



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 18TH FEBRUARY 2014

**SUBJECT: PROPOSED IMPLEMENTATION OF A PROTOCOL IN RELATION TO
ADVERTISING ON THE PUBLIC HIGHWAY**

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To seek the views of the Committee on the introduction of a new Protocol in relation to advertising on the public highway in the draft format attached at Appendix 1.

2. SUMMARY

- 2.1 Caerphilly County Borough Council (CCBC) has powers under the Highways Act 1980 to prevent the obstruction of the public highway. Over the past few years there has been an increase in the number of 'A' Frame Advertising Boards and other speculative advertising features placed on the public highway or attached to street furniture. This practice is in contravention of the Highways Act 1980. Businesses have sought clarification on how such matters are dealt with and the implementation of the proposed protocol will give that clarity.

3. LINKS TO STRATEGY

- 3.1 Engineering Services Objective - 'To provide safe and efficient highway, transport and land drainage infrastructure through quality service delivered by means of cost effective management, maintenance and improvements.'
- 3.2 CCBC Improvement Objectives – Objective 2 – Make Caerphilly a Safer Place to Live.

4. THE REPORT

- 4.1 Currently there are no formal protocols or procedures in place for approving 'A' frame advertising on the public highway or dealing with unauthorised advertising on the public highway.
- 4.2 Officers are currently using a number of reports as guidance namely – Pavement (Footway) Obstructions to Voluntary Sub Committee Report on 8th Dec 2010, Displays on Footways to Regeneration Scrutiny Committee on 19th May 2009, Pavement (Footway) Obstructions to Technical Scrutiny Committee on 9th September 2003 and Retail Trading/Displays on Public Footways to Transportation, Planning and Economic Development Scrutiny Committee on 1st May 2000.
- 4.3 Obstructions within the public highway can present a danger to the partially sighted and create difficulties for the elderly and wheelchair users, parents with prams or pushchairs and motorised wheelchairs when they are trying to negotiate their way along a footway.

- 4.4 Some advertisements can be unsightly and contribute to unnecessary clutter on the streets.
- 4.5 There are numerous complaints received from Members, the public, traders/businesses, Town Centre Managers, Officers etc. regarding obstructions on the highway.
- 4.6 Banners are often attached where they can cause a serious distraction, diverting drivers' attention from the road ahead.
- 4.7 A Boards are often chained to street furniture causing damage to protective coatings.
- 4.8 A Boards are liable to become dangerous in high winds.
- 4.9 Signs on footways and grass verges can cause maintenance problems when sweeping and grass-cutting operations are taking place. They not only cause difficulties for operators whilst carrying out their duties, but when damaged or misplaced they can cause a safety risk to the operator and the public.
- 4.10 A Boards, when placed inappropriately on verge, footways or carriageway can limit vision splays and therefore create a serious hazard for motorists.
- 4.11 Some traders who do not use unauthorised advertising have a perception of unfair trading taking place by others.
- 4.12 There is a need to maintain the highest standards in the urban environment to promote an attractive and safe place to visit. In such harsh economic times, there is the need to allow businesses to take advantage of promotional activities, without affecting the safety and accessibility of others.
- 4.13 In order to manage the difficulties identified in these report officers have drafted a Protocol that is attached at Appendix 5
- 4.14 This Protocol will assist in the compliance of the Highways Act 1980 by managing the use of A frames on the public highway and allow the removal of unwanted obstacles. It will further assist in aiding the movement of the public safely on the network.
- 4.15 This Protocol will provide officers and businesses clarity on their responsibilities with regard to placing A Frames on the public highway and ensure compliance with the Highways Act 1980.

5. EQUALITIES IMPLICATIONS

- 5.1 An **Eqla screening** has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full Eqla has not been carried out.
- 5.2 However, it is anticipated that any trader's approved advertising, on or close, to the public footway will allow safe passage for **all members** of the public.

6. FINANCIAL IMPLICATIONS

- 6.1 There will be a small fee of £25.00 per application associated with the implementation and management of this scheme. These costs were notified to the business consultees during the consultation process and no adverse comments were received. It is anticipated that there will be in the region of 400 applicants that will generate an income of £10,000. The increase in workload will be absorbed by the current structure, the additional work will include receiving and logging of the application and income, a visit on site by the Highways Inspector for the

relevant area and ratification by the Line Manager. It is anticipated that the income generated will only cover relevant staff time.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications; the additional work for managing this process can be covered within the existing structure.

8. CONSULTATIONS

- 8.1 The report reflects the views of the listed consultees identified at the end of the report.
- 8.2 There were minimal responses from the consultation with registered businesses. Of the 720 contacted by post only one responded by email, two applications were received by post (even though it was only asking for comments) and five telephone conversations which were all based on the increased Public Liability Insurance which business owners believed would affect the viability of the smaller businesses. The requirement within the report indicates a value of £10M for public liability. This will be reduced to £5M following discussion with Insurance and Risk Management. This reduction would obviously benefit the business community with the required compliance.

9. RECOMMENDATIONS

- 9.1 Members are asked to consider the report and provide comments on the draft Protocol prior to the submission to Cabinet for approval.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure compliance with the Highways Act 1980
- 10.2 To ensure that there is a consistent approach to any advertising on the highway and making the highway environment safer for its users.

11. STATUTORY POWER

- 11.1 The Highways Act 1980

Author: G.M. Richards, Highways Maintenance Manager
Consultees: Cllr T J Williams, Cabinet Member for Highways, Transportation and Engineering
Cllr D T Davies, Chair of Regeneration and Environment Scrutiny Committee
Cllr E M Aldworth, Vice Chair of Regeneration and Environment Scrutiny Committee
Stuart Rosser, Interim Chief Executive
Sandra Aspinall, Acting Deputy Chief Executive
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
Sue Ruddock, Insurance and Risk Manager
David A Thomas, Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Officer
Sian Phillips, HR Manager
Terry Shaw, Head of Engineering Services
Marcus Lloyd, Highway Operations Group Manager
Clive Campbell, Transportation Engineering Manager
John Rogers, Principal Solicitor
Gail Williams, Monitoring Officer

Andrew Highway, Town Centre Manager
Dean Smith, Principal Engineer Traffic Management
Town Centre Management Group
Caerphilly Access Group
Over 50's Forum
Disability Can Do Organisation
Retailers (720 registered businesses were contacted)

Background Documents:

Pavement (footway) Obstructions to Voluntary Sub Committee Report on 8th Dec 2010
Displays on Footways to Regeneration Scrutiny Committee on 19th May 2009
Pavement (Footway) Obstructions to Technical Scrutiny Committee on 9th September 2003
Retail Trading/Displays on Public Footways to Transportation, Planning and Economic Development
Scrutiny Committee on 1st May 2000

Appendices:

Appendix 1 Protocol on Advertising Materials on The Public Highway