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**REPORT FOR: CABINET**

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<b>Date of Meeting:</b>	15 October 2015
<b>Subject:</b>	Advertising Board Policy
<b>Key Decision:</b>	Yes
<b>Responsible Officer:</b>	Venetia Reid-Baptiste, Divisional Director of Commissioning Services
<b>Portfolio Holder:</b>	Councillor Graham Henson, Portfolio Holder for Environment, Crime and Community Safety
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	All
<b>Enclosures:</b>	Appendix A - Advertising Board Policy and Application Form Appendix B - EqIA

## **Section 1 – Summary and Recommendations**

This policy seeks to strike a balance between encouraging a vibrant economy and ensuring that areas are not subject to “street clutter”. It is focused on Advertising Boards (“A” Boards). Harrow Council as the Highways Authority can determine which structures/objects are placed upon the highway.

The Highway Authority has a statutory duty to assert and protect the rights of

the public to use and enjoy the highway, specifically in regard to the use of the highway safely and without obstruction. The effective and proper administration of legal powers relating to highways is essential to protect the local interest of the residents, visitors and businesses of Harrow from the harmful impact breaches in highway law.

The Council recognises that advertising boards are a useful tool for small businesses but this needs to be balanced against the issues they may present for members of the public. This policy and supporting guidance aims to provide that balance. The policy also seeks to ensure that “A” Boards are properly set up, managed correctly and operated in a way that benefits the business, enhances the public realm and does not cause a problem for other users of the highway.

The policy also supports the wider Council’s objectives as set out in its Local Transport Plan, (2011, as revised in 2014), to improve the pedestrian environment and encourage walking as a more sustainable and healthy form of travel. It is in line with the objective of the Mayor’s Transport Strategy 2010 to make it easier for cyclists, pedestrians and disabled people to get about. It also links to the work of Transport for London (TfL), which has set itself a priority for the removal of unauthorised obstruction from its roads, as such items can cause inconvenience to pedestrians and users of the highway and can present a hazard.

The Council will consider each application on its merits and will review the policy guidelines on the second anniversary of adoption. Nothing in the policy absolves those concerned from their legal responsibilities at common law or statute.

### **Recommendations:**

Cabinet is requested to:

- a. Approve the draft A-Board policy set out in Appendix A for consultation with key stakeholders.
- b. Delegate responsibility to the Divisional Director of Commissioning Services, following consultation with the Portfolio Holder for Environment, Crime and Community Safety, to review consultation responses, make amendments as appropriate and adopt the policy.
- c. Delegate authority to the Portfolio Holder for Environment, Crime and Community Safety to make amendments to the policy.

### **Reason: (For recommendation)**

The Council recognises that advertising boards are a useful tool for small businesses but the council needs to balance that against the issues they present for members of the public. The policy seeks to ensure that “A” Boards are properly set up, managed correctly and operated in a way that benefits the business, and enhances the public realm and does not cause a problem for other users of the highway. It is for these reasons that the policy is presented for approval.

## **Section 2 – Report**

### **1. Introduction**

- 1.1 The scope of the policy relates to structures or objects intended to be placed on a footpath or footway for the purpose of advertising a local business (hereinafter referred to as “A” Boards). . It does not apply to “A” boards on private property, including privately owned shopping centre, or a business forecourt.
- 1.2 This policy sets out what is considered acceptable in respect of “A” Boards. It also sets out the council’s enforcement policy to manage breaches of highway law in respect of “A” Boards.
- 1.3 Authorised “A” Boards placed on the highway remain the responsibility of the business owner and businesses are required to have a minimum of £5m liability insurance in place.

### **2. Options considered**

- 2.1 The policy is needed to facilitate the effective management of “A” boards across the borough.

#### ***Option 1- Do nothing***

- 2.2 Without a clear and consistent policy, there would remain a lack of clarity over what “A” Boards are permitted in the borough, where they should be located, the charges for these, the responsibilities of all those involved and the enforcement protocol to be adopted by officers.
- 2.3 This option is rejected.

#### ***Option 2 – Prepare an Advertising Board Policy***

- 2.4 Having a formally adopted “A” Board policy helps to set out clearly what is expected of businesses and the Council in relation to the use of “A” Boards. It brings clarity to the level of enforcement that is available as well as the charges associated with the use of “A” Boards.
- 2.5 This option is preferred.

#### **Resources**

- 2.6 Any additional costs incurred by the Council by implementing this policy will be covered by the fees charged. Current staffing will be used and there is no requirement for additional staffing.

### **3. Community & Consultation**

3.1 Consultation has taken place with key service managers to ensure that the policy aligns with service areas. As part of the application process, a notice will be displayed on the premises (visible to the public) for a period of 28 days. This is because the legislation requires that the public receives prior notification and that, if they have reasonable grounds, they can make representations to the Council.

3.2 A detailed implementation and action plan will be prepared post Cabinet approval. The high level implementation stages are as follows:

- Cabinet approval – October 2015
- Borough wide communication – throughout November and December 2015
- Enforcement regime – commences February 2016

### **4. Performance Issues**

4.1 This policy will be reviewed within two years of its implementation. The review will highlight successes as well as areas for improvement and how effective the policy has been in achieving its objectives. Reviews will also seek to introduce where necessary any new powers granted to local authorities. The review will include measures such as:

- Number of requests for “A” Boards
- Reduction in the number of “A” Boards obstructing the highway
- Review of complaint statistics

### **5. Environmental Implications**

5.1 The policy will have a positive environmental impact. It recognises the value that effective “A” Board management brings to the overall economic viability of the Borough. The policy also supports the wider Council objectives as set out in the Local Transport Plan (2011, as revised in 2014), to improve the pedestrian environment and encourage walking as a more sustainable and healthy form of travel. It is in line with the objective of the Mayor’s Transport Strategy 2010 to make it easier for cyclists, pedestrians and disabled people to get about. It also links to the work of transport for London (TfL) who has set itself a priority for the removal of unauthorised obstruction from its roads, as such items can cause inconvenience to pedestrians and users of the highway and can present a hazard.

## **6. Risk Management Implications**

- 6.1 This policy is not included on the Directorate or any other corporate risk register.
- 6.2 The policy is introduced to minimise legal risk. It helps to ensure that the council meets its statutory obligations in relation to “A” Boards and clearly sets out the responsibilities for permit applicants.

## **7. Legal Implications**

- 7.1 This policy only relates to enforcement and removal from the highway. Other powers within the council via planning enforcement, development control, conservation and existing by-laws remain unaffected.

## **8. Financial Implications**

- 8.1 The introduction of “A” Board Policy provides clarity on the types and sizes of advertisements and/or signs that are permissible on public highways. The fee proposed for advertising board applications is aimed to recover the costs of processing the application. Where enforcement action is required, the Council will also seek to recover all expenses including the costs of removing and storing the advertising boards and all staff costs associated with enforcing it.
- 8.2 The council’s basic fee for granting permission for an “A” Board is proposed to be set at £50 for a one year permit period, which is subject to review as part of the annual fees and charges setting process.

## **9. Equalities implications / Public Sector Equality Duty**

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

The EqIA carried out is attached to this report at Appendix B. The EqIA did not identify any potential for unlawful conduct or disproportionate impact and that all opportunities to advance equality are being addressed.

The policy addresses equalities and ensures a fair, balanced approach in line with statutory requirements and guidance.

## Council Priorities

The council's vision:

### Working Together to Make a Difference for Harrow

The policy supports the following council corporate priorities.

- Making a difference for Communities
- Making a difference for Local Businesses.

## Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 1 September 2015		
Name: Donna Lee	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 5 October 2015		

<b>Ward Councillors notified:</b>	<b>NO, as it impacts on all Wards</b>
<b>EqIA carried out:</b>	<b>YES</b>
<b>EqIA cleared by:</b>	Hanif Islam

## **Section 4 - Contact Details and Background Papers**

**Contact:** Hanif Islam, Policy & Performance Manager,  
Tel: 020 8424 1548, hanif.islam@harrow.gov.uk

**Background Papers:** None.

**Call-In Waived by the  
Chairman of Overview  
and Scrutiny  
Committee**

**NOT APPLICABLE**

*[Call-in applies]*