

## A BOARDS POLICY AND IMPLEMENTATION

**Responsible Officer** Steven Brown

e-mail: [steven.brown@shropshire.gov.uk](mailto:steven.brown@shropshire.gov.uk)

Tel: 01746 713162

### Summary

A Boards are stand alone advertising boards often located on the pavement outside of shops in our town centres. This report brings together evidence from the recent A board pilot in Bridgnorth and Ludlow, and requests approval for the resultant policy.

### Recommendations

It is recommended that Cabinet agree:

- A. Enforcement of A boards will be undertaken to the de minimis level, i.e. to remove hazards or obstructions from the highway in order to maintain safe passage;
- B. An alternative standard, which allows up to two A boards per premises, can be adopted for a town or parish council area, subject to appropriate local consultation and agreement;
- C. To approve the criteria and guidance for the use of A boards, in Appendix A

## REPORT

1. An A board pilot scheme which limited the number of A boards a premises could display in Bridgnorth and Ludlow town centres was held last year. The scheme was implemented following the concerns of local members, town councils, Local Joint Committees (LJC) and civic groups.
2. It is widely acknowledged that the Bridgnorth scheme was successful, and in conjunction with support of the local town council and LJC, reduced the number of A boards. The Ludlow pilot was more problematic and met with some local resistance.
3. Although the pilot scheme mirrored other national schemes, and that support from LJCs, business groups and town councils was provided, the practicalities

of providing a 'blanket' policy across different communities and towns led to levels of concern being expressed.

4. Shropshire Council responded to concerns and requests for information on numerous occasions, but it was clear that some retail owners were particularly concerned. Shropshire Council can legitimately continue to enforce on the basis of reducing the number of A boards on the highway, and accept that there will be localised concern raised; or adopt a simple health and safety approach and deal with A boards on an individual basis which is our statutory duty.
5. Members are reminded that concern was originally raised through LJCs and town councils; however, the issue is that some premises display numerous A boards on the highway. These are not necessarily health and safety concerns in themselves, but can detract from the visual amenity. Except for some minor cases, it is not an issue for planning or conservation either. Therefore, Members are requested to consider the two level approach set out in this report.

### **Legal Framework**

6. Members should be clear that Environmental Maintenance officers (Street Scene, Civil Enforcement, Highways, Co-ordination) will always provide a de minimis level of enforcement. That is the removal of obstruction or hazard from the highway only, and does not apply to private land or within the property of a retail premises. Members must be clear that this report only relates to enforcement and removal from the highway, other powers within the council via Planning Enforcement, Development Control, conservation and existing By-Laws remain unaffected.
7. All officers currently have adequate delegated authority, and there is no requirement for additional powers.
8. Enforcement for the display of excessive A boards on the highway falls within the remit of the Highways Act 1980 and Town & Country Planning regulations 1992 (impact upon the visual amenity - conservation). Enforcement ranges from verbal or written requests to remove A boards, to removal by Council staff with the option of recouping costs and/or prosecution by magistrates.
9. Shropshire Council, as the Highway Authority, can determine what equipment is placed upon the highway. Premises displaying A boards will be asked to demonstrate that sufficient public liability insurance is in place (£5 million), to protect the council. Currently, guidance is provided to retail outlets, see appendix A. This guidance provides advice on location of A boards and conservation issues. Often any issue could be shared with planning or conservation officers for advice. There is a balance to strike between encouraging vibrant market towns, and ensuring that towns are not subject to "street clutter". However, some businesses see A boards as central to their operation and resist removal.

## Resource Implications

10. Environmental Maintenance staff have the capacity to undertake inspections and enforcement as part of their current duties. As such, there are no direct resource implications.

## Proposed Policy

11. The following two level approach is proposed:
  - a) Enforcement will be undertaken to a de minimis level, to remove hazard or obstruction from the highway in order to maintain safe passage. This provides a clear standard, which is consistent to enforce. It can however allow an increase in A boards, which do not constitute a hazard or danger on the highway.
  - b) Up to two A boards per premises will be allowed in any town or parish council area, subject to criteria (see appendix A). The implementation of this standard would be subject to consultation and agreement with town and parish councils and local business bodies. This approach may lead to an increase in the number of A Boards as businesses take advantage of the “two board” maximum quota. The criteria in appendix A provide guidance on use, locations and conservation areas which can limit use.

## Rationale

12. Shropshire Council needs to balance its support for new and existing business in these economic times, against its role as the highway authority. In particular, the Council has a duty to protect the rights of the public to enjoy unobstructed access to the highway. The ad hoc placing of signs on the highway can cause real difficulties for people with visual or mobility impairments, or young children in pushchairs. The proposed policy allows for an overall Shropshire approach, but with the ability for local discretion to suit the circumstances in each market town.

## Conclusion

13. Members are reminded that the enforcement of A boards on the highway can be contentious and problematic, and can meet with local resistance. However, Town and Parish Councils and civic groups often raise their concerns regarding excessive displays of A boards in town centres. Additionally, as the Highway Authority, there is a statutory duty for Shropshire Council to ensure the Highway is as safe as possible. This is balanced against retail outlets wishing to promote their business.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

There are no background papers to this report.

**Human Rights Act Appraisal**

No issues to raise.

**Environmental Appraisal**

There are no direct environmental issues.

**Risk Management Appraisal**

As stated within the report, any A board in the officers opinion that is a hazard will be removed. The issue is clusters of A boards that detract from the visual amenity and may be a minor risk. This needs to be balanced with the need to ensure the carriageway is free from obstruction. This issue is contentious, problematic and will generate negative publicity if stringent enforcement is adopted.

**Community / Consultations Appraisal**

Discussions and meetings at Local Joint Committees, Town and Parish Councils, business representatives and affected local members have been undertaken.

**Cabinet Member**

Councillor Martin Taylor Smith.

**Local Member**

All local members will be affected.

**Appendices**

Appendix A : A board criteria.