

| | | | |
|--------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------|---------------------|
| Subject: | Highway Licensing | | |
| Date of Meeting: | 5th March 2015 Licensing Committee (Non Licensing Act 2003 Functions) | | |
| Report of: | Executive Director Environment, Development & Housing | | |
| Contact Officer: | Name: | David Fisher | Tel: 29-2065 |
| | Email: | david.fisher@brighton-hove.gcsx.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

This report sets out the current status of licensing advertising boards, outside seating and shop displays on the public highway. This report was requested by the Chair of Licensing Committee due to growing public debate and media interest into street clutter.

2. RECOMMENDATIONS:

2.1 That members note the contents of the report and associated policy.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Brighton & Hove City Council have had a licensing system in place since 2001, under Highway Policy H8-4 Control of Placements on the Highway (Appendix 1). The Council can licence items placed on the public highway using delegated powers under The Highways Act 1980.

3.2 The Highway Licensing system requires any business within the licensing zones who wish to place an advertising board, shop display or outside seating on the public highway to apply for a licence. The application is determined based on standard conditions and the individual site location. A fee is required to cover the costs of the application. (Appendix 2)

3.3 The Highway Enforcement team manage the licensing system. In 2009 the council reviewed the Highway Licensing policy, and in the light of extensive interest from local groups, as well as a potential challenge from the RNIB, it was agreed to hold an in-depth scrutiny review. The scrutiny review looked at Street Access as a whole and published their report in 2010 making several recommendations. (Appendix 3)

- 3.4 Some of the recommendations now form part of the standard licensing conditions including maintaining a minimum pavement width around licenced items of 1.3m and only allowing one advertising board per elevation. However some including the marking out of areas have proved harder to implement. After several years of trying to find a suitable marking material it is hope to have all outside seating areas, shop displays and advertising boards marked out by October 2015.
- 3.5 The Highway enforcement team is made up of 5 Highway Enforcement Officers, 2.4 Technical assistants and a manager. The team is responsible for dealing with all types highway obstructions (except parked vehicles and rubbish bins) either by licensing them or enforcing their removal. The team also deal with abandoned vehicles and bicycles.

Alongside issuing licences for advertising boards etc., the team issue licences for skips, scaffolds and hoardings on the public highway, issuing over 4000 licences a year. It also responds to reports from the public of highway obstructions dealing with over 3000 reports this year so far. (Appendix 4)

- 3.6 Unfortunately the team has suffered from several members of staff on long term sickness over the last 4 years. This has hampered efforts when dealing with highway obstructions as the remaining resources had to be directed to dealing with the areas with highest levels of activity.
- 3.7 Under EU regulations the fee must be set to cover the cost of administration and cannot be used as a revenue stream or set higher to discourage applications. The income generated from the licensing fees covers the administration costs to the Highway Enforcement team. Any reduction in the number of licences issued would affect this income possibly leading to the enforcement team needing financial support from the main council budgets. (Appendix 5)
- 3.8 The Highway Enforcement team is now back to full strength and hopefully will remain so for the foreseeable future. It is proposed that the marking out of areas is carried out this year; each licenced site including advertising boards will be re-measured, the footway will then be marked using anti-slip tape to show the boundaries of the licensed area and agreed position of other items. With favourable weather all areas should be marked by October 2015. We also plan to update our computer system. All licences are currently managed using excel spreadsheets, and it is proposed to test a dedicated licensing system that will help improve the enforcement of expired licences.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 No recommendations made.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 No community engagement has been carried out for this report; however since the licensing system has been in place various parties have been approached to

give feedback on the system including disability groups, community groups and business forums. The Street Access scrutiny report has a list of those involved.

6. CONCLUSION

6.1 The placement of A-boards, outside seating and shop displays is a controversial subject with varying opinions across the board. This can be seen when looking at the vast range of different approaches taken by other local authorities. Whilst many have chosen to allow A-boards with little or no control, others have placed a ban on A-boards and indeed some have stopped businesses from putting anything on the public highway at all.

This approach would generate issues in Brighton & Hove. Removing the income generated by the system will result in costs to the council as the administration costs of the Highway Enforcement team are covered and an enforcement team of some description will still be needed because a number of tasks are statutory duties. With A-boards and other items such as outside seating currently being allowed many businesses have spent large sums of money on their outside areas, and banning these items now would have a huge impact on the business community. Furthermore the vibrant street scene in some parts of Brighton and Hove revolves around businesses expanding on to the Public Highway.

6.2 When at full strength the Highway Enforcement team are able to implement the current control of placements on the public highway policy to a high degree of satisfaction. However improvements to the current systems are always explored and welcomed as it is understood that A-boards and other licenced items do add to the overall street clutter and can impair pedestrian access, particularly for those with mobility issues.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 There are no direct financial implications arising from the recommendation of this report. The costs and income associated to the Highway Enforcement Team are included within the Transport general fund budget. The 2014/15 budget for the Enforcement Team is approximately £14,000 net income after costs, including support services, management and administration costs.

7.2

Finance Officer Consulted: Steven Bedford

Date: 03/02/15

7.3 Legal Implications:

No Legal implications arising from this report

Lawyer Consulted: Name Rebecca Sidell

Date: 10/2/14

Equalities Implications:

- 7.4 An equalities impact assessment has not been carried out for this report

Sustainability Implications:

- 7.5 There are no sustainability implications from this report.

Any Other Significant Implications:

- 7.6 No significant implications from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. HP8-4 Control of placements on the highway policy
2. Fee's and Conditions
3. Scrutiny report recommendations
4. Licenses issued and reports received
5. Income generated.

Documents in Members' Rooms

1. Full Street Access Scrutiny report