



Committee and Date

**Economy and Environment
OSC meeting**

09/11/2023

Item

Banners, Bunting, Christmas lighting & temporary signage policy review in Shropshire – Progress Update October 2023

Responsible Officer

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Banners, Bunting and Christmas lighting

1.0 Background and Summary

- 1.1 The current application and approval process to display community event banners, bunting or festive lights falls within the remit of Shropshire Councils Street Works team. The team were restructured in 2013 to better align to the objectives of the “Traffic Management Act 2004” and the Shropshire Council Permit Scheme (West and Shires Permit Scheme).
On review of existing tasks within the team the application and approval process for Banners, bunting and Christmas illuminations was highlighted as a task with minimal value in meeting the primary team objectives of “minimising disruption caused by roadworks” and was generally an administrative process with set conditions only.
- 1.2 It's recognised that many people feel that banners (sporting, recreational, charity & cultural only), bunting and Christmas lighting all add to the community experience within an area and can enhance event and general visitor attendance numbers significantly proving a valuable tool for the local economy, however they require approval under the Highways Act 1980 section 178 to confirm they fall within guidelines and policies of safety and do not hinder the aesthetics of the surrounding environment.
- 1.3 Current Process (<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/banners-bunting-or-christmas-lights-on-the-highway/>)
- 1.4 The current application and approval process is handled by the Street works team who look to ensure banner content is community based and not for general business advertising and that the positions of said items cause no potential hazard or hindrance to highway users. An application is made containing details of the required banner, bunting or lighting type, location and confirmation of sufficient public liability insurance (£5m) to protect the council in the event of any possible incidences resulting from the placement of said items on the highway.

- 1.5 Items which are placed on or over the highway that are fixed to a non-council owned property, fence or railing require permission from the owner. The application is then assessed and given approval or refusal. A consideration of the applicant is of the load-bearing tolerances of the fixing points, council owned locations should be tested annually, and this information will be made available upon request, private properties are responsible for the maintenance and suitability of their fixing points. In this respect there exists some inconsistency in county-wide process. For example, Shrewsbury has specific, historic, and approved fixing locations that are regularly tested by the Town Council - whilst other Towns and villages do not.
- 1.6 Recommendations from the Place Overview Committee resulted in an engagement note being issued to all Town and Parish Councils requesting consideration and feedback on a proposal to devolve process and enforcement to applicable Town and Parish Councils.
- 1.7 Following further consideration and discussion of received responses by the group, the final "Task and Finish Group" report of 26th March 2020 gave recommendations on pursuing a revised policy, approach, and process.
- 1.8 The recommendations included that:
- i) Shropshire Council retain the powers for permitting banners, bunting and Christmas decorations (under Highways Act 1980 Section 178 and Section 115E) but also look to consult further with all Town and Parish Councils to include, where appropriate, provision for specific retail centres, individual towns and parishes.
 - ii) To consult further with Town and Parish Councils in order to identify any 'best practice' that could be adopted, and to gain local input from Town and Parish Councils on defining acceptable design and content criteria based on local area aesthetics and community sentiment.
 - iii) That separate policies were created both for banners, bunting and Christmas decorations "over" and "alongside" the highway.

Progress Update:

- 1.9 Most Banner applications received are for one or more of the approved fixing points in Shrewsbury. Historically the former Borough Council devised a process for regular testing of fixing points, supply of accredited labour, the equipment needed to fix and dismantle, and a diary booking system for applications. Whilst the powers to licence were transferred under Unitary the logistics to test fixing points and advise on suitable catenary wires and their lifespan etc. remained largely with the Town Council.
- 1.10 Due to both the number of applications for Shrewsbury, and the historical and current logistical issues presented, further discussions and liaison has taken place with STC regarding how to resolve these contemporary issues whilst also

ensuring that Shropshire Council, as designated Highway Authority, retain the powers permitting banners to be installed over and along the highway.

- 1.11 Discussions so far have revolved around a potential dual process which would allow STC to manage applications and diary bookings via their own agreed process (hence retaining “local” control and input) whilst permission to erect under licence is retained by Shropshire Council.
- 1.12 Discussions are ongoing with a view, if feasible and meeting previous recommendations, that any resultant proposed “model” is highlighted for further consultation with other Town & Parish Councils on a revised policy and process which also considers local criteria and aligns with service priorities, Shropshire Councils strategic objectives, and diminishing resources.
- 1.13 A further recommendation from the report advised that separate policies were created for banners “Over the highway” and “alongside the highway”. While discussions with STC are currently involving banners over the highway, the opportunity is also being taken to engage further with Town and Parish Councils regarding the logistical and practical problems of ownership of railings, fences and walls bordering the highway, ensuring safety and compliance, and controlling proliferation and content.
- 1.14 Following the recommendations from the group further discussions and liaison has taken place with Shrewsbury Town Council (STC) regarding how to resolve the logistics of ensuring compliance to licence conditions and the management / maintenance of approved “fixing points” for overhead banners in STC’s ownership, whilst also ensuring that Shropshire Council, as designated Highway Authority, retain the powers permitting banners, bunting and decorations to be installed over/along the highway.
- 1.15 As part of any further consultation with Town and Parish Councils the opportunity is also being taken for a review of the location, ownership and regular load bearing testing schedule for catenary wire fixing points and to ascertain any criteria or proposed restrictions for any specified local area – including specific locations where banners would / would not be acceptable.
- 1.16 The opportunity is also being taken to gain feedback on proposals for local councils to be more involved in the administrative/enforcement process and explore whether issuing annual licences for specified applicants/locations would be beneficial.

2.0 Recommendations

- 2.1 That officers carry out a further engagement /consultation exercise, prior to Christmas 2023, with Town and Parish Councils to further identify “best practice”, provision for specific retail centres, and any local conditions that could be included. This with a view for any subsequent revised policy/process to be implemented by April 2024.

2.2 That, taking account of consultation responses, a revised policy and process report for “Banners, Bunting and Christmas Illuminations” is drafted for consideration and further comment/feedback by the Committee.

2.3 Whilst Shropshire Council retain the legislative licencing function, that views are sought on possible devolvement of the administrative process to Town and Parish Councils outlining the model set by Shrewsbury Town Council as an example.

2.4 That officers gain feedback, via engagement/consultation, on a proposal for an annual licence that could be issued, on application and for specific applicants/locations.

3.0 Opportunities and risks

3.1 The opportunity to utilise a broader and more detailed local knowledge retained by local parish and town councils in the decision-making process of suitable positioning and safety prerequisites necessary for load bearing fixing points and associated displays.

3.2 The opportunity to draft a policy for Shropshire that contains criteria for specific local areas.
For example, the policy could ban banners entirely alongside certain roads in a given town centre.

3.3 The opportunity to encourage local input on defining acceptable design and content criteria based on local area aesthetics and the community sentiment of each individual service application.

3.4 The opportunity to identify an efficient and appropriate use of Council resources regarding which service area could better deal with the administration of applications and any subsequent enforcement process.

3.5 Risk could include significant differences in proposed local approach creating difficulties in drafting a singular policy.

3.6 Could prove to be an opportunity to build further relations between Shropshire Council and parish/town councils.

3.7 A revised policy and procedure for Banners, Bunting and Christmas illuminations would need to align with the approved “Highway Assets Advertising” scheme allowing Highway assets such as roundabouts, boundary signs, lamp columns and verges to be utilised for commercial sponsorship and advertising purposes.

- 3.8 A proposed administration fee could impact on event organisers.
- 3.9 To allow all localised authorities to develop their individual process and best practice guidance based on their communities as it is felt that a 'blanket' approach across Shropshire does not facilitate individual requirements, for example a market town will have different criteria and challenges compared to a rural village.

4.0 Financial assessment

- 4.1 There are currently no attached administration or enforcement fees as the process of promoting local events relating to sporting, cultural, charity and recreational activities is considered vital to maximising attendance and awareness and is to be encouraged where possible.

There is a recommendation that an appropriate fee/charge, considering administration costs and an agreed level of enforcement, be agreed.

Temporary signage

1.0 Background and Summary

- 1.1 The recommendation from the "Place Overview Committee" meeting of July 2019 recommended a Task and Finish group include the current policy and process for temporary directional signing (usually for events or housing developments) in a review of all related "street scene / street clutter" issues.
The current process requires an application and consent under Section 122 of the "Road Traffic Regulation Act 1984" (link)
<http://www.legislation.gov.uk/ukpga/1984/27/section/122> and applications and consent are currently facilitated by the Street Works team
(<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/temporary-signage-consent/>)
- 1.2 The application form outlines the conditions and regulations for the erection and removal of signs and indemnifies Shropshire Council against any claims arising. Conditions of consent currently are that signs promoting an event are taken down within one week of the completion of the event and that signs signposting developments can only be permitted for a period not exceeding 6 months following the sale of 80% of the development. This date needs to be agreed prior to the signs being erected.
- 1.3 There is a concern regarding the proliferation of such signage and with regard to the enforcement of set conditions.
- 1.4 The Task and Finish Group report of 26th March 2020 recommended that Shropshire Council revise its charges for its housing development sign permit scheme, to better reflect the work required to administer the scheme effectively.
- 1.5

The group also recommended that any permit scheme limits the duration of a permit to 12 months before requiring renewal.

Progress update:

1.6

The previous recommendations from the Committee were that Shropshire Council revise its charges for Housing Development signage to better reflect the work required to administer and enforce an effective permit scheme – a revision of the current fee structure, based on recovery of officers time and costs, has taken place and a draft revised and increased administration fee of £250.00 per application is proposed for a maximum 12 month licence (£110.00 for a further six month extension if required).

1.7

The revised charge better and accurately reflects the work required to administer the scheme effectively and allows for the additional recovery of officer time in carrying out 3 scheduled compliance inspections through the life of the licence (on installation, on due end date of licence and 14 days after end date to ensure compliance). For any extension this equates to two further inspections.

1.8

There is also an opportunity to simplify/clarify the current guidelines and conditions in relation to duration of a licence, the number of signs allowed, and the location of signs on the network.

1.9

The draft revised process includes recovery of costs for 3 site inspections (start, end & 14 days following end of licence period) and also proposes to simplify the duration of a licence (to maximum of 12 months – plus up to a further 6 months only on re-application if less than 80% of houses have been sold). It also proposes to remove the current condition that signs can only be situated within a half mile/two junctions from the development.

1.10

The maximum 18-month total period, and the concession to allow directional signage further than half mile/two junctions, is to give developers a reasonable period to be able direct potential buyers and also give some flexibility to where signs can be best situated.

1.11

If signs remain following the expiry of a licence the proposal is to draft a standard letter/email to the applicant essentially giving a further 14 days to remove pending removal by SC / Term Contractor at recoverable cost (or the option of extension if needed).

1.12

A previous “benchmarking” exercise on fees charged and conditions applied by other Authorities showed a significant variance with up to £1,585 being applied down to £100 for a 12-month licence for up to six signs.

2.0 Recommendations

2.1

That Committee members provide comment and recommendations on Officers proposal to amend the current administration fee of £102.00 per application to £250.00 per application (further amended ‘extension’ fee increase proposal from

current £97.00 to £110.00) to allow for a recovery of Officers time involved in carrying out 3 scheduled compliance inspections.

2.2 That Committee members provide comment and recommendations on Officers proposal to remove the current condition stating that signs can only be situated within half a mile/two junctions from the Development.

2.3 Officers' proposal is to ensure a revised process and fee is implemented as soon as feasible and by April 1st, 2024, at the latest. Officers would welcome the Committee members comment and recommendations.

3.0 Opportunities and risk

3.1 The opportunity to significantly increase and improve the current monitoring and enforcement process to ensure compliance, control proliferation and timely removal of temporary signs.

3.2 The opportunity to ensure application fees ably recoup officers time in administering and monitoring applications.

3.3 Risk of the service/current available resource being able to accommodate further Street Works inspection schedules.

4.0 1.0 Financial assessment

4.1 There is a current set administration fee of £102.00 payable by applicants.

4.2 The proposal is for this to be increased to £250.00 per application.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Place Overview Committee report 4 th August 2021

Cabinet Member (Portfolio Holder)
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Councillor Dan Morris

Local Member

All

Appendices

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