



Cabinet  
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Item  
  
Public

## **Performance Management Scrutiny Committee - Report of the Signs, Boards and Banners Policy Task and Finish Group**

### **Responsible Officer**

Danial Webb, overview and scrutiny officer  
01743 358509

### **1.0 Summary**

1.1 This report concludes the work of the Signs, Boards and Banners Policy Task and Finish Group. In the report, the group examines a number of street scene issues that Shropshire Council faces. It makes recommendations to Cabinet that could:

- ensure clear policy with regard to banners, bunting and Christmas decorations
- protect pedestrians and provide certainty to businesses with a permit scheme for A boards
- ensure Shropshire Council retains 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 Performance Management Scrutiny Committee recommends that:

- Shropshire Council redraft its policy for banners, bunting and Christmas decorations, to include where appropriate, provisions for specific retail centres;
- Shropshire Council set and actively enforce a policy for A boards;
- the policy for A boards should include the regulations contained in the body of this report;
- the cost of an A board permit should reflect the total cost of administering and enforcing the scheme;
- Shropshire Council consult with town and parish councils on supplementary policies A boards for their local area;
- Shropshire Council proceed with its intention to increase its charges for pavement permits to a level that fully recovers the cost of administering and enforcing the scheme. These fees will then be subject to an annual review;

- Shropshire Council does not proceed with an additional cost recovery fee of £200 on new and annual renewals of pavement permits; and
- Shropshire Council revise its scheme of charges for the housing development sign permit scheme, to a level that fully recovers the cost of administering and enforcing the scheme.

### **3.0 Opportunities and risks**

- 3.1 Agreeing a new policy and permit scheme for A boards will provide certainty to businesses that wish to use 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 fee charges for A boards, 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 their licensing and management.
- 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. Negative impacts could include reduced access to retail centres for some groups of vulnerable adults.

### **4.0 Financial assessment**

- 4.1 A revised scheme of charges for housing development signs would provide additional income for Shropshire Council.
- 4.2 Delegating powers under Section 115E of the Highways Act 1980 would be likely to incur administrative costs. Any delegation of powers would still 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 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.
- 4.4 Introducing a fee-based permit scheme for A boards would provide additional income for Shropshire Council to administer the scheme. However this income could not be greater than the costs incurred in administering and enforcing the permit scheme.
- 4.5 Agreeing to withdraw the deficit recovery charge of £200 on new and renewed permits will result in unrealised income to Shropshire Council of approximately £56,000.



## **5.0 Background**

- 5.1 During 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 potential new guidelines for A boards in Shropshire. These sought to limit the number of A boards a business could use, to minimise their impact on other highway users. The committee decided that although it welcomed revised guidelines, they questioned whether they contained sufficient detail to be able to manage the unique situation in each of Shropshire's market towns. Some members were unsure whether the guidelines do enough to protect pedestrians, in particular people with a visual impairment or those with young children. It recommended that the Traffic Manager consult on the proposed guidelines for A boards, and should also consult with town and parish to determine their wish to receive delegated powers to manage their own permit schemes.
- 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, relying on town and parish councils to determine matters for themselves. The manager suggested that town and 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 therefore consult on proposals to delegate administration of the licensing scheme for banners, bunting and Christmas decorations to town and parish councils.
- 5.4 A joint consultation on draft guidelines for banners, bunting, Christmas decorations and A boards took place in the summer of 2019. The consultation also asked town and parish councils whether they would welcome delegation of powers over these matters. It also invited them to identify any potential problems that they saw with any delegation of powers to them.
- 5.5 In February 2019, Cabinet approved revised charges for pavement permits, which allow businesses to trade on the footpath directly outside their premises. The cost of new permits would rise from £135 to £413, and the cost of the annual renewal of the permit rose from £50 to £311. This cost increase was in part due to a

decision made that the cost of the permit should reflect the cost of administering and enforcing the permit scheme. However, contained within the increase was an additional £200 charge that was applied to recover an historic and accumulating deficit, which had incurred as a result of administering the permit scheme in previous years at a financial loss. Following concern raised by a number of businesses about these increases in fees, 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.

- 5.6 In September 2019, the Trading Standards and Licensing Operations Manager presented the proposed changes to fees for pavement permits to the Place Overview Committee. At this meeting, the committee noted the wide range of separate but related street scene matters that it had recently considered over the course of several meetings. It therefore decided that it would be useful to set up a task and finish group to look at all of these closely related street scene matters in a single task and finish group workshop. In particular, this group would look how towns and parish councils, with their considerable local knowledge, could be empowered where possible to make decisions on these matters.
- 5.7 The group had initially planned to complete 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 services.
- 5.8 The group presented its final report to a meeting of the Place Overview Committee on 16 January 2020. The committee agreed that the report required further work, and that the group should reconvene to further discuss potential policy for A boards. The group therefore met again on 13 February 2020, to discuss policy for A boards and pavements permits. This report reflects the decisions made in this additional meeting.
- 5.9 On 20 May 2020 the Performance Management Scrutiny Committee agreed to submit this report to Cabinet for further consideration.
- 5.9 The group's final report is attached as **appendix 1**.

**Background Papers**

- *Highways Act 1980*, London HMSO
- *Conditions and regulation for the erection of temporary signage on footpaths and carriageways*, Shropshire Council
- *Conditions and regulation for the erection of banners, bunting and Christmas lights over footpaths and carriageways*, Shropshire Council

**Cabinet Member (Portfolio Holder)**

The Portfolio Holder for Communities, Place Planning and Regulatory Services

**Local Member**

All

**Appendices**

Appendix 1 – Report of the Signs, Boards and Banners Policy Task and Finish Group



## **Place Overview Committee**

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

March 2020

## **Acknowledgments**

The group would like to thank the town and parish councils that took part in the consultation and attended the workshop. They would also like to thank the charities, community groups and campaigners who came to our meetings and contributed their valuable personal experiences to the group.

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

- Joyce Barrow (Chair)
- Roy Aldcroft
- Andy Boddington
- Paul Milner
- Pam Moseley
- Alan Mosley



## **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 along or over the highway to promote a community event, festival decorations or to guide potential new residents to a new housing development is an important community benefit. Effective licensing 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 guidelines, 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 Christmas decorations over the high street or tables and chairs outside a café. However, limited resources and a wide geographical area mean that it is often unable to enforce those guidelines as well as it might wish to. How can Shropshire Council therefore ensure that its policies and guidelines for street furniture support business and protect pedestrians? How can it ensure that those policies reflect the needs of its market towns?

This report of the Signs, Boards and Banners Policy Task and Finish Group reviews current policies and licencing arrangements for a number of related street scene matters. It makes recommendations to ensure that the permit schemes that support those policies remain sustainable and effective, and examines opportunities to delegate decision making to town and parish councils. The group believes that its recommendations 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;
  - A boards on high streets;
  - Pavement permits; and
  - housing development signs;
- scrutinise existing guidelines and make recommendations to strengthen them;
- 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 two half-day workshop sessions. 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
- Licensing Team Manager, Shropshire Council
- Town Clerk, Shrewsbury Town Council
- Operations Manager, Shrewsbury Town Council
- Mayor, Ludlow Town Council
- Sight Loss Shropshire representative
- Guide Dogs for the Blind representative
- Local campaigners on street scene matters

The group looked in turn at

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

As it looked at the existing council arrangements for each of these, common issues became apparent, which guided the group's recommendations. For example, the group noticed that although there are common issues with A boards and other retail street furniture, Shropshire Council administered them very differently. This suggested that a common administrative function to manage all street furniture matters might be more effective.

### ***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 banners 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 Christmas decorations over the highway, or advertising such as A boards on the highway itself. 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 licensing 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 possible 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 did not systematically enforce its own application process. This meant that although town and parish councils were diligent in submitting applications to put up Christmas decorations, community groups and businesses often failed to make a formal application to erect a banner alongside the road. It also meant that banners erected without permission were rarely taken down by Shropshire Council. 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 accumulations of 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 some town councils were keen to explore. The Network Co-ordination and Compliance Manager thought that delegation offered several advantages. He told the group that towns and parishes knew their town centres and local areas far better than Shropshire Council officers, so were best placed to make appropriate and safe decisions on when and where to hang items over or alongside the highway. This point was echoed in both meetings by town council officers. As Shropshire Council, in practice, largely relied on town and parish councils to safely install and operate Christmas decorations, delegating powers would formalise current operational decision-making, which happens largely at town or parish council level. Delegation would also allow town and parish councils to set their own guidelines, empowering them to tackle issues specific to their local area, such as banning banners in high-footfall areas.

The group heard from officers that Shropshire Council could formally delegate these powers to town and parish councils should both parties agree, but to do so would

entail considerable legal and political process. This 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.

The group therefore concluded that delegating powers to town and parish councils would be an inefficient way of empowering local decision making. Because the delegation would not be universal, as some town and parish councils would choose not to take on the new powers, Shropshire Council would still need to maintain a central process. Furthermore, although some town and parish councils might welcome administering their own schemes, they might not necessarily have the capacity to manage any legal disputes resulting from their administration. As the result, as the highway authority Shropshire Council would be obliged to deal with any legal disputes.

A more simple way of providing towns and parishes with the ability to create policy that works for their local area would be to draft a policy for Shropshire that contained criteria for a specific local area. For example, the policy could ban banners entirely alongside certain roads in a given town centre.

Shropshire Council could also consider instead splitting the process for managing Christmas decorations, banners and bunting placed over the road from banners and bunting placed alongside the road. Shropshire Council manages relatively few applications annually for Christmas decorations and other decorations over the road. These applications require particular care as they carry a greater risk of damage or injury, as well as requiring the highway to be closed temporarily to put them up and take them down. Shropshire Council is therefore best placed to provide advice and guidance to town and parish councils, and to co-ordinate any required road closures. Any policy for banners alongside the highway could then be included in its policies for A boards and other street furniture or advertising.

**The committee recommends that Shropshire Council does not seek to delegate powers for permitting banners, bunting and Christmas decorations to town and parish councils. It instead recommends that Shropshire Council redraft its policies for banners, bunting and Christmas decorations, to include, where appropriate, provisions specific to individual towns and parishes.**

**The committee also recommends that Shropshire Council create separate policies for banners, bunting and decorations placed over the highways, from those placed alongside the highway.**

## A-boards

Although the group looked at other advertising such as banners, it focussed much of its work on A boards. These are free-standing wooden, metal or plastic boards that shops and businesses place outside their shops. They provide visible advertising to passing pedestrians that might not otherwise see the shop's sign above the door.



Image 1: A boards at Buttercross, Ludlow

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

Shropshire Council has no agreed policy for A boards, and operates no permit scheme for them. It does however provide guidelines for businesses and organisations that want to use them. The guidelines 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 its guidelines, for A boards. It wanted to understand how the current guidelines were working, and sought ideas for future policy. This consultation received feedback from around a dozen organisations, from whom some key points emerged:

- Some businesses used more than two A boards, and sometimes placed A boards in other locations in the town centre away from their businesses. This created additional hazard and visual blight.
- 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.
- 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 councils generally did not wish to administer their own schemes.

The group discussed the current guidelines and the consultation responses. It was clear to the group that Shropshire Council's existing guidelines did not strike the right balance between businesses and the needs of pedestrians. They resulted in too many A boards along some popular high streets, which could be both a visual blight and a hazard to mobility. The lack of specific design guidelines for A boards posed a particular hazard for visually impaired pedestrians. These issues were exacerbated by a lack of Shropshire Council officers to enforce the guidelines.

The group concluded that Shropshire Council required a more robust response to A boards than its current set of guideline. To begin with, the group agreed that a Shropshire Council policy, endorsed through Cabinet in a similar manner to the policy for pavement permits, would provide clearer guidance to businesses wishing to use A boards. In particular it would allow Shropshire Council to protect vulnerable groups by insisting on minimum design specifications for A boards, and limiting their number and placement.

<p><b>The group therefore recommends that Shropshire Council draft and consult on a policy for A boards.</b></p>
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The group discussed how a revised policy could minimise the hazard to pedestrians while maximising the ability of retail businesses to promote themselves. Disability groups who attended the task and finish group meetings told the group that the three

biggest issues people faced with A boards were with the large number of them, their design, and a lack of consistency of placement.

As noted in the recent consultation, many businesses use more than one A board. They will sometimes have a board outside their premises plus additional boards pointing their way to their premises. Collectively, this proliferation of boards can make a footpath too crowded to navigate safely, as well as causing a visual blight. A boards without a solid base, or a rail at the base, were more difficult for visually-impaired people to spot when using a walking stick. A failure to keep A boards against the premises wall created uncertainty for people navigating by touch, as well as making the footpath more difficult navigate with a buggy.

In considering these issues, the group agreed that more policy detail was required than that offered in the existing guidelines.

**The group therefore suggested the following regulations:**

- **There should be a maximum of one board per premises, irrespective of the number of businesses within the premises. This would minimise the risk of too many boards creating an obstruction.**
- **The board should be placed against the wall of the property. This would provide consistency of placement that would be useful to pedestrians with limited mobility.**
- **The board should be sufficiently heavy so it does not blow over, should be a maximum size, and must always have a tap rail to the base. This allows visually impaired pedestrians to navigate footpaths more safely by identifying boards in good time.**
- **There would be a one-year period of grace once the policy came into force, to allow businesses time to purchase appropriate boards.**

The group noted that operating a permit scheme for A boards would impose a considerable administrative burden on the council. This would therefore require the council to charge permit holders the costs of administering the scheme. The group agreed that the cost of managing the impact of A boards should be paid by the businesses that wished to use them. Although the group is aware that this would place an additional financial cost on these businesses, A boards would remain a cost effective way to promote a business to passers-by. Furthermore, the permit would limit the number and location of A boards, improving the appearance of high streets and making them easier to navigate. Smarter, more inclusive streets would benefit all businesses.

The group noted that Shropshire Council already charges businesses for a permit to place other items on the footpath, such as café tables and chairs, and concluded that a similar permit scheme ought to operate for A boards. However this would then mean

that Shropshire Council would then operate a permit scheme for A boards within its highways service and a separate scheme for pavement permits within its public protection service. The group concluded that this would be ineffective way to carry out such closely related tasks, and that it would be far more efficient if a single service managed and enforced both permit schemes.

**The group therefore recommends that Shropshire Council transfers responsibility for A board policy, and any agreed permit scheme to manage them, to its public protection service.**

The group wanted to find out whether other local authorities ran a permit scheme, and how much they charged for a permit. Although some local authorities have banned A boards outright, most permit them to some extent. Many local authorities offer a blanket permission and provide guidelines regarding their use. However many other local authorities require users to apply for a permit. Table 1 below shows that charges vary from £25 to £408, with most charging between £100 and £200.

Local Authority	Charge	Notes
Liverpool	£100	£50 if placed on private land.
Chester	£250	Included in a pavement permit licence.
York	£110	Largely banned.
Islington	£125-408	Price depends on footfall.
Cardiff	£185	
Middlesbrough	£104	
Kirklees	£110	
Brighton	£111	Banned in some areas
Harrow	£147	
Solihull	£186	
Bradford		Banned
Colchester		Banned
Leeds		Banned on public land

*Table 1: A board permit fee in selected local authorities*

The group discussed with public protection officers the level of fee Shropshire Council should charge for administering a permit scheme for A boards. Officers suggested that the group that the fee for a pavement permit ought to reflect the cost of administering the licence, as is the case with the pavement permit scheme. The group agreed with this approach.

Operating a permit scheme for A boards was likely to cost a similar amount to the scheme for pavement permits. This would mean that the permit fee for both schemes would likely be a similar amount. The group accepted that this would be the case.



**The group recommends that the cost of an A board permit should reflect the total cost of administering and enforcing the permit scheme.**

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 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 would more straightforward for Shropshire Council to draft policy for the entire local authority area. There is also no reason why Shropshire Council could not include within that policy specific criteria for individual town and parish councils, providing the overall policy was consulted on and agreed by the relevant councils. Town and parish councils could then agree on and submit additional policies for their local area, for example to allow more A boards in certain prominent areas where there was no or little pedestrian footfall, or to forbid them entirely in other public areas.

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

### ***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, listed in Table 2 below, 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 proceed with its intention to increase its charges for pavement permits to a level that fully recovers the total unit costs applicable to obtaining a new permit and an annual renewal. These fees will then be subject to an annual review.**

The group wanted to look at an additional £200 charge that Shropshire Council sought to add to the permit fee, to recover an historic and accumulating deficit that had incurred as a result of administering the permit scheme in previous years at a financial loss. The group learned that the permit fees had never covered the cost of administering the permit scheme. The council calculated the total deficit 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. This made the total cost of a licence of £413 for a new licence and £311 for an annual renewal. This additional fee would continue until the historic costs had been recovered.

The group is very concerned by this proposed cost recovery. It understands that Shropshire Council is entitled to recover this cost, but it does not believe that it would appear fair to the public to impose this additional, historic charge on current and future businesses, in particular to a sector that was a vital part of the recovery of ailing town centres such as cafes, bars and restaurants. Whilst it was quite easy to link licencing street furniture to good civic enforcement, it was very hard to justify a cost relating to local authority service.

**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.

### ***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 license such signs and to charge for the licence. They are also able to ban development signs, as some local authorities do.

Shropshire Council operates a licencing scheme for 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. However most local authorities operate a licensing scheme, and as Table 3 below shows, charges for permits vary 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 3: 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. Officers also told the group that the current charges did not reflect the cost of administering the scheme properly.

The group concluded that as with A boards and pavement permits, the fees that Shropshire Council charge for permission to put up housing development signs should

reflect the cost of administering the scheme. Higher charges would justify a more rigorous administration of the scheme, including checking whether outdated signs had been removed. 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 also concluded that the permit scheme for housing development signs should be more straightforward in the time limit for which signs could be left up. The current rule of allowing signs to stay up until six months after 80% of the development had been built risked allowing signs to remain in place for years, making it less likely that they would then be taken down at the right time. The group therefore suggests that any permit should be for a fixed period of no more than twelve months before requiring renewal.

**The group therefore recommends that Shropshire Council revise its charges for its housing development sign permit scheme, to better reflect the work required to administer the scheme effectively.**

**The group also recommends that any permit scheme limits the duration of a permit to 12 months before requiring renewal.**

## **Conclusion and recommendations**

The group recommends that:

- Shropshire Council redraft its policy for banners, bunting and Christmas decorations, to include where appropriate, provisions for specific retail centres;
- Shropshire Council set and actively enforce a policy for A boards;
- the policy for A boards include the following regulations:
  - *There should be a maximum of one board per premises, irrespective of the number of businesses within the premises. This would prevent forests of board that could constitute too great a hazard.*
  - *The board should be placed against the wall of the property. This would provide consistency of placement that would be useful to pedestrians with limited mobility.*
  - *The board should be sufficiently heavy so it does not blow over, should be a maximum size, and must always have a tap rail to the base. This allows visually impaired pedestrians to navigate footpaths more safely by identifying boards in good time.*
  - *There would be a one-year period of grace once the policy came into force, to allow businesses time to purchase appropriate boards.*
- the cost of an A board permit should reflect the total cost of administering and enforcing the scheme;

- Shropshire Council consult with town and parish councils on supplementary policies A boards for their local area;
- Shropshire Council proceed with its intention to increase its charges for pavement permits to a level that fully recovers the cost of administering and enforcing the scheme. These fees will then be subject to an annual review;
- Shropshire Council does not proceed with an additional cost recovery fee of £200 on new and annual renewals of pavement permits; and
- Shropshire Council revise its scheme of charges for the housing development sign permit scheme, to a level that fully recovers the cost of administering and enforcing the scheme.