

Appendix 1

Update to Place Overview Committee regarding progress of review/stakeholder engagement of current policy and processes for Banners, Bunting and Christmas Lighting.

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Following the recommendation from Committee in December 2018 an initial “Engagement/ briefing note” outlining the issues, background, considerations and recommendations has been issued to all Town and Parish Councils (via Shropshire Association of Local Councils) and to relevant Business Improvement Districts (BIDS).

This is with a request that responses, feedback, views and advice on forming a practical, effective and agreed way forward which fully takes into consideration stated issues and all those affected be received by 30th September 2019.

Councils and identified stakeholders have been asked for their views and ideas on the main recommendation which was that policy, process, enforcement and “day to day” management of this function be devolved to applicable Town and Parish Councils.

Please see below engagement note issued:

ENGAGEMENT NOTE RE. REVIEW OF CURRENT “BANNERS, BUNTING AND CHRISTMAS LIGHTING POLICY AND PROCESS.

Introduction

The current process of the erection of Banners, Bunting and Christmas lighting over or on the public highway within Shropshire requires an application to the “Street Works” team for approval. The “Street Works” team overriding remit is to carry out the “Network Management Duty” (Traffic Management Act 2004) of the authority, primarily via the operation of the “West and Shires Permit Scheme”.

The team underwent a full restructure in 2012/13 prior to the introduction of the scheme with the emphasis on ensuring “Street Works” (primarily works proposed and undertaken by Public Utility companies and other Statutory Undertakers) and “Road Works” (those works undertaken by the Highway Authority as “works for road purposes”) are planned and executed timely and appropriately whilst endeavouring to minimise disruption to the highway network.

A recent internal review of tasks undertaken by the team highlighted a number of legacy “licences and approvals” which required further review and consideration into whether they are both commensurate to the teams remit and/or whether a further review would benefit in ensuring “best practice” and an appropriate/practical policy and process is applied. The current process for “Banners, Bunting and Christmas lighting” falls into this category – mainly due to the activity itself needing minimal “Highway Conditions” applied (considerations may/would include the possible use of temporary traffic management to erect and remove only - as all other conditions such as allowable height are set and, when erected, there should be no effect on the passage of vehicles or pedestrians)

A current consideration of each applicant is of the load- bearing tolerances of “fixing points”. Council owned locations should be tested annually and this information should be made available upon request, private properties are responsible for the maintenance and suitability of their fixing points. In this respect there exists some inconsistency in county-wide process. For example, Shrewsbury has specific, historic and approved fixing locations that are regularly tested by the Town Council - whilst other Towns and villages do not.

Background

Many feel that banners (sporting, recreational, charity & cultural only), bunting and Christmas lighting all add to the community experience within an area and can enhance event and general visitor attendance numbers significantly proving a valuable tool for the local economy, however they require approval under the Highways Act 1980 section 115

<http://www.legislation.gov.uk/ukpga/1980/66/section/115E> to confirm they fall within guidelines and policies of safety and do not hinder the aesthetics of the surrounding environment.

Current Process : <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/banners-bunting-or-christmas-lights-on-the-highway>

The current application and approval process is handled by the Street works team who look to ensure banner content is community based and not for general business advertising and also that the positions of said items cause no potential hazard or hindrance to highway users. An application is made containing details of the required banner, bunting or lighting type, the location and confirmation of sufficient public liability insurance (£5m) to protect the council in the event of any possible incidences resulting from the placement of said items on the highway. Items which are placed on or over the highway that are fixed to a non-council owned property, fence or railing require permission from the owner. The application is then assessed and given approval, requested amendment or refusal.

As part of this there are county-wide “conditions” which state that the banner, bunting or illumination must not obscure any traffic

signs or signals, interfere with illumination from a street light or restrict motorists visibility; banners shall not be erected or removed between the hours of 8.00am and 6.00pm Monday to Saturday inclusive and can only be permitted for approximately one week before the event/for the duration of the event only.

Considerations

The current application and approval process would benefit from local knowledge and input to identify the suitability of the requested items and locations within the local environment both technically and in regards to the ambiance of the local area. The current suggestion is towards an approval process managed by local Parish/Town councils who retain this level of local knowledge and, it's advocated, would be better suited and more equipped to make localised approval decisions with applicable "highways" guidance and conditions supplied via the Street works, Street Lighting and Highways Teams. Localised council involvement would allow the day-to-day monitoring of the placement of said items to ensure conditions and criteria are adhered to using powers of enforcement as stated within the Highways Act 1980.

Conclusion

The current position is that views and feedback are being sought from all affected/interested parties in the form of an initial response to this engagement and taking into account the issues, consideration and background supplied.

The deadline for responses to be received and considered is 31st August 2019 and the address for responses is:

aboardreview@shropshire.gov.uk

During this period I am happy to discuss further or engage to suit at planned meetings where this issue can be tabled.

Recommendation

That engagement takes place with identified stakeholders on the basis of views being sought both on “best practice” in regard to any amended policy/process for “Banners, bunting and Christmas lighting Policy and Process” and on the draft recommendation of devolvement of process and enforcement to relevant / applicable Town and Parish Councils. This information will form a subsequent report to be considered at the “Place Overview Committee” for a recommendation to Cabinet.