

INFORMATION NOTE: A- BOARDS ON THE HIGHWAY**REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER**

1. This note responds to a request from the Chair of Hitchin Committee, Cllr Leal-Bennett and a specific complaint received from Cllr Segalini with regard to the proliferation of A-boards in the vicinity of the Market Place and High Street, Hitchin.
2. The note has been prepared having regard to the outcome of the NHDC Overview and Scrutiny Committee Task and Finish group on highway matters, the introduction by Hertfordshire Highways of the Highways Code of Practice which recently was reproduced in an article in the Hitchin Initiative Town News and the requirements under the Town and Country Advertisement Regulations 2007 for the display of such advertisements.
3. A copy of the voluntary Highways Code of Practice is reproduced at Appendix A to this note together with the latest update in respect of the Task and Finish Group (Appendix B).
4. Following the receipt of the complaint to planning enforcement, investigations have taken place and, in particular, a site visit was arranged for a specific day, 23rd October 2014. The visit recorded the number, size, location and content of the signs. Photographs will be displayed at the meeting.
5. The purpose was to assess the number of signs which are displayed on highway land, have regard to the voluntary code of practice and the Town and Country Planning Advertisement Regulations 2007 in order to arrive at a conclusion as to whether or not the signs are permissible under the code and/or regulations and to offer a view as to the most appropriate action to be taken in respect of unauthorised signs.
6. A total of 23 boards were observed on that particular day in the area of the High Street, Market Place, Churchyard and Churchyard Walk. No boards complied with the voluntary code of practice and all required Advertisement consent under the regulations as they were not displayed within the forecourt of the businesses to which they relate. As Members have identified there are several key problem areas which are a major hazard to highway safety in addition to the detrimental impact on the visual amenity of the street. These areas of boards are located in areas where businesses are attempting to show shoppers where they are located off the Market Place e.g. West Alley, The Arcade and Churchgate Shopping Centre.
7. During the visit by the Officers they met representatives from Hitchin BID and one of the Town Rangers who confirmed that, in addition, to those complaints received by Members at the surgeries further complaints have been received from the public in respect of the boards in the town centre. These have been passed onto Hertfordshire Highways as the boards are located on highway land but to date no action has been taken by highways as far as they were aware. Further enquires have confirmed this situation.
8. From the information available and the evidence collected at a particular time it is considered that clarification of the roles of the different local authorities is required and which authority has the most appropriate powers to act in respect of the unauthorised signs.

9. In brief, under section 225 of the Town and Country Planning Act 1990 the District Council has the powers to remove a placard or poster but only having given notice to that effect. In terms of proceeding with prosecution each advertisement (in this case each A-board) would be required to be the subject of a separate prosecution. This would appear to be a cumbersome way of dealing with this problem and not the most efficient.

10. The County Council as highway authority have powers concerning the use of the highway and in this respect it would appear that the code of practice for A-Boards could be used as an effective tool. It is my understanding that as well as having powers to enforce various matters, Section 130 of the Act contains a **duty** for the highway authority to assert and protect the rights of the public to the use and enjoy any highway for which it is responsible. That includes a duty to prevent the obstruction of highways, and is accompanied by various enforcement powers. It has been noted that in a recent e-mail to Members it has been stated that:-

'In regard to an A Board code of practice this is nearing completion and a trial which will include North Herts area will start in the new year.'

Following a resolution of the Hertfordshire Development Managers Group to seek clarification as to the intentions of Hertfordshire Highways in respect of this issue which is affecting towns and villages across the County, the Senior Compliance Officer of this Council has been requesting a meeting since September with the highways team responsible for the drafting of the code of practice. The purpose is to discuss how the document has been, and, is to be drafted, to look at the issues that have been raised including the lack of detail relating to what action the County Council would take in respect of any advertisements which do not conform to the specific standards or are the subject of a complaint. No mention is made of other legislative requirements.

Members may wish to be aware that concerns also have been expressed about the standards within the code. It is stated that adverts should be located to the rear of the footpath and should not impede visually impaired persons using the footpath. However it has been drawn to our attention that visually impaired persons tend to use the building line of shops as a guide to where to walk whilst aided by a stick thus signs to the rear of the footpath, on highway land, would prevent this and is in direct conflict with the code.

11. It is the intention that:-

- a) This information note together with the assessment undertaken on the specified date be forwarded to the Hertfordshire Highways to seek a position statement as what action is to be taken
- b) Hertfordshire Highways is encouraged, as a matter of urgency, to engage with Officers of this Council in the final preparation of the A- Board code of practice.
- c) The outcome and any response received from Hertfordshire Highways to be reported back to Members in a further information note.

12. **Conclusion:** - That Hitchin Committee note the content of this information note.

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