

LICENSING ADVERTISING BOARDS ON THE HIGHWAY

Under Part VIIA Sections 115A to K of the Highways Act 1980



JULY 2012

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1. INTRODUCTION

Shopping within the City of Gloucester has much to offer and the City Council is keen to encourage traders to promote their business activities in ways which both enhance the street scene and is also sensitive to its users.

This Guide has been produced to help us to strike a reasonable balance between Traders needs and the conditions needed where advertising boards on the highway will be permitted.

Advertising signs on the highway, generally known as 'A' boards, have long been part of the street scene in Gloucester. Not all such items constitute wilful obstructions requiring immediate removal under Section 149 of the Highways Act 1980, but it is important that their number, size and positioning is regulated. If not, they can become 'unreasonable' and create severe hazards for the highway users, particularly for those with impaired vision, mobility problems, the elderly and those with young children.

Section 115 of the Highways Act 1980 permits the licensing of advertising boards etc. on the highway. It is important for the Council to consider whether the proposal to place Advertising Boards on the highway meets the criteria and aspirations outlined in this policy as well as complying with any legal requirements. The use of the Street includes a number of considerations so it is important to have a clear understanding about the obligations and conditions that apply to the licence.

A highway is a route which all persons can use to pass and re pass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these rights of way it is necessary to ensure that they are not obstructed either wilfully or without consideration. Features and structures placed on the highway must be controlled to ensure they do not obstruct or endanger pedestrians; particularly those with impaired vision, using wheelchairs and prams.

2. APPLICATION PROCEDURE

The applicant should contact Gloucester City Council Environmental Health for an application form, which should be completed and returned along with all the relevant necessary documentation. To ensure that the application is processed quickly, applicants should have considered all the criteria that follow below and supplied all the relevant supporting data required in the application form.

It may take up to six weeks to process an application. This will include a statutory consultation period of 28 days, taking into consideration all representations made by interested frontages and any others who would be materially affected by the proposal. As part of this consultation process, the Licensing Team will also consult with Gloucester Constabulary, Gloucester City Council Planning and Conservation Teams, Environmental Health and Street Trading, Gloucestershire County Council Highways, and any other body or individual it considers appropriate in the particular circumstances. In certain circumstances it may be necessary to post a notice on site as part of the application.

The application should be accompanied by the following;

- A location plan 1:50 or larger which clearly defines the premises and shows the proposed area to be licensed outlined in red in relation to the premises and kerb line with dimensions.
- The precise location of the Advertising Board.
- A photograph or brochure detailing the type of Advertising Board and proposed design to be used.
- Details of the proposed hours and days or the week that will apply.
- Details of the proposed place of storage.
- A copy of Public Liability Insurance for a minimum of £5 million in respect of any one incident.
- The position of any dropped kerbs, pedestrian crossings, parking bays, market pitches, cellar hatches, points of access, fire escapes.

3. NEIGHBOURS

It is good practice to consult with neighbours, tenants and adjacent residents, to address any concerns prior to a formal submission. As part of the administration of the Advertising Board Licence, there are two legal consultative requirements. These are to seek the consent of interested frontagers* close to the property and to accept representations up to 28 days after a public notice has been posted on or near the premises. The Licensing Team will post a Public Notice and serve copies to your adjoining neighbours as part of the consultation process.

* "frontagers" means the owners and occupiers of any premises adjoining the part of a highway on, in or over which an object or structure would be placed or on which facilities for recreation or refreshment or both have been, are being or would be provided.

4. DETERMINATION OF APPLICATION

The criteria contained within the guidelines below will be used in determining applications. Each case will be assessed in its merits and individual circumstances. Similarly, any written objections received will be considered in terms of relevancy and appropriateness to the application and the listed criteria. Frivolous, vexatious or repetitious observations will be disregarded.

The Highways Act 1980 does not allow any legal appeals against a decision by the Food Safety and Licensing Service Manager to refuse to grant a licence. A person aggrieved by a decision may seek judicial review.

5. GUIDELINES

Prior to presenting any application consideration must be given to the following criteria:

- Signs or boards should be displayed either directly adjacent or in close vicinity to the premises (dependant on site location). Where premises are in a side street, advertising boards must not normally be placed remotely in the main street directing customers to the premises.
- The positioning of signs or boards must take into account other reasonable needs of the area e.g. access to bus stops, pedestrian crossings, etc. And also in areas of high volume pedestrian flow, e.g. near schools, the placing of advertising boards may be inappropriate.
- Signs or boards need to be manufactured to high standard; rotating or swinging signs will not be permitted.
- In some multiple occupied areas such as shopping malls, advertisement boards may not be allowed by the management company. In these circumstances, or where businesses are located in small side streets with little space for an A' board, there may be scope to make a special request to the Council to consider a shared sign on the street furniture (lampposts) by the entrance; this type of request would be based on its own merits in liaison with the County Council Highways and the City Council Planning and Conservation Team.
- The City Council as agents of the Highway Authority may require the immediate removal of any feature if requested by a Police Officer or for any other reasonable cause including the need for access to maintain the highway.
- In addition, nothing within this Guide absolves those concerned from their legal responsibilities under the Highways Act 1980 and other legislation.

General Conditions:

Signs or boards placed in accordance with the general conditions (below) and the notes in this section will be permitted on the highway once the appropriate fee has been paid and the licence is granted.

1. All signs or boards must be temporary in their nature (free-standing) so that they can be easily removed.
2. Signs or boards must not be located within **1.8 metres** of any other permanent or temporary sign, pillar, post, item of street furniture or the edge of the carriageway

3. An unobstructed footway width of **1.8 metres** is desirable, but where this is not practicable a minimum width of **1.5 metres** should be maintained.
4. Any sign or board must be **no wider than 700mm and no higher than 1000mm above ground level to the top of the sign.**
5. Signs or boards must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
6. Signs or boards must be such that they can be easily detected by the visually impaired and negotiated by those with mobility issues.
7. Signs or Boards must not display offensive content, political statements or content of a sexual nature.
8. On footways, signs or boards must not be placed within 2 metres of any tactile paving.
9. Signs or boards must be stable and not represent a potential hazard to any highway users, they need to be locked open when in use.
10. Signs or boards must not have a detrimental effect on the fabric of the highway.
11. Signs or boards must be removed at the end of trading hours and stored inside the shop premises or within an alternative safe environment.
12. Advertising Boards must not be placed on the highway before 7am to assist regular street cleaning.
13. Any advertising sign or board will be the owner's responsibility when placed in the public highway and the City Council will not be liable for any injury or damage caused to highway users.
14. Only one sign or board will be permitted for each premises
15. Any advertisement must relate only to the normal business of the trading establishment.
16. Unless specifically agreed, no sign or board must be fixed to lamp posts, bollards, seats or other items of street furniture.
17. Where the premises also have a licence to place table and chairs on the highway, any A' board must be located within the layout of the tables and chairs.
18. All signs or boards must be sensitive to the area where they are to be displayed, they shall not impact on the visual amenity of the area and must be presented in an appropriately attractive and professional manner. They must not be too bright, garish or overly reflective.

6. PUBLIC LIABILITY INSURANCE

Anyone that places items on the highway is potentially liable to any person who suffers an injury caused by that item and could face separate legal action from that person. The persons to whom permissions are granted must always have valid public liability insurance for at least £5,000,000 (five million pounds) which also indemnifies Gloucester City Council its agents, servants and workmen against any costs, claims for injury, damage or loss arising from the use of the highway for the permitted purpose. Satisfactory evidence of this public liability insurance must be provided before a licence can be granted.

The Licence holder shall have no right to make any claim or charge against the City Council in the event of the Advertising Board being lost, stolen or damaged in any way, unless this is caused by the City Council's own negligence.

7. ENFORCEMENT

Ongoing enforcement monitoring will be carried out to make sure the conditions of the licence are not being broken. Any obstruction that is deemed 'unreasonable' in accordance with this Guide and constitutes an immediate danger will be removed from the highway immediately and either returned to the owner, if known and practicable, or retained.

Where obstructions are 'unreasonable', but do not constitute an immediate danger, the owner will be requested to remove or reposition them in accordance with this Guide. If the problem persists, the City Council may serve notice that the objects be removed before seeking a Magistrate's removal and disposal order in respect of the items.

Any items removed from the highway will be taken to store and retained for collection by the owner. If the items are not collected within a period of one month they will be disposed of. The City Council may seek to recharge any expenses incurred in removing such items to their owners.

8. FEES AND CHARGES

The current charge for an Advertising Board application is £50.

9. DURATION OF LICENCE

All Licences are valid for 12 months from the date of application.

10. TERMS AND CONDITIONS

Standard Conditions are detailed on the back of the application form and noted on the Licence.

11. TERMINATION

Failure to comply with the terms and conditions of the licence may result in the licence being suspended or revoked.

12. OTHER LICENCES

The Highway Authority can legally place items such as road signs, trees and seats on the highway.

Gloucester City Council licences the placing of tables and chairs in the pedestrian areas and on the City highways. Separate guidelines are available for Licensing Tables and Chairs on the Highway.

13. MODIFICATIONS, ALTERATIONS, OR AMENDMENTS

The procedures and requirements specified within this Guide may be modified, altered or amended at any time as Gloucester City Council deems appropriate.

14. CONTACT US

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