

<b>Subject:</b>	<i>Appeal against refusal of A board licence.</i>		
<b>Date of Meeting:</b>			
<b>Report of:</b>	<i>Gillian Marston, Head of City Infrastructure</i>		
<b>Contact Officer:</b>	<b>Name:</b> <i>David Fisher</i>	<b>Tel:</b> <b>29-2065</b>	
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<b>Wards Affected:</b>	<i>St Peters and North Laine</i>		

## **FOR GENERAL RELEASE**

### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report is in response to an appeal from Alan Fitchett of North Laine Market 5a Upper Gardner Street.
- 1.2 The appeal relates to the refusal of a highway licence to place more than one Advertising board on the public highway more than 5 metres from the premises. This is in direct conflict with the highway licensing policy and the principles of managing street access for all users.

### **2. RECOMMENDATIONS:**

That the committee determines the appeal.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Pre April 2009, the licensing scheme allowed up to two Advertising boards to be placed away from the businesses to which they belonged. This resulted in a large number of boards left unmonitored and chained to street furniture. It also led to clusters of boards appearing at busy junctions. After consultation with businesses, disabled groups and residents a number of changes were suggested to the highway licensing policy.
- 3.2 On 24<sup>th</sup> April 2009, Licensing Committee agreed several changes to the highway licensing policy including "That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 meters from the licensed premises. All objects must be within sight from a window or door of said premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises restricting advertising boards to within 5m of the premises." Licensing Committee also recommended that the policy be reviewed by overview and scrutiny committee.
  - 3.2.1 That applications for A-Boards shall be restricted to 1 per premises.
- 3.3 The report was the result of a review incorporating extensive consultation, research and officer experience of managing highway licensing of traders' objects.

- 3.4 The reasons for restricting “remote” A-boards (signs that are placed at a large distance from the premises) are:
- The A-board cannot be easily looked after by the relevant premises – e.g. if they blow over or are moved - as they are too great a distance to be monitored regularly
  - Allowing A-boards to be placed on adjacent streets to the actual premises resulted in large clusters of boards along a single street. These are usually streets that are already very busy with high numbers of traders’ objects as well as high numbers of pedestrians.
  - Remote A-boards often end up at junctions of busy streets, resulting in obstruction for pedestrians trying to cross.
  - Remote A-Boards are more likely to be left out overnight chained to street furniture, increasing permanent street clutter and any risks to public safety.

3.4.1 Restricting businesses to one board will reduce street clutter.

3.5 In March 2010 report from the Overview and Scrutiny Panel reported on the results of the Street Access panel’s findings, which included endorsement of the April 2009 changes to the highway licensing policy.

3.6 On 24<sup>th</sup> June 2010 a report detailing the Street Access Panel’s recommendations and officer response to these was agreed at Licensing Committee.

3.7 On 26<sup>th</sup> July 2010 the same report detailing the Street Access Panel’s recommendations and officer response to these was agreed at Environment cabinet.

3.8 Following the relevant decision-making bodies’ agreement, enforcement officers started working to the new policy and approached businesses that were in breach of this policy.

#### **4. CONSULTATION**

4.1 An equalities impact assessment was carried out during the policy review in 2009 which involved consultation with a wide range of relevant groups, traders and local residents.

4.2 Full consultation was also carried out by the Overview and Scrutiny Street Access Panel including a public invitation to submit evidence and 3 public meetings where individuals and representatives of various organisations or businesses were invited to give evidence.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 There are no direct financial implications associated with this particular report.

Finance Officer Consulted: Karen Brookshaw      Date: 06/06/2012

### Legal Implications:

- 5.2 Section 130 of the Highways Act 1980 imposes a duty on the Council as highway authority to assert and protect the rights of the public to the use and enjoyment of any highway within its area and so far as possible to prevent the obstruction of the highway. However, the highway authority is empowered to licence the placing of certain objects on the highway, e.g. A boards under the provisions of Part VII A of the 1980, although in doing so it must have regard to the provisions, including the Council's duties, of the Disability Discrimination Act 1995. The panel must hear the appeal and determine this application having regard to its policy, legislation and the circumstances of this application.

Lawyer consulted:      Rebecca Sidell

- 5.3 Equalities Implications:

The council seeks to ensure that public highways are used in a manner that maximises the benefit to the most number of users. However in the busiest areas of the city competing interests can come into conflict. It is the council's responsibility to manage these interests and to ensure equality of access particularly for those with mobility issues.

### Sustainability Implications:

- 5.4 There are no sustainability issues identified.

### Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications arising from this report

### Risk and Opportunity Management Implications:

- 5.6 Potential for the council to be held liable if it allows unmonitored items to be placed on the public highway.

### Corporate / Citywide Implications:

- 5.7 If allowed then other business who have been refused permission to place remote advertising boards would reapply leading to a number of boards being placed citywide, normally in the busiest streets.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Letter and emails from Alan Fitchett and photos/maps showing proposed location of Advertising Boards.

### **Documents In Members' Rooms**

None

### **Background Documents**

None