

	<p>Licensing Committee 7th July 2016</p>
<p>Title</p>	<p>Advertising Board Trial Review</p>
<p>Report of</p>	<p>Commissioning Director for Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix 1 – Guidelines</p>
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Summary

In March 2015 the Licensing Committee agreed that a 6 month trial be undertaken to assess the appropriateness of implementing A Board licences to traders within the borough. This report seeks to provide a narrative to this trial and outlines the results.

- Recommendations**
1. That the Committee review and note the findings from the trial
 2. That the Committee approve the Licensing Department to continue to licence advertising boards on the street.

1. WHY THIS REPORT IS NEEDED

- 1.1 At the Licensing Committee on 19th March 2015 the Committee resolved to allow a 6 months trial to assess the effectiveness/appropriateness of the licensing of A Boards throughout the London Borough of Barnet.
- 1.2 The trial has now been undertaken. The results have been compiled and the success in the North Finchley area is particularly highlighted in this report.

1.3 'A' Board Trial

- 1.3.1 In 2008 the Council adopted a zero tolerance policy in relation to advertising/"A" boards. It was considered that "A" boards street clutter and has a negative effect on the area. However many traders see "A" board advertisements as a cheap and effective way of promoting their business. In many cases they want to place the "A" board either within their licenced street trading area, or else in another location where there is ample public footpath. "A" boards can be well constructed and maintained and rather than having a negative impact on the area, in many cases they blend in, if they are appropriately styled for the street they are placed on.
- 1.3.2 A trial was agreed allowing "A" boards to be placed within a street trading pitch and to licence such advertising boards on other areas of the public highway under Section 115 of the Highways Act 1980.
- 1.3.3 Conditions have been imposed on the licences. A copy of the guidance given to traders can be found in Appendix 1. The A Board must be placed so as to leave at least 2 metres of clear public footpath around them. In addition the "A" board must also be in-keeping with the area it was placed in, etc.
- 1.3.4 A fee of £140 per A Board licensed has been charged for those who sought only to permit the displaying of the A Board(s) on the Public Highway. For those businesses wishing to apply for a street trading licence enabling either display of goods for sale, or the using of tables and chairs on the public highway have been permitted to display A Boards which comply to the same standards as a standalone A board licence. within their identified trading area with no additional fee to their street trading licence fee has been permitted.

1.4 North Finchley

- 1.4.1 North Finchley was chosen as a focus for the trial for implementation of the A Board Licences due to the high number of A boards being displayed on the streets. At the start of the trial it was found that North Finchley High Road N12 had a total of 56 stores displaying 1 or more boards on the public footway.



1.4.2 All of the businesses identified were contacted in writing and provided with an application pack that included:

- Information about the A Board Licensing trial,
- Details of what documentation would be needed to make a successful application (public liability documents, photo of the A Board(s) being displayed)
- Guidance on how to draw the plans needed to identify the location on the street that the A board(s) would be displayed
- Information in relation to the conditions that would be attached to their licence should it be granted by the licensing department.



- Information of the £140 per A Board fee that would have to accompany all applications.
- 1.4.3 The area was revisited by officers several times and it was apparent that the majority of those that had received the application pack had decided to remove their boards rather than apply for the licence
- 1.4.4 There were stores that has refused to apply for the licence or to remove their boards from the highway. Warning letters were then issued to these premises and the majority of the traders decided to comply and removed their A Boards from the Public Highway.
- 1.4.5 Five business managers/owners have been invited to attend an interview under caution due to refusing to obtain a licence or remove their A boards. As a result of this, to date one trader has attended an interview and has subsequently applied for a licence. One trader has refused to attend the interview and continues to display his/her board on the highway. Due to this non-compliance, further enforcement action will be taken in this case
- 1.4.6 Ten stores on the High Road N12 have either submitted applications which are being processed by the licensing department or have obtained the required licence.



1.4.7 Following the success of the trial, permission is sought to adopt the licensing regime as a permanent one thereby allowing the Licensing Department to grant A Board Licences for a period of up to one year.

1.4.8 By licensing these for 1 year the administrative cost would be no more than that for 6 months. The cost of the A Board licence would not need to be increased.

2. REASONS FOR RECOMMENDATIONS

2.1 The results indicate that the A Board Licence trial has resulted in the North Finchley High Road being considerably less cluttered. There are fewer obstructions/dangers on the public highway as the A boards that are being displayed are of a checked and approved by the licensing department

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Committee could choose to maintain the current zero tolerance policy in relation to A boards. However there is a demand by local traders for this type of low cost advertisement and so many traders will continue to place A boards on the footway illegally.

4. POST DECISION IMPLEMENTATION

4.1 Should the Committee make these recommendations then these decisions were take immediate effect.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Street trading and street advertising supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as street trading can contribute to the economic, cultural, environmental and social well being of the borough.
- 5.1.2 Street trading and street advertising also supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb as street trading supports enterprise within the London Borough of Barnet.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Administration and enforcement of street trading will be carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to Permanent Pitches.
- 5.2.2 The current fees were set in 2014 and reviewed in 2016. Fees are kept under constant review to ensure that they accurately reflect recovery of costs incurred in administration of the licence process and compliance checks.

5.3 Legal and Constitutional References

- 5.3.1 There are a number of provisions under the Highways Act 1980 dealing with obstruction of the highway. Section 137 creates an offence of wilfully obstructing free passage along a highway. This is punishable with a fine of up to £1000. Under Section 161 of the Act it is an offence to deposit anything on the highway as a consequence of which a user of the highway is injured or endangered. This is punishable with a fine of up to £1000. Section 130 of The Act imposes a duty on the Highway Authority, to protect the highway from unauthorised obstruction.
- 5.3.2 By virtue of Section 115 (e) the Council as a Highway Authority may issue a licence for goods to be displayed on the public highway. Notices must be displayed at or near the position to which the proposal relates. The permission cannot be granted until the Council has considered all the representations made. Consents must be sought from those with an interest in the land and the highway authority and the local planning authority must be consulted.
- 5.3.3 The London Local Authorities Act 1990 provides for Authorities to license street trading.
- 5.3.3 Annex A To Responsibility for Council Functions- Membership and Terms of Reference of Committees and Partnership Boards”, details the functions of the Licensing Committee which includes street trading

5.4 Risk Management

- 5.4.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to street trading. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised. However it must balance this with the desire of residents to have unobstructed pavements.

5.5 Equalities and Diversity

- 5.5.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.5.2 When considering licensing applications, only issues provided for in the London Local Authority Act 1990 (as amended) and the Highways Act 1980, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.
- 5.5.3 An initial equalities impact assessment has been completed and there is no identified impact on any of the groups with protected characteristics. Therefore a full impact assessment is not required.

5.6 Consultation and Engagement

- 5.6.1 In relation to changes to fees, conditions and policy a consultation must take place as detailed elsewhere in this report.
- 5.6.2 The Council have notice requirements under the Act which allow a period of 28 days for representations to be made which the Council will consider.

6. BACKGROUND PAPERS

None

Appendix 1 - Guidance on Licensing of advertising Boards

The following criteria must be met before the grant of a licence can be considered:

1. The board must be of sufficient contrast to its surrounding area.
2. Any board must not be more than 0.5m wide or be more than 1.5m tall
3. The board must be sufficiently stable so as not to blow over or be easily moved
4. The board must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
5. The board must not be fixed to the highway or any furniture on the highway.
6. The board must be located in a suitable and agreed position.
7. A minimum of 2 meters of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
8. The advertisement information on the board does not contain any material or information that could cause offence.
9. The A board must be removed from the public highway when the premises which holds the licence is closed and between 23:00 and 07:00.
10. There must be adequate storage facilities provided for the a board to be placed in between these times
11. The boards should not cause a nuisance or hazard to persons using the highway or any adjacent land or premises.

The London Borough of Barnet reserves the right to request that the board is removed immediately in the event of:

- a. Works in or under or over the highway
- b. Use by emergency services.

c. Any other reasonable cause.