

Report to Council

Advertising ‘A’ board and signage policy

Portfolio Holder:

Councillor Shah, Cabinet Member for Neighbourhood services

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Reason for Decision

This report identifies the issues caused by the inappropriate placing of A boards on the Highway and pavements and considers a policy response as part of the Council’s adoption of the ‘Who put that there’ street charter.

Recommendations

Members are recommended to agree to the advertising ‘A’ board and signage policy as detailed in appendix 1

Advertising ‘A’ board and signage policy

1 Background

- 1.1 Council in March 2017 agreed to adopt the ‘Who Put That There’ Street Charter for Oldham, which seeks to make Oldham more accessible for blind and partially sighted people.
- 1.2 The requirements detailed within the Street Charter include working with blind or partially sighted people to undertake a range of actions to improve accessibility across the public realm. This work is ongoing and a small working group of Overview and Scrutiny was formed to progress the recommendations.
- 1.3 The Overview and Scrutiny board on the 4th September 2018 approved the final conclusions of the working group and agreed that the street charter is now embedded within the various services.
- 1.4 One of the considerations in the Street Charter is the obstruction which can result from the placement of ‘A’ boards on the highway including pavements. The work currently planned is to raise the awareness of the hazards that ‘A’ boards and café furniture can cause and encourage businesses to adopt a safe alternative.
- 1.5 In addition, there are a number of sites where the neighborhood is poorly impacted on by the extended use of advertisements and where this can be described as having a detrimental impact on the visual amenity of the building and area in question there are planning controls.
- 1.6 ‘A’ boards can also have a wider negative impact on the visual amenity of an area and therefore it is suggested a policy is adopted to state the Council’s position.

2 The Proposal

- 2.1 The Council wants the area to be both attractive and easy to use for all, to support this aim there is a need to set out what is considerable and acceptable. The proposed draft policy (Appendix 1) seeks to support a street environment which compliments premises based trading but is not unduly cluttered and is sensitive to the needs of users.
- 2.2 To ensure the safe and unimpeded public access, the policy restricts the use of advertising signs in locations where they cannot be sited in accordance with the guidelines and/or comply with legislation relevant to the siting of advertising signage on public land; and that the supporting legislation is applied fairly, reasonably and consistently in line with the Council’s Enforcement Policy.

2.3 The guidelines contained within the proposed 'A' board and Sign policy are applicable to the placing of advertising signs on the public highway and other such public lands. The conditions include stipulations that only one advertising sign per business premise will be permitted and must be positioned and sized as directed.

2.4 Businesses found to be using advertising signage, in breach of the guidelines, will be notified of the policy in writing and required to remedy the breach within 48 hours. Any advertising sign found to be in breach of the guidelines beyond the 48 hours formal notice period will be removed by the Council and the business advised that they have 28 days to reclaim the sign and pay the associated charge of £70. Where appropriate any costs incurred by the Council in pursuing the above approach will be recovered from the business

3 Options/Alternatives

3.1 Option 1 – To adopt the advertising 'A' board and signage policy for public footways, pavements and public open spaces to reduce the number of obstructions for pedestrians and other users of the space. This will ensure the Council is taking action as part of adopting the 'Who put that there' street charter.

3.2 Option 2 – Do not adopt the policy leaving both users of the spaces and businesses unsure as to correct signage to use and where to put it.

4 Preferred Option

4.1 Option 1 is the preferred option.

5 Consultation

5.1 The proposals contained in this report have been consulted on through the Overview and Scrutiny board and working sub group. Their views and how it complements the recently adopted 'Who put that there' street charter are reflected in the report.

6 Financial Implications

6.1 The Public Protection service would like to introduce a policy and guidance for the use of "A" board and signage on the pavements in Oldham.

Revenue

6.2 If a company is found to be breaching the terms of the policy, the sign will be removed and a fine of £70 will be placed on the business to retrieve their sign back. The revenue from this will be coded to Environmental Health in Public Protection (cost centre 22720).

6.3 It is anticipated that income from this will be minimal. All support and administration will be met from within existing resources.

Capital

6.4 There are no Capital implications.

(Sophie Eade)

7 Legal Services Comments

7.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 deal with the display of advertisements. Under the Regulations, the Council (as local planning authority) must exercise its powers in the interests of amenity and public safety, taking into account any material provisions of the Development Plan and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Factors relevant to public safety include the safety of any person using a highway, railway, waterway, dock, harbour or aerodrome, whether the display of the advert in question is likely to obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air and whether the display of the advert is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

7.2 Under section 225 of the Town and Country Planning Act 1990 the Council may remove or obliterate any placard or poster which is displayed in contravention of the Regulations and recover the cost they reasonably incur in doing so from the person who displayed it or caused it to be displayed. Under section 225A of the Act the Council may remove and then dispose of any display structure which is used for the display of advertisements in contravention of the Regulations and recover the cost they reasonably incur in doing so. The power under section 225 can be exercised after giving not less than 2 days notice to the person who displayed the placard or poster or caused it to be displayed, but the power under section 225A can only be exercised at least 22 days after serving a removal notice on the person who appears to the Council to be responsible for the erection or maintenance of the display structure. (A Evans)

8 Co-operative Agenda

8.1 The street charter is closely linked to our priorities of thriving communities and cooperative services as it seeks to engage people in our relevant design processes to make Oldham more accessible for blind and partially sighted people. This 'A' board and sign policy is referred to in the adopted street charter.

The policy will clarify for the Council's approach to keeping pavements free from obstruction whilst enabling businesses to advertise their location.

9 Human Resources Comments

9.1 N/A

10 Risk Assessments

10.1 N/A

11 IT Implications

11.1 None

12 Property Implications

12.1 None

13 Procurement Implications

13.1 None

14 Environmental and Health & Safety Implications

14.1 None

15 Equality, community cohesion and crime implications

15.1 This report and policy has been developed in conjunction with the Council's overview and scrutiny board and as part of the adoption of the 'Who put that there' street charter.

16 Equality Impact Assessment Completed?

16.1 No

17 Key Decision

17.1 No

18 Key Decision Reference

18.1 N/A]

19 Background Papers

19.1 None

20 Appendices

20.1 Advertising 'A' board and signage policy