

Policy for Advertising Boards and Displays of Goods on the Highway

1.0 Introduction

- 1.1 Advertising Boards and displays of goods are a fashionable way for businesses to promote their business in and around the town centres of the Borough, adding to the colour and atmosphere of the street scene for residents and visitors alike.
- 1.2 Advertising Boards and displays of goods must be appropriate for the area and properly set up so that they benefit the business, enhance the shopping area and do not cause a problem for other users of the street.
- 1.3 The Council is prepared to allow Advertising Boards and displays of goods to be placed on the highway on the strict understanding of the businesses that place them adhere to the terms of the Council's policy for Advertising Boards and Displays of Goods Adjacent to Business Premises on the highway.
- 1.4 Displays of goods remote from the business premises (greater than 2m away from frontage) will be considered only exceptionally and must be licensed by the Council. The requirements of the licence must be met in full, and at all times, by the business.

2.0 Consideration

- 2.1 Before a business places an Advertising Board or display on the highway the following factors need to be taken into account. The amount of space the Advertising Board or display will remove from the public use of the highway.
 - How the proposed Advertising Board or display will look when it is set up.
 - The effect it may have on the passage of the public on the highway including local residents, workers, shoppers and visitors.
 - Is the Advertising Board or display located in a Conservation Area? (The design and materials may need to be considered)
- 2.2 The Council appreciates that businesses will want to place their Advertising Board or display in a way that is attractive to customers. However, the following factors have to be taken into account when planning the setting out of the Advertising Board or display.
 - Available space
 - Type of premises
 - Street width
 - Street character
 - Number of passers-by
 - Existing furniture e.g. benches, planters etc. Other Advertising Boards, Displays of Goods or Street Cafes nearby
 - Residential properties

2.3 The needs of people using the highway are of paramount importance when considering Advertising Boards and displays. Freedom of movement for people with disabilities, pedestrian flows, access for emergency vehicles etc need to be taken account of. The type, size and colour of the Advertising Board and the type size and make up of displays need to be in keeping with the area. It is essential that Advertising Boards and displays do not cause an obstruction or inconvenience to members of the public, particularly people with disabilities, therefore adequate space must be left for wheelchair access.

3.0 Guidelines for Setting out an Advertising Board or Display of Goods on the Highway

3.1 Every Advertising Board and display should be placed according to these important key principles:

- People walking past the premises should have at least 1.8 metres of clear footway between the edge of the carriageway and the Advertising Board or display. This is to ensure that pedestrians, particularly blind or visually impaired people, are not obstructed.
- In a very busy street it may be necessary to leave more than 1.8 metres of footway space for pedestrians. The manner in which the Advertising Board or display is set out should not prevent or discourage people from using the footway. The route available to them must be straightforward, obvious and unobstructed.
- The Advertising Board or display should be located immediately outside the front of the business premises and not on highway fronting adjacent businesses or properties. Unless this causes insufficient footway width and with the prior agreement of the Council.
- In pedestrianised areas these principles will generally apply to A Boards, although the special nature of these areas means that variations may be considered on an individual basis.
- A route for emergency vehicles (minimum 3.5 metres) is required.

3.2 The placing of an Advertising Board or display on the highway must meet the following requirements.

- Advertising Boards or displays will only be allowed on pavements where sufficient width of footway can be left clear and unobstructed for pedestrian usage of the area (usually a minimum of 1.8 metres).
- Advertising Boards or displays must not be placed in the way of vehicle movements - this is to ensure free and unobstructed access by the emergency services.
- All Advertising Boards must be temporary in their nature so that they can be easily removed i.e. they require no excavation to be installed or

removed. They are to be totally removed from the highway at the end of each day's trading.

- Advertising Boards or display must not be located within 1.2 metres of any other permanent or temporary sign, pillar, post, item of street furniture, other display or the edge of the carriageway.
- An unobstructed footway width of 1.8 metres is desirable, but where this is not practicable a minimum width of 1.2 metres should be maintained. In pedestrianised areas a minimum width of 3.5 metres shall be provided.
- Advertising Boards or the display must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
- The siting of an Advertising Board or display must take into account the other reasonable needs of the area e.g. bus stops, pedestrian crossings, etc. in relation to their positioning.
- In areas of high volume pedestrian flow, e.g. near schools or in certain pedestrianised areas, the placing of an Advertising Board or display may not be allowed. This decision will be made by responsible Area Highways Manager.
- Advertising Boards and displays must be such that they can easily be detected by blind or visually impaired people and negotiated by people with limited mobility.
- On footways an Advertising Board or display must not be placed within 2.0 metres of any tactile paving.
- Advertising Boards and displays must be stable and not represent a potential danger to any highway users. In particular, the structure must be of sufficient weight or design to prevent it being blown over in the wind.
- Advertising Boards or displays must not have a detrimental effect on the fabric of the highway.
- If appropriate, all other approvals and consents must be obtained prior to the Advertising Board or display being placed on the highway (including street trading and planning consents).
- Only one Advertising Board will be permitted per business.
- Any advertisement must relate only to the normal business of the trading establishment.
- Advertising Boards must not be fixed to lamp posts, bollards, seats, highway trees or other items of street furniture by means of chains, rope, etc. Any that are so fixed may be removed by the Council at any time without any reference to the owner.

- Advertising Boards should be no wider than 800mm square in plan and no higher than 1000mm above ground level.
- Rotating or swinging Advertising Boards will not be permitted.
- Advertising Boards must not contain any visual or written material that could be construed as inappropriate or offensive. Any breach of this condition will result in the immediate removal of any such signs.
- Advertising Boards leant against walls etc will not be acceptable
- Advertising Boards or displays must not impede vehicular emergency access.
- Where an accumulation of Advertising Boards and/or displays occur and this results in the obstruction of the highway (i.e. in multi-use premises), if instructed by an officer of the Council, all Advertising Boards must be removed until an acceptable solution has been reached by all interested parties.
- Advertising Boards and displays must only be positioned outside the premises that they directly relate to. They must also be located on the same side of the road and in front of the frontage. Unless this causes insufficient footway width and with the prior agreement of the Council. (i.e. 'remote' or advance directional Advertising Board will not be permitted).
- No Advertising Boards will be allowed on roundabout islands (central or splitters), road safety refuges and central reservations
- All signs and displays shall be removed prior to and during events likely to result in significant increase in level of footfall (i.e. carnivals, marathons, religious services and other public events).
- In placing an Advertising Board or display on the highway, the person or body responsible for placing the item shall be deemed to have indemnified the Council against all actions, proceedings, claims, demands etc for any injury or damage caused to highway users arising from the siting of the Advertising Board or display on the highway. The person/business placing the Advertising Board (or business name as displayed on the board) shall maintain public liability insurance to the value of £2 million and an original policy certificate shall be provided to the Council where requested.
- The Business is solely responsible for the Advertising Board or display placed on the highway and shall make no claim or charge against the Council in the event of such item being lost, stolen or damaged, howsoever this may have occurred.
- Non compliant signs may be removed without notice and taken to the Council's depot for collection by the owner. A retrieval fee will be payable by the owner and signs not collected after one month will be subject to

disposal. The Council will consider prosecution against persistent offenders.

- Should the Council be required to remove and / or store any items from the highway the Business shall make no claim or charge against the Council in the event of such items being lost, stolen or damaged.
- The person placing the Advertising Board on the highway (or business/trading name displayed on the board) will be responsible for checking with the Council's Planning Department as to whether it requires any planning permission or advertisement consent. These Guidelines do not give consent for either of those requirements.

4.0 Visual impact

- 4.1 The Council is keen to see high quality Advertising Boards and displays as an integral and attractive part of the shopping area scene. To achieve this, the Council expects the design of the Advertising Boards and displays to be of a high quality and standard.
- 4.2 The Council reserves the right to require Advertising Boards and displays to be removed if at any time they are found to be inappropriate. This may happen if the Advertising board or display becomes.
- Unsightly or unsafe through poor maintenance
 - Inappropriate because of new developments in the vicinity
- 4.3 To maintain and enhance the high standards in our town shopping areas the Advertising Boards and displays shall be of high quality construction, well coordinated and in colours that are sympathetic to the surrounding area. Light weight, flimsy or tatty construction is considered unacceptable.

5.0 Environmental Implications

- 5.1 It is vitally important that the environment for customers, members of the public, local residents and staff is a prime consideration.

6.0 Other requirements

- No protruding elements that could cause trip or fall
- No elements that could cause injury to passers by i.e. splinters, snagging of clothes

7.0 Display Specific Requirements

- Displays of goods may only be located immediately outside the frontage of the premises so that staff and customers do not have to cross the normal flow of pedestrians.
- The items on display may only relate to the business or trade normally carried out and in any event the display of alcohol and gas bottles/canisters or other dangerous goods is not permitted.

- The display must not obstruct fire door exits and statutory undertakers' plant and equipment.
- The display must be entirely within the frontage of the trading establishment and be no wider than a third of the available highway footway up to a maximum of 2.5m.
- In pedestrianised areas a minimum of 3.5m wide route must be retained.
- No selling or trading on the highway is permitted. All transactions must take place on the business premises.

8.0 Displays Remote from Business Premises Specific Requirements and Licence Details.

8.1 A licence under Sections 115E and 115F of the Highways Act 1980 is required for Displays of Goods remote from the business premises on the Highway. This is to ensure that they are properly set up, licensed and operated so that it benefits the business, enhances the shopping area and does not cause a problem for other users of the street. They shall comply with the requirements of these guidelines and the additional requirements that form the licence conditions.

8.2 Goods displayed on the highway must be licensed by the Borough Council as the Highway Authority. There are four factors that will be taken into account when considering an application:

- The amount of space the Goods will remove from the public highway.
- How the proposed goods will look when set up.
- The effect the display may have on the passage of the public on the highway including local residents, workers, shoppers and visitors.
- That the display is in keeping with the surrounding environment of conservation areas.

8.3 On receipt of an application, a range of other Council Departments and organisations are consulted to ensure that the proposal is acceptable to them and whether any further application for permission, such as planning permission is required to be submitted. They include:

- The Borough Access Officer
- Planning and Conservation
- Town Centre Management
- Legal Services
- Environmental Health
- Local Councillors
- Town & Parish Councils
- Waste Management
- Cheshire Constabulary
- Cheshire Fire Service
- Regional Ambulance Service

- 8.4 A public notice will also be displayed close to the site of the proposed Display of Goods so that local people can comment if they wish. The results from the consultation exercise will be considered when determining the licence. As part of the process, applicants will be required to submit evidence that they have public liability insurance of £2 million - an important requirement of the licence application.
- 8.5 Each application will be considered on its merits and its suitability to the local environment. Should a licence be granted, the licence holder must adhere to the conditions set out in this guide and the additional licence conditions otherwise the Borough will remove the display and terminate the licence.
- 8.6 The Goods to be displayed must be kept neat, tidy and safely in an attractive manner and be kept within the confines of the licensed area.
- 8.7 The Goods area must be kept clean, tidy and litter free and including an area of 5 metres surrounding it, must be swept and kept free of litter and debris at all times.
- 8.8 No cabling will be permitted across the highway
- 8.9 Additional guidelines may be added to licences as and when necessary.

9.0 Licence Fees

- 9.1 A flat rate charge of £450 would be payable on application, and where the Council is the owner of the sub-soil the charge of £90 per square metre taken up by the licensed area on completion of the licence. These fees would be payable prior to completion of the licence. Should an application fail then an amount of £150 would be refunded to the applicant. The retained portion reflects the Council's costs in dealing with the application. Provided there are no breaches of the licence, the licence would be renewed annually, for an administrative fee of £100, under similar terms as the original licence.

10.0 General – Advertising Boards and goods displayed

- The Business/Trader must ensure that they have Public Liability Insurance to a value of £2 million and an original policy certificate provided to the Council where requested. The Business/Trader shall indemnify the Council as the Highway Authority against all claims that may arise in connection with the placing of an Advertising Board or display on the highway.
- The Council, as Highway Authority and Statutory Undertakers (gas, electricity and water) have the rights to carry out work within the highway. If required the Advertising Board or display shall be removed to allow access for the Highway works or Statutory Undertakers.
- The Council has powers under the Highways Act 1980 to take enforcement action where appropriate and to recover any expenses incurred. The Council is less likely to take enforcement action for obstructing the highway if the Advertising Boards and goods on the highway are displayed in compliance with the terms and conditions of this policy.

- The Advertising Board or display will be expected to enhance the local area. Any Business or Trader who places an Advertising Board or display on the highway without meeting the requirements of the Council's policy will be instructed by the Council to remove the offending Advertising Board or display. The Council will use all of the powers at its disposal to remove the obstruction, prosecute where the Council deems appropriate and recover costs incurred.