

SUBJECT: MANAGING OBSTRUCTIONS IN THE HIGHWAY – REVIEW OF THE POLICY

MEETING: Cabinet

DATE: 5th September 2018

DIVISION/WARDS AFFECTED: All

NON-PUBLICATION: Not applicable

1. PURPOSE:

A policy to manage ‘obstructions in the highway’ (including A boards, displays, tables, chairs etc.) was approved by Cabinet in January 2018.

Following representation from businesses the introduction of the policy was suspended to further consultation (in particular public meetings in Monmouth and Abergavenny) and subsequently to allow the Strong Communities Select Committee the opportunity to receive the representations, review the policy and make any recommendations considered appropriate to Cabinet.

On the 30th July the Strong Communities Select Committee convened to consider if the policy should be revised. The Committee decided to recommend changes to the policy and these changes are reflected in the recommendations to Cabinet listed below.

2. RECOMMENDATIONS:

- 2.1 That charges for permits for displays, tables, chairs be withdrawn but that charges arising from non –compliance with the permit scheme (as detailed within the existing policy) remain.
- 2.2 That additional criteria be added to the policy to allow businesses to occupy an area greater than 18 sq metres where this can be achieved without compromising safety or causing an unacceptable obstruction in the highway (and upon receipt of a risk assessment from the applicant).
- 2.3 That any request from a business to occupy an area greater than 18 sq metres be approved by the County Highways Manager or Head of Service in consultation with the local member and Cabinet Member for Operations.
- 2.4 That this committee recommends to Cabinet that the permit scheme for individual premises as described within the existing policy remain in place.

3. KEY ISSUES:

- 3.1 The report submitted to Strong Communities Select Committee provides background information to this matter. It can be found by following this link:
<https://democracy.monmouthshire.gov.uk/ieListDocuments.aspx?CId=139&MId=3819>
- 3.2 Prior to the meeting of the Strong Communities Select Committee on the 30th July members had already resolved to suspend the introduction of charges for displays, tables and chairs etc.
- 3.3 The policy adopted in January 2018 waived any charges in relation to A boards so representation was in relation to the charge imposed on businesses making use of the public highway to increase their sales area - £60 for upto 6 sq m, £120 for upto 12 sq m and £180 for upto 18 sq m.
- 3.4 Some businesses are also using areas of the public highway greater than 18 sq m so members were asked to consider relaxing this to allow for displays, tables and chairs, benches etc. occupying areas over and above 18 sq m.
- 3.5 Feedback from public meetings held in Monmouth and Abergavenny also suggested that the permit scheme also be removed. However this was not universally supported and some businesses welcomed the permit scheme to demonstrate that the highway authority was controlling the nature and extent of displays in the public highway. Following debate at the select committee members decided that permit scheme should be retained.

4. OPTIONS APPRAISAL

- 4.1 The Cabinet has previously adopted a policy and the recommendations proposed in this report amend the policy in relation to charging and the extent of displays.
- 4.2 The recommendations are the extent of amendments proposed and no further options are submitted although obviously the option remains to retain the existing policy unchanged.

5. EVALUATION CRITERIA

Evaluation will depend upon the policy adopted but the major test of compliance will be the number of businesses that either contravene the policy or number of complaints in the event of the policy and permit scheme being withdrawn.

Officers will monitor this on an ongoing basis bringing cases of enforcement to the attention of the County Highways Manager. Where agreement cannot be achieved the matter will be highlighted to the head of service, cabinet member and local member.

6. REASONS:

The report and recommendations reflect the findings of the Strong Communities Select Committee without losing the capacity for the Council to manage what is placed in the public highway.

7. RESOURCE IMPLICATIONS:

Withdrawal of charges for displays, coffee tables, chairs, benches etc. would reduce income by an estimated £2,600 per annum. This would be found from within the highways budget overall.

WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

As provided to Cabinet in January 2018, link below:

<https://democracy.monmouthshire.gov.uk/ieListDocuments.aspx?CId=144&MId=2176&Ver=4>

8. CONSULTEES:

SLT

Cabinet members

Strong Communities Select Committee

Businesses and wider public (as described in report to Strong Communities Select Committee – 30th July 2018

9. BACKGROUND PAPERS:

Reports to Strong Communities Select Committee and Cabinet referenced in the report above.

10. AUTHOR:

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