



Committee and Date

Place Overview Committee

30/06/2022

Item

Banners, Bunting, Christmas lighting & temporary signage policy review in Shropshire

Responsible Officer

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Banners, Bunting and Christmas lighting

1.0 Background and Summary

- 1.1 The current application and approval process to display community event banners, bunting or festive lights falls within the remit of Shropshire Councils Street Works team. The team were restructured in 2013 to better align to the objectives of the "Traffic Management Act 2004" and the Shropshire Council Permit Scheme (West and Shires Permit Scheme).
On review of existing tasks within the team the application and approval process for Banners, bunting and Christmas illuminations was highlighted as a task with minimal value in meeting the primary team objectives of "minimising disruption caused by roadworks" and was generally an administrative process with set conditions only.

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://www.shropshire.gov.uk/roads-and-highways/road-network-management/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, 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 or refusal. A consideration of the applicant is of the load-bearing tolerances of the fixing points, council owned locations should be tested annually, and this information will 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.

Recommendations from the Place Overview Committee resulted in an engagement note being issued to all Town and Parish Councils requesting consideration and feedback on a proposal to devolve process and enforcement to applicable Town and Parish Councils.

Following further consideration and discussion of received responses by the group, the final "Task and Finish Group" report of 26th March 2020 gave recommendations on pursuing a revised policy, approach and process.

The recommendations included that Shropshire Council retain the administration process and powers for permitting banners, bunting and Christmas decorations (under Highways Act 1980 Section 178 and Section 115E) but also look to consult further with all Town and Parish Councils to include, where appropriate, provision for specific retail centres, individual towns and parishes. The committee also recommended that separate policies were created both for banners, bunting and Christmas decorations "over" and "alongside" the highway. Apologies are given to the Group that no significant progress has been made in respect of further consultation over the past 18 - month period.

2.0 Recommendations

- 2.1 That the group/ officers engage and consult further with Town and Parish Councils in order to further identify "best practice", provision for specific retail centres, and any local conditions that could be included.
- 2.2 That a revised policy and process for "Banners, Bunting and Christmas Illuminations" is drafted for consideration.

3.0 Opportunities and risks

- 3.1 The opportunity to utilise a broader and more detailed local knowledge retained by local parish and town councils in the decision-making process of suitable positioning and safety prerequisites necessary for load bearing fixing points and associated displays.

3.2 The opportunity to look at how other local authorities set and administer policy and 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.

3.3 The opportunity to encourage local input on defining acceptable design and content criteria based on local area aesthetics and the community sentiment of each individual service application.

3.4 The opportunity to identify an efficient and appropriate use of Council resources in regard to which service area could better deal with the administration of applications and any subsequent enforcement process..

Risk could include significant differences in proposed local approach creating difficulties in drafting a singular policy.

Could prove to be an opportunity to build further relations between Shropshire Council and parish/town councils.

A proposed administration fee could impact on event organisers.

To allow all localised authorities to develop their individual process and best practice guidance based on their communities as it is felt that a 'blanket' approach across Shropshire does not facilitate individual requirements, for example a market town will have different criteria and challenges compared to a rural village.

4.0 Financial assessment

4.1 There are currently no attached administration or enforcement fees as the process of promoting local events relating to sporting, cultural, charity and recreational activities is considered vital to maximising attendance and awareness and is to be encouraged where possible.

There is a recommendation that an appropriate fee/charge, taking into account administration costs and an agreed level of enforcement, be agreed.

7.0 Conclusion

7.1 Following the recommendations from the group further discussions and liaison has taken place with Shrewsbury Town Council (STC) regarding how to resolve the logistics of ensuring compliance to licence conditions and the management / maintenance of approved "fixing points" for overhead banners in STC's ownership, whilst also ensuring that Shropshire Council, as designated Highway Authority, retain the powers permitting banners, bunting and decorations to be installed over/along the highway.

The discussions with STC were/are as a result of contemporary logistical problems in looking to practically resolve current banner applications, rather than targeted consultation – however the vast majority of banner applications received are for one, or more, of the 3 designated fixing point locations in Shrewsbury.

Discussions have revolved around a potential dual process which would allow STC to manage applications and diary bookings via their own agreed process (hence retaining “local” control and input) whilst permission to erect under licence is retained by Shropshire Council.

Discussions are on-going with a view, if feasible and meeting previous recommendations, that any resultant “model” is highlighted for further consultation with other Town and Parish Councils on a revised Policy and Process which takes into account specific local criteria, and also aligns with service priorities and the Authority’s strategic objectives.

there is an opportunity to agree, draft and implement a revised Policy and Process which takes into account specific local criteria and a reasonable, effective and consistent county-wide enforcement process which aligns with service priorities / objectives and also the Authority’s strategic objectives and diminishing resources.

Temporary signage

1.0 Background and Summary

1.1 The recommendation from the “Place Overview Committee” meeting of July 2019 recommended a Task and Finish group include the current policy and process for temporary directional signing (usually for events or housing developments) in a review of all related “street scene / street clutter” issues. The current process requires an application and consent under Section 122 of the “Road Traffic Regulation Act 1984” (link <http://www.legislation.gov.uk/ukpga/1984/27/section/122> and applications and consent are currently facilitated by the Street Works team (<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/temporary-signage-consent/>)

The application form outlines the conditions and regulations for the erection and removal of signs and indemnifies Shropshire Council against any claims arising. Conditions of consent currently are that signs promoting an event are taken down within one week of the completion of the event and that signs signposting developments can only be permitted for a period not exceeding 6 months following the sale of 80% of the development. This date needs to be agreed prior to the signs being erected.

There is a concern regarding the proliferation of such signage and with regard to the enforcement of set conditions.

The Task and Finish Group report of 26th March 2020 recommended 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 recommended that any permit scheme limits the duration of a permit to 12 months before requiring renewal.

Apologies are given to the Group that no significant progress has been made over the previous 18 month period in drafting a revised schedule of charges and policy for this activity.

2.0 Recommendations

- 2.1 That officers review recommended amendments to the current policy, process and charges for this activity and submit a further briefing note/report for consideration to the group.
- 2.2 That the group review and make recommendations on the submitted briefing note/report with a view to revised processes and charges being agreed.
- 2.3 That the group advise on a feasible timeline for a revised schedule of charges to be implemented.

3.0 Opportunities and risk

- 3.1 The opportunity to look at how other local authorities set and administer policy, process and enforcement in relation to possibly adopting best practice.
- 3.2 The opportunity to review and revise policy, process and enforcement in relation to a cohesive “joined-up” approach which balances the differing needs of highway users.
- 3.3 The opportunity to review the current administration fee of £102.00 per 6 month period (£97.00 extension fee)

4.0 Financial assessment

- 4.1 There is a current set administration fee of £102.00 payable by applicants.
- 4.2 Proposal is for this to be increased to £225.00 per application.

5.0 Conclusion

- 5.1 Following recommendations from the group a draft revised administration fee of £225.00 per application is proposed (£100.00 for a further six month extension).
The revised charge better and accurately reflects the work required to administer the scheme effectively and allows for the recovery of officer time in carrying out 3 scheduled compliance inspections through the life of the licence (on installation, on due end date of licence and 14 days after end date to ensure compliance). For any extension this equates to two further inspections.
There is an opportunity to simplify/clarify the current guidelines and conditions in relation to duration of a licence, the amount of signs allowed, and the location of signs on the network.

As per current conditions a maximum of 3 temporary directional signs allowed is believed reasonable. The current conditions state that the signs should not be “further than a half mile or two junctions away from the development”. The proposal is to remove this condition to aid developers and simplify compliance/interpretation.

The proposal is to limit any licence duration to 12 months (currently 6 months with an option to extend for a further 6 months if less than 80% of properties have been sold) and remove the “80% of properties being sold” clause - as this is difficult to evidence and enforce and has the potential for repeat extensions/difficulty in controlling proliferation.

A “benchmarking” exercise on fees charged and conditions applied showed a significant variance with up to £1,585 being applied down to £100 for a 12 month licence for up to six signs.

Some Authorities use “A Guide to the fees for Planning Applications” to administer a standard charge of £132.00. This may be due to this task being the responsibility of the Planning Department and not a “Highways” function. Some clarity will need to be sought prior to any agreement to revise the current charge.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>There are no background papers to this report.</p>
<p>Cabinet Member (Portfolio Holder)</p> <p>Councillor Dean Carroll</p>
<p>Local Member</p> <p>All local members will be affected.</p>
<p>Appendices</p> <ul style="list-style-type: none"> • Current Banners, bunting and Christmas illuminations application form with condition and specifications. • Current temporary signage application form with conditions and specifications.