



DERBY CITY COUNCIL

PLANNING CONTROL COMMITTEE
22 MARCH 2007

ITEM 6

Report of the Assistant Director – Highways and Transport

A Board Policy

RECOMMENDATION

1. That the Committee approve a new policy to control the use of A Boards on a number of streets in the city centre by the introduction of a guidelines scheme
2. That the Chair of the Committee and the Director of Regeneration and Community be given delegated authority to make minor amendments to the Guidelines, and the list of streets to which they apply, that are considered necessary in the light of experience as the Guidelines are implemented

SUPPORTING INFORMATION

- 2.1 The City Council currently does not have a policy on the control of A Boards on the highway. There are now around 130 A boards present in the city centre. Derby Association for the Blind (DAB) and the Council's, Disabled People's Diversity Forum (DPDF) has expressed their wish that the Council adopt a zero tolerance policy that would require the removal of all boards. It is worth noting, however, that currently very few complaints about A Boards are received from the public and the Council has not received any accident claims in relation A Boards.

2.2 Possible solutions

Experience at other councils would suggest that there are essentially two practical alternative options available other than leaving the current situation in place.

Guidelines Scheme: A Boards are allowed but within certain criteria to reduce likelihood of obstruction. Failure to comply with guidelines would lead to removal of the offending A board and possible prosecution if the offences continued.

| Advantages | Disadvantages |
|--|--|
| By providing guidelines it should significantly reduce the number of A Boards in the City Centre | Would have considerable personnel resource implications to ensure the public and businesses are aware of the existence of the guidelines, to interpret and apply the guidelines in each case and to secure ongoing compliance. |
| Council officers have objective criteria to work to; will enable resources to be targeted to problem A-boards. | Depending on limits set could leave some of the existing A Boards in place. |
| Prosecution will only be considered where guidelines not followed, giving confidence of successful outcome. | Legal challenge may be hard to deal with in cases where obstruction is hard to prove |
| Would allow the continuation of the use of some A Boards in justifiable cases. | |

Zero tolerance: All A Boards are banned. Failure to comply with guidelines would lead to removal of the offending A board and possible prosecution if the offences continued.

| Advantages | Disadvantages |
|--|---|
| Will remove all A-boards | May have impact on the vitality and viability of City businesses. |
| Likely to receive most support of local disabled people. | Will initially have significant personnel resource implications. |
| Policy is clear and simple and not open to any interpretation. | Will ban all A Boards, even those acknowledged not to be causing any problems. |
| | Legal challenge may be hard to deal with in cases where obstruction is hard to prove (even more so than guidelines) |

- 2.3 A further possibility that was briefly considered was a Licensing Scheme. This was discounted because of concerns that it was over bureaucratic and would have required considered ongoing resources to operate. No evidence could be found of such schemes operation successfully elsewhere.

Consultations

A focus group was held in June 2005 to which all premises with A Boards in the city centre, 98 in total, were invited to attend; 10 people attended. Their answers to the key questions they were asked are shown in Appendix 2.

- 2.4 Those that chose to attend the focus group were mainly small enterprises, often some way off the main city thoroughfares. Their responses suggested that most believe their A Boards are vital to their businesses viability. There were some who said that they were simply unable to advertise their premise/business's presence, or of any proposed sale offers, due to the absence of a frontage or because listed building rules prevented this. The absence of attendees, or any response to the invite letter, from larger premises, suggests that A Boards may be more incidental to the needs of their business.
- 2.5 Subsequent to the focus group, the City Centre Management Team (CCMDerby) have advised us that they too would prefer not to see a zero tolerance scheme. Within the City Centre Management Strategy and Action Plan it says:

Working together with retailers, other businesses who have a stake in the area, the City Council and Cityscape CCM has a key role to play in finding solutions to issues such as street advertising through A Frames, the role of Public Information Pillars, the coordination and supervision of leaflet distributors, the use of space in the streets and signage.

2.6 Mitigating the effects on some businesses

As referred to above those attending the focus group were concerned over a zero tolerance policy on two counts. Firstly some rely on their board to advertise their business, which is "off the beaten path". Secondly there are others who cannot advertise their premises presence due to the absence of a frontage or because listed building rules prevent this.

- 2.7 The first concern could be reduced by either providing a single A Board covering all the businesses or, where there are a larger number of remote businesses, a single post mounted sign.

The single combined A Board could be more appropriate at the following locations

- off Sadler Gate to Blacksmith's Yard
- off Saddler Gate to Strand Arcade
- off both St Peter's Street and East Street to the Audley Centre.

- 2.8 Due to the larger number of premises affected the single post mounted sign approach would be necessary to one location at present, off Victoria Street at Green Lane. The sort of sign envisaged is shown in Appendix 3.

2.9 The second concern (from those who cannot advertise their premises presence due to the absence of a frontage or because listed building rules prevent this) affects a small number of individual premises as well as three buildings from which groups of premises operate. These are at

- Old Courthouse, on St Peters Churchyard
- Royal Buildings, on Victoria Street
- St James Chambers, on St James Street

2.10 A single combined A Board at each of these locations would again reduce the number of boards but also allow businesses to continue to advertise their premises. The Guidelines, as proposed, would allow the continuation of the use of an A Board for the individual premises.

2.11 A zero tolerance approach would undoubtedly disadvantage all the premises mentioned and it is suggested that a dispensation is considered to allow A Boards to continue to be placed in these circumstances. However the intention would be to replace the majority of these with the alternative signing discussed above.

2.12 Subject to agreement of these principles therefore it is proposed to explore the provision of a sign at the bottom of Green lane and a single collective A Board at the other six locations. Business owners could be required to pay towards the costs of providing and maintaining the signs if they wished to be included.

2.13 At present consideration is being given to the provision of new way finding signs, in the city centre, as part of the Public Realm Strategy. If signs were provided to replace clusters of A Boards they would need to be in keeping with this new signage.

2.14 **Proposals**

Guidelines for the control of A Boards have therefore been drafted which are intended to meet these objectives and these are included in Appendix 4. Guideline 2 is included as a temporary measure until the provision of alternative signage can be achieved.

2.15 Appendix E lists the streets to which the guidelines would be applied. The Council could consider rolling out the policy further later, depending on how successful it is in the city centre.

2.16 It is considered that these guidelines will reduce the number of A Boards in the city centre substantially. After full implementation of the scheme its effectiveness should be reviewed. If it has failed to deliver the required reduction in the number of Boards the Council could revisit the option of Zero Tolerance.

2.17 **Timetable and method of implementation**

It is suggested that the Guidelines Scheme is implemented incrementally from April 2007. All premises will be asked to remove boards unless allowed by the Guidelines. For those who fail to comply willingly, following a second warning, their A Boards will be removed and destroyed and persistent offenders will be prosecuted

- 2.18 If successful the roll out could be extended to a wider radius in the city centre and then into district shopping centres, subject to resources.
- 2.19 To implement the scheme in the city centre would need the input of the highways inspectors but it is hoped that this can be absorbed with other duties if rolled out street by street. CCMDerby will work in conjunction with the highways inspectors in the necessary provision of information to premises and subsequent negotiations.
- 2.20 Coincidental with the six month roll out and the development of the way finding sign strategy Council Officers and CCMDerby will work with those businesses who would be most adversely affected by the loss of their A Boards with the intention of providing alternative signage.

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| List of appendices: | Appendix 1 – Implications Appendix 2 – Results of Focus Group Appendix 3 – Possible Junction Sign Appendix 4 – Proposed Guidelines Appendix 5 – Applicable Streets |

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| IMPLICATIONS |
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Financial

1. If the guidelines are enforced, as proposed, on a street-by-street basis then it should be possible to absorb the additional work for highways inspectors within existing resources. There may be other additional costs for signing and collective A Boards but these costs should be small and can be absorbed in existing budgets also.

Legal

- 2.1 Approval of this policy comes within those matters delegated to this Committee within the Constitution in particular, “Decisions relating to town and country planning, commons regulation and **the use and regulation of highways**, that would fall within the definition of key decisions if these were executive functions.”
- 2.2 Under Section 149 Highways Act 1980 a highway authority has power to immediately remove from the highway anything which it reasonably considers constitutes a danger to highway users and ought to be removed without delay. It can also recover the costs of doing so.
- 2.3 Under Section 137 of the same Act the Council can prosecute any person who obstructs the free passage of the highway.

Personnel

3. None.

Equalities impact

4. The proposed new A Board policy has been subject to an equality impact, needs and requirements assessment.

Corporate objectives and priorities for change

5. The proposed new A Board policy has been subject to an equality impact, needs and requirements assessment..

Results of Focus Group

Question: How important do you think the A Board you have is to the viability of your business

| | |
|------------|---|
| Extremely | 7 |
| Very | |
| Quite | 1 |
| Not very | 2 |
| Not at all | |

Comments made:

Small businesses rely on A Boards to show where they are situated and to advertise their presence. People have often said such comments as “I wouldn’t have known your were here”. Larger businesses have less need in this regard as their presence in the city is more obvious.

Businesses in listed buildings cannot put a sign to advertise their services on the buildings. Without an A Board they would be invisible to shoppers.

A number of representatives commented that between 50% - 60% of their business is generated by A-board advertising.

Question: How concerned would you be if the Council implemented a zero tolerance A Boards policy in the City Centre

| | |
|------------|---|
| Extremely | 8 |
| Very | 2 |
| Quite | |
| Not very | |
| Not at all | |

Comments made:

One representative said that there were A Boards still being used in Newcastle, even though there was said to be a ban in operation there

A ban was considered to be wholly disproportionate and unfair, especially in the light of the increasing amounts of street furniture being placed in the City

* Question: How concerned would you be if the Council operated a licence scheme for A Boards, including a charge to you of around £100 per licence

| | |
|------------|---|
| Extremely | 1 |
| Very | 5 |
| Quite | 2 |
| Not very | 2 |
| Not at all | |

Comments made

Although representatives were concerned generally at the prospect of a charge one said that it would be well worth the payment if it meant their A Board could be secured for the future

Question: How concerned would you be if the Council operated a guidelines scheme for A Boards, including a charge to you of up to £100

| | |
|------------|---|
| Extremely | |
| Very | |
| Quite | 2 |
| Not very | 3 |
| Not at all | 5 |

Comments made:

Informal guidelines were working on Green Lane in the past in the form of some self-regulation by the businesses. Recently however the Council has added a large amount of additional street furniture, which adds to the general clutter here. There was concern, in particular, about new bollards which some of those present thought were dangerous by the nature of their shape.

Other comments made:

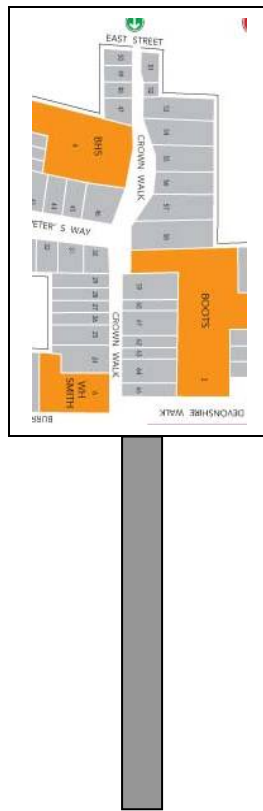
Those present requested that they have input to developing any future solutions, for example the content of any guidelines that may be produced.

* Note that although the focus group were asked for views on a licence scheme it is not proposed to consider this option further. We have found little evidence of such a scheme operating successfully elsewhere.

Possible Junction Sign

Annexe 3

2.5 metres
high



Possible junction sign

e.g at bottom of Green Lane on Victoria St illustrating the shops up Green Lane

The individual shops could be colour coded on the plan for different categories of shops and this would be consistent across the city centre for signs at key junctions across the city.

**DERBY CITY COUNCIL
REGENERATION AND COMMUNITY**

GUIDELINES TO THE DISPLAY OF ADVERTISING (A) BOARDS

Introduction

Derby City Council, as highway authority, is responsible for the safety of highways (other than trunk roads) within the city. This includes footways and pedestrianised areas.

The display of advertising (A) boards can sometimes cause an obstruction to pedestrians. The Council is seeking to ensure that such obstructions do not occur. Under the Highways Act of 1980, we have power to remove obstructions within the highway. We recognise however the value of these boards in advertising and generating trade for businesses. We are therefore trying to take a balanced approach by issuing guidelines as a means of controlling them.

A primary consideration in drawing up the guidelines has been to ensure that A boards do not present a hazard to disabled people, particularly those with a visual impairment. With this in mind we are seeking, as far as possible, to standardise the boards in terms of their construction and location.

Non-compliance with Guidelines

The Council may remove boards, which do not comply with the guidelines, and recharge the cost to their owners and prosecute persistent offenders.

Number of Boards

Normally only one board per building will be acceptable. Where there is more than one business operating from a building then you should consider sharing the board.

Statutory Undertakers

Businesses are reminded that the highway is the location for a wide range of statutory undertakers' services such as electricity, gas and telecommunication equipment and access may be required at any time.

Vehicular Access

In certain streets, there is time-limited vehicular access for servicing. Despite this, there are occasions when vehicles may legitimately gain access. A boards should not be sited to prevent their free passage.

Liability

All businesses are reminded that they are legally liable for any claims arising from damage or injury, caused by the display of A boards on the highway. Compliance with these

guidelines will not relieve you of this responsibility and you are advised to have a Public Liability Insurance cover of £5 million for any such claims.

1. A-boards will not, subject to Guideline 2, be allowed where the business already has the ability to advertise its presence by a sign on the shop frontage
2. The Council will consider the provision of collective signs at specific sites on main thoroughfares to advise the public of the whereabouts of businesses in remoter locations. Until such time it will, at its absolute discretion, consider allowing A-boards to advise of remote premises, subject to a maximum distance between premises and board of 50 metres.

They should:

3. Be between 750 mm and 1,200 mm high and a maximum of 750 mm wide.
4. Be of sturdy and stable construction with no sharp edges, and no overhanging, swinging or rotating parts. Be in good condition and appear professionally made.
5. Be of distinctive colours, preferably edged in yellow.
6. Sited against the frontage of the premises to which they relate. Exceptions may be considered in unkerbed pedestrianised areas where it is agreed that locating the A Board adjacent to existing street furniture leaves a safer thoroughfare for pedestrians. The only other exception is covered by guideline 2.
7. Take account of the presence of street furniture such as litterbins, benches, street lighting columns etc and the available footway width.
8. Not reduce the available footway or thoroughfare width to less than 1.5 metres.
9. Not be sited within 1.5 metres of another A board.
10. Not be sited in locations where they may obstruct the visibility of drivers at junctions, bends and footway crossings.
11. Not be sited where they would affect the visibility of road signs or distract driver's attention.
12. Not obstruct access to business premises particularly for disabled customers and the emergency services.
13. Be removed when the premises are closed.
14. Be removed when weather conditions are likely to make the board unstable.

Applicable Streets

The Guidelines will apply to the following streets

Albert Street
Albion Street
Babington Lane
Cornmarket
East Street
Friar Gate
Gower Street
Green Lane
Iron Gate
Market Place
Morledge
Sadler Gate
St James Street
St Peters Churchyard
St Peters Street
The Spot
The Strand
Victoria Street
Wardwick