



1. **PURPOSE OF REPORT**

- 1.1 To seek Executives approval to endorse the Memorandum of Understanding linked to protocols and action in respect of A-board advertising in Hinckley Town Centre.

2. **RECOMMENDATION**

- 2.1 That Executive approves the Memorandum of Understanding on A-board advertising in Hinckley Town Centre as set out in Appendix 1 of this report.

3. **BACKGROUND TO THE REPORT**

- 3.1 Recently there have been several occasions where local businesses have been erecting signs on the public highway in Hinckley town centre, outside of the regulatory boundaries, which have been creating a potential H&S concerns, nuisance to members of the public and have made the area look untidy.
- 3.2 Following consultation with key partners it was agreed to develop a simple and concise memorandum of understanding and co-operation that would address these issues.

4. **KEY PROPOSALS**

- 4.1 The memorandum of understanding (refer to Appendix 1) clearly states what is deemed to be acceptable i.e. complies with existing statutory regulations and what is unacceptable. Officers have used best practices from Nottingham City Council when developing this set of guidelines.
- 4.2 Summary of acceptable advertising:
- 1 x professionally made non illuminated A-board which shall not exceed 500mm width and 1000mm in height
 - No character or symbol on the advertisement may be more than 0.75metres in height
 - To be displayed on the forecourt of a business premise
 - Must be compliant with Health and Safety regulations
 - Must leave a gap of 1.2m wide on the pavement for DDA access
- 4.3 Unacceptable advertising:
- Untidy, unprofessional looking A boards or equivalent
 - More than one A-board
 - A board placed not in the immediate vicinity of the property
 - Cannot be attached to any HBBC/LCC street furniture
 - Not to impede highway access i.e. for pedestrian or vehicles
- 4.4 Anticipated outcomes include an enhanced visually acceptable street scene, a set of guidelines which can be enforced by all partners and clarity to all local Town Centre businesses.

4.5 Subject to approval implementation will commence in March 2013.

5. FINANCIAL IMPLICATIONS (PE)

While there are no explicit financial implications contained within the report, it must be noted that enforcement of the memorandum could impact upon our resources.

6. LEGAL IMPLICATIONS (AB)

The memorandum of understanding itself will not be legally enforceable and the legal enforcement of advertising will remain within the remit of the County Council under the legislation referred to in the Memorandum of Understanding.

7. CORPORATE PLAN IMPLICATIONS

The memorandum of understanding links directly to the Borough Council's Corporate Plan, in particular:

- Safer & Healthier Borough
- Thriving economy

8. CONSULTATION

The memorandum of understanding has been consulted with the following organisations, Leicestershire County Council, Leicestershire Police, Hinckley BID, Hinckley Town Centre Partnership, HBBC – Neighbourhood Wardens and Planning. All had input on the final memorandum and agreed to the proposed way forward.

9. RISK IMPLICATIONS

There are no significant risks to the authority by implementing the memorandum, but there is a risk to public safety if the memorandum isn't approved.

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This memorandum of understanding should have a positive impact on the elderly and disabled, as there will be less clutter within the streets and therefore Hinckley will be a safer place.

10.2 It will also ensure the town centre is a more attractive place to visit.

11. CORPORATE IMPLICATIONS

When developing this memorandum Officers have received advice and support from various internal Teams.

Background papers: COB report 10th December 2012

Contact Officer: Mark Hryniw, Town Centre Manager, Ext. 5755

Executive Member: Councillor Stuart Bray, Leader

Appendix 1

Memorandum of Understanding

Hinckley Town Centre – Business A-board advertising

January 2013

Introduction

Over the last few months there have been several occasions where businesses have been erecting signs on the highway in Hinckley town centre, outside of the regulatory boundaries, which have been creating a potential H&S concerns, nuisance to members of the public and have made the area look untidy.

Purpose of Memorandum

The purpose of the memorandum is to secure collective clarity and agreement between partners and businesses on what is acceptable in terms of business advertising within Hinckley. This will then be adhered to voluntarily by the businesses, to ensure safe and consistent practices and ensuring Hinckley is an attractive place to visit.

Legal position

Advertising in town centres comes under the following regulations:

The display of an advertisement is controlled under The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended). The display of an advertisement in contravention of these Regulations is a criminal offence.

The first standard condition set out in Schedule 2 of The Town and Country Planning (Control of Advertisement)(England) Regulations 2007 (as amended), states no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site.

This means that any business advertisement displayed on the public highway needs the permission of Leicestershire County Council (LCC), who are the highways authority for Hinckley. They have control over the roads and pavements throughout the town centre.

At the moment LCC does not 'police' the placement of advertising boards in the town centre. They have stated that they will bring in a licensing system, if the local authority requires it. This would mean that anyone who places an A-board on the street would need to apply and pay for a license to place an A-board on the street. They would also have to adhere to a strict set of rules on placement of advertisements.

In addition to the above, for an advertisement to benefit from Deemed Consent under the above Regulations (i.e. not requiring prior Express Consent from the Local Planning Authority), the advert must comply with the requirements set out in one of the Deemed Consent Class specified in Schedule 3 of the Regulations.

The Government has published a guidance booklet called "*Outdoor advertisements and signs: a guide for advertisers*", which is available to download here:
<http://www.communities.gov.uk/publications/planningandbuilding/outdooradvertisements>

Proposed way forward

To ensure that a license system isn't put into place, it is proposed that businesses voluntarily adhere to this memorandum of understanding.

Acceptable advertising:

- 1 x professionally made non illuminated A Board which shall not exceed 500mm width and 1000mm in height
- No character or symbol on the advertisement may be more than 0.75metres in height
- To be displayed on the forecourt of a business premise
- Must be compliant with Health and Safety regulations
- Must leave a gap of 1.2m wide on the pavement for DDA access

Unacceptable advertising:

- Untidy, unprofessional looking A boards or equivalent
- More than one A board
- A board placed not in the immediate vicinity of the property
- Cannot be attached to any HBBC/LCC street furniture
- Not to impede highway access i.e. for pedestrian or vehicles

With these easy to follow rules, there will be clarity for businesses in what they can have to advertise their business.

Enforcement

Enforcement powers currently are the responsibility of Leicestershire County Council as the advertising is taking place on the highway. This memorandum supports that these enforcement powers are shared and delegated to all associated partners including HBBC officers, BID representatives and Leicestershire Police.

The powers delegated will be as follows:

- Inform business to relocate or remove
- Right to remove signs

Once the memorandum is approved, any officer from the partner organisations can use the powers listed above. This will significantly improve and clarify who and how partners 'police' the memorandum, therefore, increasing its effectiveness.

Communication and Implementation

The memorandum has been jointly developed by partners, including the TCP, BID, LCC, Police and HBBC.

Businesses will be informed of the new memorandum by letter, showing the reasoning behind the new memorandum and the ramifications if this memorandum is not adhered to.

A simple to understand leaflet has been produced which clearly sets out what is acceptable.

Letters which will include a copy of the leaflet will be issued to all relevant town centre businesses in March 2013.

To ensure an equitable approach is adopted all business will be required to voluntarily comply. Should any business have an issue with this memorandum then partners will be consulted and a solution, within the guidelines, will be sought.