

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 30

Brighton & Hove City Council

Subject: *Response to Petition from Businesses on Upper North Street.*

Date of Meeting: 10TH February 2011

Report of: *Gillian Marston, Head of City Infrastructure*

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Wards Affected: Regency

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report is in response to a petition received by Licensing Committee (Non Licensing Act 2003 Functions) on 18th November 2010. (Appended)

1.2 The petition related to the placing of Advertising boards (swing boards) on Western Road advertising businesses in Upper North Street. This is in direct conflict with the highway licensing policy and the principles of managing street access for all users.

2. RECOMMENDATIONS:

(1) That the committee notes the petition and agrees to up hold the policy

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Pre April 2009, the licensing scheme allowed 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 24th 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' items 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 The report was the result of a review incorporating extensive consultation, research and officer experience of managing highway licensing of traders' objects.
- 3.3 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 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.
- 3.5 On 24th June 2010 a report detailing the Street Access Panel's recommendations and officer response to these was agreed at Licensing Committee.
- 3.6 On 26th July 2010 the same report detailing the Street Access Panel's recommendations and officer response to these was agreed at Environment cabinet.
- 3.7 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.
- 3.8 If businesses on Upper North Street were to place their A-boards on Western Road, this would increase the amount of signs placed on one of the busiest pavements in the city and which already has Western Road businesses' A-boards out on street..

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 the response to the petition. The budget for 2010-11 assumes a level of income based on traders' objects on the highway. A boards, tables and chairs and hoardings are expected to yield £116,290 over the year, which will be used to cover the monitoring costs of the Highway Enforcement Team.

Finance Officer Consulted: Karen Brookshaw

Date: 31/1/11

Legal Implications:

5.2 No direct legal Implications

Lawyer Consulted:

Rebecca Sidell

Date: 28/1/11

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:

[If none, state None. Any appendix more than 20 pages long should be listed and placed in the Members' Rooms at Kings House and referenced in the main body of the report]

1. Petition from businesses in Upper North Street.

Documents In Members' Rooms

None

Background Documents

None