



Control of A-Boards on the highway

RECOMMENDATION

1. To consider, and comment on the options for the control of A-Boards on the highway 

SUPPORTING INFORMATION

- 2.1 Some members will be aware that committee has considered the issue of A-Boards on the highway on two previous occasions. On the second occasion on 3 July 2001 committee resolved to support a 12-month pilot exercise in the City Centre where all A-boards would be required to conform by design and location to guidelines (**See appendix 2**). However, following representations received from the Derbyshire Association for the Blind (DAB) the pilot exercise did not take place.
- 2.2 Members will be aware at the last meeting that the representative of DAB raised the issue of A-Boards. The representative expressing concerns about the location and number of boards in the City Centre.
- 2.3 This report seeks members current views on the control of A-Boards on the highway.
- 2.4 It is believed that there are four possible options:
 - Investigate and respond to individual complaints, and observed A-Board obstructions. Arrange removal where particular dangers are created. This is the current position
 - Adopt a licensing scheme under Part V11A of the Highways Act 1980. Previously considered but due to highway staff resource issues, and legal difficulties in taking enforcement action, not progressed
 - Adopt guidelines, which control the design and location of A-Boards. Approach previously agreed by this committee
 - Adopt a zero tolerance policy.
- 2.5 All the various options have highway, legal and financial resource implications, some more than others. Targeting problem A boards, as is currently done, is probably the most resource efficient as it focus on the main problem cases. The zero tolerance policy and the licensing scheme are likely to have the most resource implications, as they will also seek to tackle A boards that may in practical effect not cause or are highly unlikely to cause a problem, although at least with the licensing scheme, some resource implications may be offset by being able to charge a license fee.

- 2.6 Members will appreciate that any new option for controlling A-boards has financial implications, that currently have not been costed, and hence not budgeted for. If members support a new approach to the control of A-boards its implementation has to be subject to financial resources being available to deliver revised arrangements. There is no guarantee that such resources can be made available, at this time.
- 2.7 Whichever option is pursued there are also likely to be legal difficulties. Not every object placed on a highway will amount to an obstruction as was demonstrated in the case of Westminster City Council v Moran (1998), which specifically concerned the placing of adverts on the highway. Nor is it likely that the Council will be able to lawfully require the removal of every single A board placed on the highway.
- 2.8 Traders clearly have a need to advertise their premises, and it could be argued that in certain circumstances A-boards do add an air of vitality to the City street scene. The success of any of the options, to a certain extent, relies on the support and co-operation of traders, who will need to be consulted about any new approach to A-boards.
- 2.9 There are also practical difficulties of enforcement. Whilst some local authorities remove problem A boards, unless they use the powers within section 149 Highways Act 1980, they should in reality return the boards to their owners. This section however in practice is an onerous one, as it requires applications to be made to the Magistrates court for a disposal order, which are unlikely to be successful if the board cannot be proven to be a nuisance. Detailed below are what are considered to be the main advantages, and disadvantages of each option:

2.10 Targeting Problem A Boards (The current position)

Advantage

Easily understood.

It allows resources to be targeted at specific problem A boards and therefore is a highly resource efficient approach, and as such, tends to be effective in targeting and resolving the cases that are mainly causing the problems and that are of most concern.

Disadvantage

There may be a public perception that no control is exercised over the location of A-Boards.

It provides no guidance to business wanting to use A boards. Except in those cases where the Local Authority envisages a problem it means that action to resolve the problem only tends to happen after the problem has occurred.

2.11 Guidelines (Position previously supported by this committee)

Advantages

By providing guidance it will reduce the likelihood of problems occurring.

It gives clear guidance to Local Authority officers as to what is and is not acceptable and will enable resources to be more effectively targeted to A boards that are clearly causing or likely to be the cause of more major problems.

It allows for discussion to resolve actual problems being caused by agreement and as such should be a quicker and most cost effect way of resolving problems.

Having proper and reasonable guidelines for control and enforcement will help in justifying any action the Council takes especially should court action be required.

Disadvantages

There are some personnel resource issues, to ensure the public and business are aware of the existence of the guidelines and to secure compliance.

2.12 A licensing scheme

Advantage

Would control the size, location and number of A-Boards on the highway.

Disadvantage

There are significant personnel resource issues, both in administering the scheme and ensuring compliance although this could be partly offset by charging a license fee.

There may be legal difficulties in taking enforcement action against A Boards, which were unlicensed, but not causing an obstruction or nuisance, which could undermine the benefits of the scheme.

2.13 Zero tolerance policy

Advantage

Likely to receive the support of local organisations of visually impaired people.
Will remove a large number of A boards.

Disadvantages

As there is no room for negotiation being given to people wanting to display A boards there is no ability at resolving problem by agreement and therefore in some cases will take longer to remove or limit the problem being caused.

Significant additional personnel resources will be required.

May not effectively be able to deliver such a policy.

Will be harder to justify in court proceedings than guidelines and where the A board is not proven to be causing a nuisance may not always be successful, meaning time and resources that could be devoted to the real problem boards is being deflected and wasted.

May have impact on the vitality and viability of City business and is likely to be unpopular with the business community.

The advantages and disadvantages detailed should assist members in evaluating, considering and commenting upon the four options detailed in 2.4.

For more information contact:	Mick Watts 01332 255925 e-mail mick.watts@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 - A-Boards Guidelines

IMPLICATIONS

Financial

1. As indicated there would clearly be financial implications if additional personnel resources were required.

A licensing fee enables some charges to be levied.

Legal

2. As outlined in the report.

Personnel

- 3.1 Both a zero tolerance policy and a licensing regime will involve substantial further resources. Additional highway personnel may have to be employed as well as resources to fund the legal support.
- 3.2 The guideline proposals is likely to have a greater resource implications than the way the Council currently seeks to control A-boards, but far less so than the other two alternatives.
- 3.3 We would be looking to utilising the City Centre Ranger to report problems.

Equalities impact

4. It is important to remove A-boards that are causing or likely to cause problems to visually impaired people's use of the highway.

Corporate Themes and Priorities

5. Themes:
protecting and supporting people

Priorities:
improving chances for disadvantaged people and communities

Guidelines for the display of Advertising boards in the Highway

They should:

1. Be between 750 mm and 1,200 mm high and a maximum of 750 mm wide.
2. Be of sturdy construction with no sharp edges, and no overhanging, swinging or rotating parts.
3. Be of distinctive colours, preferably edged in yellow.
4. Usually be sited against the frontage of the premises to which they relate, though in some cases an A board placed against an existing item of street furniture may be preferable.
5.  Take account of the presence of street furniture such as litterbins, benches, street lighting columns etc and the available footway width.
6. Not reduce the available footway width too less than 1.5 metres.
7. Not be sited within 1.5 metres of another A board.
8. Not be sited in locations where they may obstruct the visibility of drivers at junctions, bends and footway crossings.
9. Not be sited where they would affect the visibility of road signs or distract driver's attention.
10. Not obstruct access to business premises particularly for disabled customers and the emergency services.
11. Be removed when the premises are closed.
12. Be removed when weather conditions are likely to make the board unstable.

