be given authority to arrange the particulars of the trial and the administrative framework that will support it, and to review this as necessary throughout the trial period, in consultation with the Executive Member for Economy, Transport and Environment.

A-boards/TRL

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):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u> Review of A-board Signage Policy A-boards Policy	<u>Reference</u> 4957 3731	<u>Date</u> June 2013 April 2012
Direct links to specific legislation or Government Directives		
<u>Title</u> Highways Act 1980 Section 115		<u>Date</u>

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.)

<u>Document</u>	<u>Location</u>
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.

1.2. Equalities Impact Assessment:

The trial should have a low impact on groups with protected characteristics and will serve to regulate an established practice in a busy shopping area to ensure the streetscene environment is a safer place for all users.

2. Impact on Crime and Disorder:

2.1. No impact anticipated.

3. Climate Change:

3.1. The proposed trial will have no impact on carbon footprint or energy consumption.