

# **Report to the Cleaner, Greener and Safer Scrutiny Committee**

**4<sup>th</sup> March 2015**

## **Advertising 'A' Boards**



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### **Introduction**

A report has been requested by Members that addresses the issues surrounding the siting of portable advertising boards, or 'A' boards, on the public highway.

### **Background**

Many businesses use 'A' boards as a form of advertising and such boards are generally located on the public highway at key points where pedestrian movements are the greatest to maximise their effectiveness. The siting of 'A' boards raises concerns in respect of the visual impact on the appearance of an area such as the Town Centres of Newcastle and Kidsgrove, and can obstruct the highway.

### **Questions to be Addressed**

Who has powers to take action against the siting of 'A' boards?

### **Outcomes**

That it is noted that it is the function of the Highway Authority, Staffordshire County Council, to take any enforcement action arising from the siting of 'A' boards on the highway; that they operate an unofficial policy of "non-disapproval" of such obstructions in the highway; and only take action where the obstruction is blatant and highway inspections or complaints from the public clearly indicate that there is a nuisance to highway users and public safety is unambiguously an issue.

### **Supporting Information**

Staffordshire County Council as Highway Authority has set out its policy on this subject in a document entitled 'Management of Commercial Obstructions Policy'. The policy seeks to encourage District Councils to create and implement an effective

licensing system to govern the siting of 'A' boards, and sets out a framework within which such a licensing system should operate. The document indicates that until such a time as a District Council has such a system in place, the County Council will continue

*“to operate its unofficial policy of ‘non-disapproval’ of obstructions placed within the highway, and will only take unilateral action where the obstruction is blatant, highway inspections, or complaints from the public, clearly indicate that a nuisance to highway users is evident, and public safety is unambiguously an issue.”*

Newcastle Borough Council has not set up a licensing regime (nor has any other Staffordshire District Councils, it is believed) and as such the County Council has not given its delegated authority to this Council to control or take action against 'A' boards on their behalf. .

In the absence of the relevant authority no formal action can be taken by the Borough Council on behalf of the County Council to act to address any concerns that arise as a consequence of the siting of any 'A' boards. On occasion the Planning Enforcement Officer has sought to persuade certain businesses within Newcastle Town Centre to stop putting out their 'A' boards. However in the absence of any powers to take enforcement action attention has been focussed on the businesses that have more than one 'A' board and has sought to encourage such businesses to only put out a single board. This has been done on an ad hoc basis as and when resources have been available for this task, and has not been done in recent months.

No examples can be given of cases where the County Council have taken action where obstruction arising from the siting of an 'A' board is blatant, nuisance to highway users is clearly evident and public safety is unambiguously an issue. However their policy indicates that they would take action in such cases and where Members have concerns about public safety they are advised to draw this to the attention of the Highways Authority at the County Council. The 'Management of Commercial Obstructions Policy' which is attached as an appendix sets out guidance, at part 6, on the siting of 'A' boards and consideration of the conditions of use set out may assist Members in reaching a decision as to whether the County Council should be informed as action may be taken.

#### **Invited Partners/Stakeholders/Residents**

None.

#### **Constraints**

Newcastle Borough Council does not have powers to take action against anything that obstructs a highway and the County Council, as Highway Authority, powers have not been delegated to the Borough Council. The County Council only take action in limited, particular, circumstances where *“public safety is unambiguously an issue”*.

## **Conclusions**

Newcastle Borough Council does not have any powers to take action against the siting of 'A' boards as they are sited on the public highway. The County Council, as Highway Authority, policy is that they will not take action except in very limited cases. Where it is considered that the siting of an 'A' board is a public safety issue the matter should be passed to the Highway Authority.

## **Relevant Portfolio Holder(s)**

Councillor Terry Turner – Economic Regeneration, Business and Town Centre Portfolio holder.

## **Local Ward Member (if applicable)**

n/a

## **Background Materials**

Staffordshire County Council 'Management of Commercial Obstructions Policy' October 2007 (revision issued January 2008)

## **Appendices**

Staffordshire County Council 'Management of Commercial Obstructions Policy' (revision issued January 2008)