



**Place Overview Committee**  
**15 January 2020**

**Item**

## **Report of the Signs, Boards and Banners Policy Task and Finish Group**

### **Responsible Officer**

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overview and scrutiny officer  
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### **1.0 Summary**

- 1.1 This report concludes the work of the Signs, Boards and Banners Policy Task and Finish Group. It discusses the issues Shropshire Council faces with regard to a number of street scene issues. It makes recommendation to Cabinet that it will
- ensure clear policy with regard to banners, bunting and Christmas decorations
  - provide certainty to businesses with regard to guidelines for A boards
  - put into place a sustainable pavement permit scheme and
  - provide additional income to allow more effective administration of the council's housing development sign permit scheme.

### **2.0 Recommendations**

- 2.1 The Place Overview Committee recommends that Shropshire Council:
- draft and consult on a new policy for banners, bunting and Christmas decorations.
  - draft and consult on a new policy for A boards
  - consult with town and parish councils on supplementary policies for their local area with regard to banners, bunting, Christmas decorations and A boards
  - proceed with its intention to increase its charges for pavement permit licences to £213 for a new licence and £113 for an annual renewal
  - does not proceed with an additional cost recovery fee of £200 on new and annual renewals of pavement permits and
  - revise its scheme of charges for the housing development sign permit scheme to better reflect the work required to administer it.

### **3.0 Opportunities and risks**

- 3.1 Agreeing a new policy for A boards will provide certainty to businesses about how they can deploy them. It will also provide expected standards of design and location that will mitigate the impact of A board on footpath users. It will also provide the opportunity for town and parish councils to contribute additional policy that is relevant to their local area.

- 3.2 Revised licence charges for pavement permits and for housing development signs will ensure that services remain sustainable and that the businesses that benefit from the amenity are those that pay for the licensing.
- 3.3 A failure to achieve any of these outcomes would risk unsustainable or ineffective services, which would in turn have a detrimental effect on Shropshire's street scene, particularly in retail centres.

#### **4.0 Financial assessment**

- 4.1 A revised scheme of charges for the housing development sign scheme would provide additional income for Shropshire Council. The level of this additional income would depend on the revised charges that were agreed.
- 4.2 Delegating powers under Section 115E of the Highways Act 1980 would be likely to incur administrative costs. Any delegation of powers would require Shropshire Council to retain its own competence and administrative capacity, which would mean there would be no ongoing cost saving to Shropshire Council.
- 4.3 Agreeing to an increase in charges for pavement permits will increase permit income to a level that reflects the cost to the council of administering the scheme. Agreeing to withdraw the additional, time-limited charge of £200 on new and renewed permits will result in unrealised income of approximately £56,000.

#### **5.0 Background**

- 5.1 Throughout 2018 and 2019, the Place Overview Committee received a number of reports on street scene matters. These included:
- advertising boards placed outside businesses, known commonly as A boards
  - banners, bunting and Christmas decorations alongside or above the highway and
  - pavement permits.
- 5.2 In December 2018, the Place Overview Committee received a report from the council's Traffic Manager that outlined a potential new policy for A boards in Shropshire. This policy sought to limit the number of A boards a business could deploy, and provided guidelines to ensure that they did not impede other highway users. The committee concluded that the policy did not, and could not, adequately address the unique concerns of different town centres. It recommended that the Traffic Manager consult with town and parish councils, to determine the extent to which they would welcome delegated powers to administer their own licensing schemes for A boards.

- 5.3 At the same meeting, the Traffic Manager briefed the committee on current arrangements for granting permission for towns, parishes and community groups to erect banners, bunting or Christmas decorations along or above the highway. The committee heard how Shropshire Council lacked the necessary resources to administer effectively the existing application system. The manager suggested that town parish councils, were far better placed to advise on appropriate and safe locations for banners and bunting, and on appropriate designs and content for their local area. The committee agreed that the Traffic Manager should consult on proposals to delegate administration of the licensing scheme to town and parish councils. This consultation took place together with the consultation on delegation of powers for A boards to town and parish councils.
- 5.4 Due to staff shortages the service was unable to carry out the consultation until 2019. The consultation asked town and parish councils whether they would welcome the delegation of powers with regard to A boards, and any issues they saw in the delegation.
- 5.5 In February 2019, Cabinet approved revised charges for pavement permits, licences for businesses to trade on the footpath directly outside their premises. The cost of new permits rose from £135 to £413, and the cost of the annual renewal of the permit rose from £50 to £311. This cost increase in part reflected the actual cost of administering the permit scheme. However within the increase was an additional £200 charge that would be applied for the following three years only. Shropshire Council was applying this additional charge to recover previous costs in administering the permit scheme. Following concern raised by a number of businesses about these charge increases, the Portfolio Holder for Communities, Place Planning and Regulatory Services agreed to freeze the increase in fees and to refer the matter the Place Overview Committee. In September 2019, the Trading Standards and Licensing Service Manager presented the proposed changes to fees for pavement permits to the Place Overview Committee
- 5.6 At this meeting, the committee agreed to set up a task and finish group to look at all of the outstanding street scene matters in a single task and finish group workshop. This group would look how towns and parish councils, with their considerable local knowledge, could be empowered where possible to make decisions on local street scene matters.
- 5.7 The group conducted its work in a single group meeting in October 2019. It invited officers from the various services to brief the group, and invited town and parish councils, community groups and campaigners to give evidence at the meeting. The group considered each of the street scene matters in turn, identifying for each one or two key recommendations to support the ongoing development and sustainability of the service.

5.8 The group's report is attached as **appendix 1**.

<p><b>Background Papers</b></p> <ul style="list-style-type: none"><li>• <i>Highways Act 1980</i>, London HMSO</li><li>• <i>Conditions and regulation for the erection of temporary signage on footpaths and carriageways</i></li><li>• <i>Conditions and regulation for the erection of banners, bunting and Christmas lights over footpaths and carriageways</i></li></ul>
<p><b>Cabinet Member (Portfolio Holder)</b></p> <p>The Portfolio Holder for Communities, Place Planning and Regulatory Services</p>
<p><b>Local Member</b></p> <p>All</p>
<p><b>Appendices</b></p> <p>Appendix 1 – Report of the Signs, Boards and Banners Policy Task and Finish Group</p>



## **Place Overview Committee**

### **Report of the Signs, Boards and Banners Policy Task and Finish Group**

January 2020

## **Acknowledgments**

The group would like to thank the town and parish councils that contributed to the consultation and attended the workshop. They would also like to thank the charities, community groups and campaigners who contributed their experiences to the group.

## **Members of the Task and Finish Group**

- Cllr Joyce Barrow (chair)
- Cllr Roy Aldcroft
- Cllr Jane Mackenzie
- Cllr Viv Parry
- Cllr Madge Shingleton
- Cllr Dave Tremellen

## **Introduction**

Shropshire Council, as the highway authority, has a duty to ensure safe passage on the highways in the local authority area, be it road, footpath or cycle route. At the same time, being able to erect a banner the highway to promote a community event, festival decorations or to guide potential new residents to a new housing development is also in itself an important community benefit. Effective licencing arrangements can strike a good balance between maximising the community benefit of public space, while mitigating against any hazard caused by unplanned signage.

Shropshire Council has policies and licensing arrangements in place for many of the common ways in which people use the highway for their businesses or community activities, such as placing banners or other advertising, or bunting and Christmas decorations, on or above the highway. However, limited resources and a wide geographical area mean that it is unable to enforce those policies as well as it might wish to. This report of the Signs, Boards and Banners Policy Task and Finish Group therefore reviews current policies and licencing arrangements for a number of related street scene matters. It makes recommendations to ensure that the licensing schemes that support those policies remain sustainable, and examines opportunities to delegate decision making to town and parish councils. The group believes that those recommendations will strike a good balance between central and local decision making, and between the needs of local businesses, community groups and highways users.

## **Scope and focus of the work**

The task and finish group sought to:

- understand existing policies, charges and administrative arrangements for:
  - banners, bunting and Christmas decorations, and how we regulate them
  - A boards on high streets
  - Pavement permits, and current licencing arrangements for them and
  - housing development signs
- scrutinise existing policy and suggest draft policy
- identify opportunities to set and administer policy and licencing arrangements with town and parish councils and
- look at how other local authorities set and administer policy, to identify potential ways to improve arrangements in Shropshire.

## **What has the task and finish group done?**

The group carried out its work in a single half-day workshop session. It heard from the following people:

- Network Co-ordination and Compliance Manager, Shropshire Council
- Trading Standards and Licensing Service Manager, Shropshire Council

- Planning Services Manager, Shropshire Council
- Town Clerk, Shrewsbury Town Council
- Mayor, Ludlow Town Council
- Sight Loss Shropshire representative
- Guide Dogs for the Blind representative
- A local campaigner on street scene matters

### **What did the group decide?**

Although the topics the group discussed are closely related, they decided to discuss each topic separately. Although they shared common themes, the group decided that each warranted a close look on its own. This report therefore looks in turn at the key components of the group's work:

- banners, bunting and Christmas decorations
- A boards
- pavement permits and
- housing development signs.

### ***Banners, bunting and Christmas decorations***

Section 178 of the Highways Act 1980 makes it an offence to fix an "*overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway*" without the permission of the highway authority for the highway in question. This includes banners, bunting and Christmas decorations placed over the highway, those placed alongside the highways, such as those attached to railings or barriers, and signs attached to street furniture, such as temporary traffic signs attached to lampposts. Shropshire Council is the highway authority for the Shropshire Council area.

Section 115E of the Highways Act 1980 gives Shropshire Council, as the highway authority, the power to permit items such as banners, bunting and Christmas decorations, or advertising such as A boards, on or over the highway. It also gives the power to administer a licensing scheme for such items, and to charge a fee for a licence. The fee should cover the costs of administering the licence scheme; the council must not however profit from the scheme.

The group heard from the Network Co-ordination and Compliance Manager that "*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, 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.*"

The group identified a number of issues with the current process. Shropshire Council made no charge for applications to hang banners, bunting and Christmas decorations, which meant that it invested little into administering the application process. As a result the team was largely unable to check individual applications, relying instead on the town or parish council in question to know the location and strength of the fixings in its local area when seeking to erect overhead hangings for community events or Christmas decorations. Furthermore Shropshire Council does not systematically enforce its own application process. This means that community groups, or even businesses rarely made a formal application to erect a banner alongside the road, and banners erected without permission were rarely taken down. This latter point could be particularly frustrating for town and parish councils as it was not clear to them whether they had any authority to remove unsightly, unauthorised banners that were blighting town centres.

The group discussed whether it would be possible to delegate powers under sections 115E and 178 of the Highways Act 1980 to town and parish councils, an option that many town councils were keen to explore. The Network Co-ordination and Compliance Manager thought that delegation offered several advantages. Towns and parishes knew their town centres and local areas far better than Shropshire Council, so were best placed to make appropriate and safe decisions on when and where to hand items over or alongside the highway. As Shropshire Council largely relied on town and parish council to make these decisions anyway, for example when planning Christmas decorations, delegating powers would essentially formalise the process by decisions were often being made. Town and parish councils could also then set their own guidelines, empowering them to tackle issues specific to their local area, such as banner or A board blight in high-traffic areas.

Shropshire Council can formally delegate these powers to town and parish councils should both parties agree, but to do so would entail considerable legal and political processes. These would include, but would not be restricted to:

- Drafting and consulting on a proposed policy of delegation of powers
- Ascertaining which town and parish councils wished to adopt local powers
- Drafting a memorandum of understanding for each delegation of powers
- Maintaining a policy to apply to areas that did not have delegated powers
- Maintaining an appeals process and providing legal support for any appealed or disputed decisions.

If a formal delegation of powers would be too expensive for the benefit it would bring, then Shropshire Council may be able to achieve the same benefit through policy, without delegating powers, by including provisions within the policy that were specific to a particular town or parish.

**The committee therefore recommends that Shropshire Council redrafts its policy for banners, bunting and Christmas decorations, to include where appropriate, provisions for specific retail centres.**

### **A-boards**

A boards are free-standing wooden, metal or plastic boards that shops and businesses place outside their shops. They provide visible advertising to passing pedestrians that would not otherwise see the shop's sign above the door.



*Image 1: A boards at Buttercross, Ludlow*

Businesses in retail centres use them as a cheap and easy way to promote an offer to passers-by. However, disability advocacy groups such as Guide Dogs for the Blind regard them as a serious hazard to people with disabilities. They would like to see an outright ban.

Shropshire Council has no agreed policy for A boards. Recently it has attempted to draft a policy but has struggled to reconcile the wishes of businesses and disability advocacy groups. Although the council has no agreed policy, it does provide guidelines for businesses that wish to erect A boards. These state that:

- The A board must relate to the trade of the premises and be placed along the front width of the retail outlet.
- The equipment must be fit for purpose and cause no potential hazard, nuisance or obstruction.
- A maximum of two A boards (which will include any advanced board or notification board) will be permitted per premise, if appropriate and approved by your local town or parish council.
- Advanced directional 'A' boards will be permitted away from the premises in special cases at the discretion of the Streetworks Manager.

The council recently consulted towns, parishes and interested group on these guidelines, requesting feedback on the guidelines and asking for suggestions for a future policy. This consultation received feedback from around a dozen organisations, who made the following points:

- Some businesses used more than two A boards, and sometimes placed A boards in other locations in the town centre away from their businesses.
- It was common to see A boards placed in the middle of the pavement, rather than against the front wall of the business premises. This created an additional hazard for some people.
- Some community and disability groups wanted to see a total bans on A boards. One group listed a number of councils with an outright ban, but further research demonstrated that the overwhelming majority of councils appeared to permit them in some way.
- A boards that were open at the base, or lacked a tap rail, were a particular hazard to people with limited vision. Some local authorities specifically forbade these.
- Some town councils welcomed the opportunity to be able to administer A board schemes themselves. However they expressed concern that they were not equipped to manage legal disputes or challenges potentially arising from any delegated powers.
- Some towns had a noticeable problem with an excess of A boards, or an excess of A boards in prime locations within their town centres.
- Other town and parish councils, lacking a retail centre, had no such issues. These council generally did not wish to administer their own schemes.

The group discussed the current guidelines and the consultation responses. There was no wish among the group to discuss an outright ban on A boards. It agreed that in the absence of a policy and application process, it was difficult to enforce the existing guidelines. An agreed policy, together with an application process, would set the 'ground rules' with the business making the application, making enforcement much easier. However operating such a scheme would impose a considerable administrative burden on the council, and would require the council to charge permit holders to cover the costs of administering the permit scheme. The group concluded that the effort required in administering the scheme would outweigh any potential benefits that it might bring.

As with banners, bunting and Christmas decorations, the group was also keen to explore some delegation of powers to town and parish councils that sought them. This would allow towns such as Ludlow, which has a particular problem with A boards blighting busy junctions, to draft a policy that responded to their local concerns. At the meeting, representatives from Shrewsbury and Ludlow town councils expressed a wish to be able to administer their own schemes. Responding to our consultation,

other towns such as Oswestry and Market Drayton felt that delegation could be useful too.

However as with banners, bunting and Christmas decorations, the town councils also highlighted potential barriers to delegating powers. A lack of legal capacity meant that they were unsure whether they able to manage the powers without some ongoing support from Shropshire Council. For example, town councils might be unable to enforce their own regulations or respond to an appeal of a decision.

As before, instead of a formal delegation of powers it may be more straightforward for Shropshire Council to draft policy for the entire local authority area. There is also no reason why the council could not include within that policy specific regulations for individual town and parish councils, providing the overall policy was consulted on and agreed by the relevant councils. The group agreed that the guidelines presented to the Place Overview Committee in December 2018 provided a good basis for a general policy for the council. Town and parish councils could then agree on and submit additional policies for their local area, for example to allow more A boards outside a premises, or to forbid them in certain public areas.

**The group therefore recommends that Shropshire Council draft and consult on a new A board policy for the local authority.**

**The group also recommends that Shropshire Council consult with town and parish councils on supplementary policies for their local area.**

### ***Housing development signs***

A typical housing development may take several months or years to complete. During this time, the developer will seek to sell the properties they are developing before they complete them. As many potential buyers are travelling from outside the immediate area, and because the development is unlikely to feature on road maps or navigation software, the developer often seeks to erect temporary signs to guide potential buyers to the site.

There is no law governing such signs, however local authorities are able to licence such signs and to charge for the licence. They are also able to ban such signs, as some local authorities do.

Shropshire Council operates a licencing scheme in order to regulate housing development signs. It does this in order to ensure that signs:

- do not overhang the footpath at a height of lower than 2.1m, or 2.3m if it is a joint foot and cycle path
- are not erected at the peak traffic times of 08:00 to 18:00
- are only erected from when work commences on the site, until six months after the sale of 80% of the development

- comply with statutory Traffic Sign Regulation Design and General Directions, 1994 Diagram 2701 Section 7, Part VII and
- do not impede the visibility of other signs.

Shropshire Council permits developers to erect a maximum of six signs, charging £90 for each successful application.

The group wanted to know how this charge compared to other local authorities. Very few councils, such as Bromley, ban signs outright. A few more, such as Sheffield and Gateshead, permit signs but operate no licencing scheme. Charge at other local authorities differ considerably.

<b>Local Authority</b>	<b>Charge</b>	<b>Charge for six signs for twelve months</b>
Shropshire	£90 application charge	£90
York	£371-£494 application fee and £16 per sign per month.	£1513
Wirral	£198 application fee and £60 per sign. Renewal every six months. Renewal cost £165 application and £50 per sign.	£1023
West Sussex	£547.30 for up to six signs for 12 months, £109.48 per additional sign	£547.30
Manchester	£112 application, maximum four signs for six months, £359	£471 for four signs for six months maximum
Peterborough	£100 application, no other charges	£100
Rotherham	£150 application for six months, £150 renewal every six months	£300
Tameside	£55 application, £23.50 per sign, for twelve months. Excludes VAT	£235.20
North Lincolnshire	£100 application, no other charges	£100
Bracknell Forest	£362 application plus £57 per street signposted	£533 (assumes two signs per street)

*Table 1: housing development sign charges in selected local authorities*

Officers told the group that although the council administered a licence scheme, it did not erect signs on behalf of developers. The council also did not actively monitor development signs, but would remove old signs when operatives noticed them. A group member noted that there were several broken, outdated signs erected around Oswestry.

The group agreed that the current charges did not reflect the cost of administering the scheme properly. Higher charges would therefore justify a more rigorous oversight of the scheme. Although it was unlikely that the current or future scale of development would justify a dedicated officer to administer the scheme, better funding could make effective administration a greater priority.

**The group therefore recommends that Cabinet request the relevant officer to present revised charges for the council's housing development sign permit scheme that better reflect the work required to administer the scheme effectively.**

### ***Pavement Permits***

As with A boards, Section 115E of the Highways Act 1980 gives Shropshire Council the power to permit businesses to operate on the footpath directly in front of their premises. In common with many other local authorities, Shropshire Council operates a licensing scheme for which it charges business to apply.

In a report to the Place Overview Committee in September 2019, the Trading Standards and Licensing Service Manager noted that *“by using pavement areas that span the frontages of premises, businesses are able to expand their trading space and, in effect, make business use of public land. This has clear commercial benefits for businesses in that it attracts customers, boosts business income and profit and supports the local economy. On this basis, it was and continues to be considered appropriate that those businesses gaining a financial advantage from holding a Pavement Permit ought to bear the cost of the administration and regulation of the scheme and that this ought not to fall to the local tax payer.”* The group agreed with this principle.

Shropshire Council currently charges £135 for a new pavement permit, with an annual renewal fee of £50. It has charged these fees since April 2017. In the September 2019 report to the Place Overview Committee, the service manager told the group that the charge did not reflect the cost of administering the scheme. To cover the cost, the licence would need to rise to £213 for a new licence and £111 for a renewal. The group agreed that licence charges should reflect the cost of the work in administering the licence scheme.

The report also noted that registered charities were exempt from any charge when applying for a permit. The service manager proposed to remove this exemption as it placed charity shop at an unfair advantage with other businesses in town. The report also noted that charities operating from a stall on the pavement had to pay £494 for an annual licence to do so. The group also agreed with this change.

The group wanted to understand more about charges for pavement permits, and how they compared with other local authorities. The service manager briefed them that

*“there are numerous examples of councils across the country that have pavement permit schemes for which a charge is made. This includes several immediately neighbouring councils (Cheshire East Council, Cheshire West and Chester Council, Stoke-on-Trent City Council, City of Wolverhampton Council, Herefordshire Council, Worcestershire County Council, Worcester City Council, Malvern Hills District Council, Wyre Forest District Council). There is no consistency in respect of the basis upon which charges are set and examples range from as low as £25 up to sums that are over £1,000.”*

A search for charges made by other local authorities showed that Shropshire’s proposed fees to be in the middle of a wide range of charges. Urban areas tended to charge more, with central London charges (not included in the table below) being particularly high.

<b>Local Authority</b>	<b>New permit</b>	<b>renewal</b>	<b>3 year cost</b>
Pontypridd	30.5	30.5	91.5
Durham	205	51.5	308
Surrey	105	105	315
Bath NE Somerset	117	100	317
Leicestershire	175	100	375
<b>Shropshire</b>	<b>213</b>	<b>111</b>	<b>435</b>
Colchester	295	145	585
Derbyshire	300	150	600
Hertfordshire	342	171	684
Solihull	240	240	720
Plymouth	256	256	768

*Table 2: pavement or café permit charges in selected local authorities*

**The group therefore recommends that Shropshire Council proceeds with its intention to increase its charges for pavement permits to £213 for a new licence and £111 for an annual renewal.**

The group wanted to look at proposals for a three-year, time-limited additional charge of £200 per year per permit. The service manager informed the group that the permit fees had never covered the cost of administering the permit scheme. The total deficit was calculated to be £53,402 for the period 2015 to 2018. In setting its permit fees, the council can legitimately seek to recover costs incurred in previous years by charging current and future licence holder an increased fee. To do this, the service proposed to place an additional charge of £200 per licence or annual renewal for a period three years, making the total cost of a licence of £413 for a new licence and £311 for an

annual renewal. After the three-year period, once the council had recovered its costs, the fee would reduce to a level where the fees would only cover current scheme costs.

The group is very concerned by this cost recovery. It understands that the council is entitled to recover this cost, but it does not believe that it would appear fair to the public to make this additional charge, in particular to a sector that was a vital part of the recovery of ailing town centres, notably cafes, bars and restaurants.

**The group therefore recommends that the Shropshire Council does not include an additional cost recovery fee of £200 on new and annual renewals of pavement permits.**

The group asked whether the council's civil enforcement officers were able to take action against businesses that operated without a licence, or used A boards inappropriately. Officers advised that the officers could report on breaches and other issues that they encountered, but were limited in what they could do. Their primary role was parking enforcement. As enforcement was limited, officers reported that businesses sometimes spread beyond agreed boundaries. This was more likely to be enforced by the council if businesses limited the width of pedestrian space to below 1.2m, or where there was a threat to safety.

The group was also keen to look further into how the council could ensure that more businesses who traded on the pavement had the appropriate licence. It noted that there was limited capacity to enforce licencing within Shropshire Council. Members of the group suggested that as with A boards town and parish councils would be better placed to administer pavement permit schemes themselves. They would be more likely to identify businesses without permits, as well as being to enforce the specifics of the permit. However to delegate powers to town and parish councils would require overcoming considerable constitutional, legal and consultative hurdles in order to put new arrangements in place. Given the huge variance in size and scope of councils, many councils would neither need nor be able to administer the delegated powers. As with A boards, Shropshire Council would still have to administer any appeal against a town or parish council condition. The group also notes that the current arrangements within Shropshire Council are stable and sustainable, and disrupting them would have uncertain benefits.

The group therefore does not recommend delegating the administration of pavement permits to town and parish councils.

## **Conclusion and recommendations**

The group therefore recommends that Shropshire Council:

- draft and consult on a new policy for banners, bunting and Christmas decorations.
- draft and consult on a new policy for A boards
- consult with town and parish councils on supplementary policies for their local area with regard to banners, bunting, Christmas decorations and A boards
- proceed with its intention to increase its charges for pavement permit licences to £213 for a new licence and £113 for an annual renewal
- does not proceed with an additional cost recovery fee of £200 on new and annual renewals of pavement permits and
- revise its scheme of charges for the housing development sign permit scheme to better reflect the work required to administer it.