

A Boards and other Advertising within the Highway

Report of the Area Engineers (North and South)

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the Committee endorses the existing policy in relation to 'A' boards and other advertising and displays within the highway, subject to the reduction in minimum remaining unobstructed width of footway to 1.5 metres, and informs the Environment, Economy and Culture Scrutiny Committee accordingly.

1. Summary

This report outlines the current countywide policy and the reasons for its adoption.

2. Background

A boards and pavement displays are commonplace and, to some extent, accepted part of the street scene. But they are also an obstruction and can be a nuisance, particularly to blind or partially sighted people, wheelchair users and people pushing prams or buggies, if allowed to proliferate in an unregulated manner.

At the September meeting of East Devon HATOC Exmouth's Town Centre Manager was invited to explain his concern about the inflexibility of our existing A board policy and his belief that enforcement was inconsistent across the county.

The issue was taken to Environment, Economy and Culture Scrutiny on 10 November 2009 and the minute's record:

"Chairman advised Members that the East Devon HATOC at their last meeting had resolved that this Committee be asked to look further at issues regarding the policy in relation to the placing of A Boards by local businesses on pavements. This matter had been raised by the Exmouth Town Manager who felt that the policy was not consistently applied by the Area Engineer in the Town.

RESOLVED that all HATOC Committees be asked to consider an item about A Boards in their area and how the policy in relation to their placement is being implemented so that this Committee could consider the policy implementation from a county wide perspective at its March meeting or at a time when sufficient replies are received."

The Council's existing policy is attached as Appendix I and is also available on our website:

http://www.devon.gov.uk/index/transportroads/roads/road_maintenance/flyposting/when_sign_illegal.htm

How we deal with unauthorised signs etc is attached as Appendix II and is also available on our website:

http://www.devon.gov.uk/index/transportroads/roads/road_maintenance/flyposting/action_to_remove_signs.htm

In summary the policy is that A Boards or other advertising will only be allowed immediately in front of business premises up to maximum width of 450mm providing at least 2m of footway remains. It is proposed to relax the 2m remaining clear width requirement to 1.5m in order to make the policy more practical to enforce consistently across the County.

Within Tavistock and Okehampton the original policy has been followed with a small amount of flexibility and common sense applied where possible. Nevertheless a considerable amount of DCC staff time is required to meaningfully enforce this policy and other maintenance related priorities sometimes mean this cannot be consistently achieved.

Removing flexibility and having a simple rule everyone understands should make it easier for staff and members to explain to businesses and for them to keep to.

The only area of flexibility that should continue is with fruiterer and florist businesses that had long established premises with displays on the footway before the County's policy was introduced in the 1990's. In these instances with the agreement of local town or parish councils and on a case by case basis individual dispensations have been agreed for some premises in south devon. Fruiterers and florists setting up new businesses or long established businesses changing premises will be expected to comply with the standard policy.

3. Financial Considerations

None arising from the recommendation. If any discretion as to the policy were permitted, which is not recommended, it would almost certainly involve more staff time in discussing decisions and other explanation to businesses trading in several different towns or even streets within one town.

4. Sustainability Considerations

None.

5. Carbon Impact Considerations

None.

6. Equality Considerations

No new policies are being recommended in this report and therefore an Equality Impact and Needs Assessment is not considered necessary.

7. Legal Considerations

Under Part IX of the Highways Act the Council has powers to prevent unlawful interference with highways and streets. Adherence to the policy enables the Council to exercise its powers rationally and consistently.

8. Options/Alternatives Investigated

Allowing local variations to the policy is an option but it would lead to inconsistency and possible accusations of unfairness, so has not been recommended.

9. Reasons for Reaching the Recommendation

To set clear and consistent guidelines as to the circumstances under which A boards and displays may be tolerated in the highway by the Council.

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County Electoral Division: All

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref
Appendix I – When is a sign illegal?		
Appendix II - What action will be taken to remove signs?		

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sc/a boards
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Report Flyposting or Unauthorised Signs

When is a sign illegal?

1. Unauthorised signs, displayed goods and other items outside shops

Any interference with public passage is technically an illegal obstruction of the highway. Action will be taken to remove unauthorised signs, displayed goods and other items when a footway or pedestrian area is obstructed to the extent that:

- There is no longer a minimum width of passage of 2.0 metres; or,
- They extend more than 450mm from the shop frontage; or,
- They interfere with the visibility of motorists; or,
- Pedestrians are forced into the road, either directly or because of the number of pedestrians; or,
- There is a significant hazard to pedestrians.

2. Other Unauthorised Signs and Posters

Generally, all other unauthorised signs and posters situated within the highway will be removed.

Discretion may be exercised with regard to signs for local fetes and small charitable events provided that they:

- Do not cause a hazard;
- Are not offensive or unsightly;
- Are erected not more than 48 hours before the event and removed immediately after.

Report Flyposting or Unauthorised Signs

What action will be taken to remove signs?

Unauthorised Signs, Posters, Graffiti, Displayed Goods and Other Items on or Adjacent to the Highway



In general the Council has a policy to remove unauthorised signs, posters and graffiti from the highway in accordance with Section 132 of the Highways Act. However, it is recognised that some discretion is needed in town and village centres with regard to goods and displays outside local shops.

Discretion may also be exercised with regard to signs for local fetes and small charitable events provided that they:

1. do not cause a hazard;
2. are not offensive or unsightly;
3. are erected not more than 48 hours before the event and removed immediately after.

Fly-posters and graffiti should be removed from highway structures and street furniture belonging to the County Council within 28 days as required by the Anti-social Behaviour Act 2003.

No action will be taken unless it is certain that the signs, posters, goods or other items are situated within the limits of the public highway (i.e. on highway land).

(a) Unauthorised Business Signs, Displayed Goods And Other Items Outside Business Premises:

Any interference with public passage is technically an illegal obstruction of the highway. Action will be taken to remove unauthorised signs, displayed goods and other items when a footway or pedestrian area is obstructed to the extent that:

- there is no longer a minimum width of passage of 2.0 metres; or,
- they extend more than 450mm from the shop frontage; or,
- they interfere with the visibility of motorists; or,
- pedestrians are forced into the road, either directly or because of the number of pedestrians; or,
- there is a significant hazard to pedestrians;

Complaints will be investigated and be taken into account in deciding whether action is taken:

When unauthorised signs, goods or other items are placed on the highway outside premises which are open, the person in charge of the establishment will be contacted and given notice that unless the removal of the offending objects is commenced within 10 minutes, action will be taken by the County Council to remove the obstruction and/or initiate legal proceedings. No further notice will be given for similar repeated transgressions;

Unauthorised signs, goods or other items placed on the highway outside premises which are closed will be removed if they are considered to be an obstruction or a safety hazard. The owner will subsequently be informed of the action taken.

Signs, goods or other items removed from outside premises will be taken to a convenient Council depot to await collection. A charge will be made for the recovery of each sign or each group of goods;

The Police will be informed if dangerous situations arise when signs, goods or items are removed.

If appropriate the County Council will initiate legal proceedings and seek recovery of all costs.

(b) Other Unauthorised Signs, Fly-posters and Graffiti;

All other unauthorised signs, posters (inc business signs and posters displayed away from business premises), fly-posters or graffiti situated within the highway [including on road signs; structures, e.g. subways; DCC equipment cabinets; etc] will be removed within 28 days.

The District Council can issue a notice or take proceedings under the Anti-social Behaviour Act 2003 for the owner of a surface to remove fly-posting or graffiti or to do it itself and recharge the County. This includes the County Council as owner of, for example, a subway, a bridge or an equipment cabinet, or against, for example BT or cable companies etc for their equipment boxes.

On the first occasion of an offence and if the owner of unauthorised signs or posters is contactable he/she will be asked to remove them forthwith. When the owner is unavailable or repeats the offence, the signs or posters will be removed by the County Council and on the first occasion only, every endeavour will be made to inform the owner of the action taken.

Signs will be taken to a suitable depot to await collection by the owner except those necessarily destroyed in the course of removal. A charge will be made for the recovery of each sign. Where appropriate the County Council will initiate legal proceedings and seek recovery of all costs.

In the case of signs, posters or fly-posting for businesses or events, these should be brought to the attention of the District Council who should be asked to take action under the Anti-social Behaviour Act 2003 against the beneficiary.

In the case of graffiti where the perpetrators are identifiable this should be brought to the attention of the District Council who should be asked to take action against the perpetrators under the Anti-social Behaviour Act 2003.

The attention of the appropriate District Council as Planning Authority will be drawn to advertising signs on land adjacent to the highway which are considered to be unacceptable on traffic or road safety grounds for them to consider taking action under Section 224 of the Town and Country Planning Act 1990. If the Planning Authority indicates that it is unwilling to take action, the matter will be reported to the appropriate County Committee.