

Report to Cabinet

29 September 2022

By the Cabinet Member for Horsham Town



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Use of 'A' Boards and other Advertising Structures on the Highway - Policy, Guidelines and Enforcement Procedure (The 'A' Boards Policy)

Executive Summary

The 'A' Boards Policy provides a set of comprehensive guidelines and advice as to the number, size, positioning and management of 'A' Boards and other advertising structures on the highway.

This follows representations from ward members and Denne Neighbourhood Council on the effect the current arrangements for A-boards are having on general accessibility around the town centre and a negative visual impact. The draft policy has been developed to balance the needs of businesses and pedestrians and to address visual impacts.

Recommendations

That the Cabinet is recommended:

- i) to recommend to Council to approve the 'A' Boards and other Advertising Structures on the Highway - Policy, Guidelines and Enforcement Procedure.

Reasons for Recommendations

- i) to set out the policy and procedure for dealing with items placed upon the highway, (which includes the highway verge, footpaths, paved areas and pavements) and/or attached to highway property.
- ii) to ensure public safety and the free passage for pedestrians along footpaths and the highway.

Background Papers

Consultation summary and attendant commentary is attached at Appendix B

Wards affected: All

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Background Information

1 Introduction and Background

- 1.1 Following representations from local wards members and Denne Neighbourhood Council about the number, type and positioning of 'A' Boards and other advertising structures, the Cabinet Member for Horsham Town requested the drafting of an appropriate policy to balance the needs of traders and ensure public safety and the free passage for pedestrians along footpaths and the highway.

2 Relevant Council policy

- 2.1 The 'A' Boards policy aligns with and supports the following Corporate Plan policies; A great place to live, A strong, safe and A healthy community and a cared for environment. In particular, both our built and natural environments are highly valued and will be well managed to keep our District an attractive place to live and work.

3 Details

- 3.1 West Sussex County Council has responsibility as the 'Highway Authority' and as landowner to manage the highway. Representations were received from the Royal National Institute for the Blind to West Sussex County Council and Horsham District Council in 2017 about the number of 'A' Boards within the town centre and the difficulties this presented in being able to move about safely.
- 3.2 In response both Council's worked together to ensure that those 'A' Boards causing the most obstruction were either removed or relocated. This involved about 32 premises. Since then the number of 'A' Boards has increased and with it more obstruction to free passage.
- 3.3 Since 2017 the number and type of advertising structures placed on the highway has increased to the detriment of pedestrians and the visual amenity of Horsham town centre.
- 3.4 Many other Councils have adopted 'A' Board policies to deal with an over proliferation of advertising structures on the highway. A review was undertaken of existing 'A' Board policies in developing a Horsham specific policy as attached at Appendix A.
- 3.5 The policy seeks to:
- Create a street environment which compliments premises-based trading but is not unduly cluttered.
 - Be sensitive to the needs of residents, provides diversity and consumer choice.
 - Enhance the character, ambience and safety of local environments.
 - Ensure safe and unimpeded public access along pavements and footways.
 - Prevent the use of 'A' Boards in locations where they cannot be appropriately sited.
 - Ensure compliance with legislation relevant to the siting of 'A' Boards on public land, and

- Ensure that the 'A' Board policy guidelines are applied fairly, reasonably and consistently across Horsham Town and the wider District as resources allow.

4 Next Steps

- 4.1 The Council will seek to make an agreement with West Sussex County Council, as the Highway Authority, to allow the Council to act to deal with obstructions on the highway in line with the 'A' Boards policy.
- 4.2 The Council will advertise, promote and work with the Horsham Business Initiative and town centre traders to seek voluntary compliance with the 'A' Boards policy.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 Consultations have taken place with the Horsham Town Centre PDAG on the initial draft policy and following the receipt of consultation responses from local stakeholders.
- 5.2 The comments from the Monitoring Officer and Interim Director of Resources are incorporated in this report.
- 5.3 Additionally, consultations have taken place with other local stakeholders, including Horsham Town wards' members, North Horsham Parish Council, Denne, Forest and Trafalgar Neighbourhood Councils, the Horsham Society, Horsham Town Community Partnership, Horsham Older Peoples Forum and Swan Walk who are all broadly supportive. A summary of the consultation responses and commentary is included in Appendix B.

6 Other courses of action considered but rejected

- 6.1 Do nothing: A 'do nothing' option would not deliver the following policy benefits:
 - Create a street environment which compliments premises-based trading but is not unduly cluttered.
 - Be sensitive to the needs of residents, provides diversity and consumer choice.
 - Enhance the character, ambience and safety of local environments.
 - Ensure safe and unimpeded public access along pavements and footways.
- 6.2 Encourage WSCC to take action to manage "A" boards - The County Council does not have the resources to effectively manage 'A' Boards on highway land on an ongoing basis. A one-off operation to manage 'A' Boards in 2017 resulted in 32 boards being either removed or relocated.

7 Resource consequences

- 7.1 There are no resource consequences. Monitoring and enforcement of the 'A' Boards policy will fall within the existing duties of the Neighbourhood Warden and Planning enforcement services. Any additional demand placed on these teams will be monitored.

- 7.2 It is intended to promote the 'A' Boards policy provisions to achieve voluntary compliance from traders where necessary. The 2017 operational review of 'A' Boards was achieved voluntarily.

8 Legal Considerations and Implications

- 8.1 Display of goods and A-boards can block the free flow of pedestrian passage, create obstacles to persons with disabilities and pushchair users, produce an untidy appearance and cause conflict between neighbouring traders. Any obstruction of the highway is an offence under the Highways Act 1980 and the Highway Authority also has a duty under Section 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority.
- 8.2 The Highways Act 1980, subsection 132, allows the 'Highways Authority' to remove 'A' Boards and other advertising structures if consent of the landowner has not been obtained.
- 8.3 The Local Government Act 1972, Section 101, gives power to a local authority to arrange for the discharge of their functions by any other local authority. Horsham District Council will seek a delegation of highway enforcement powers from West Sussex County Council to act on its behalf to ensure 'A' Boards and other advertising structures do not obstruct the highway.
- 8.4 Additionally the Council can use its powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to ensure 'A' boards are sited correctly in compliance with Schedule 2 – The Standard Conditions.

9 Risk assessment

- 9.1 There are no medium or high risks. The promotion and enforcement of the 'A' Boards' policy should reduce the associated risks of badly sited A boards where they may cause an obstruction.

10 Procurement implications

- 10.1 There are no procurement implications.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 The impact of the 'A' Boards policy will be to improve access and movement around our town and village centres for all and in particular people who experience visual impairment.

12 Environmental implications

- 12.1 There are no environmental implications.

13 Other considerations

13.1 None.