

Report to OVERVIEW AND SCRUTINY BOARD

Advertising ‘A’ Board and Sign Policy

Overview and Scrutiny Lead:

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Purpose of the Report

To seek Members approval to a policy on the placement of ‘A’ boards and signage on the Highway including pavements.

Recommendations

That the Board:-

1. Recommends the approval of the draft policy attached to this report as appendix 1;
2. Supports the awareness raising of the policy and its implementation

1 **Background**

- 1.1 Council in March 2017 agreed to adopt the 'Who Put That There' Street Charter for Oldham, which seeks to make Oldham more accessible for blind and partially sighted people.

The requirements detailed within the Street Charter include working with blind or partially sighted people to undertake a range of actions to improve accessibility across the public realm. This work is ongoing and a small working group of Overview and Scrutiny was formed to progress the recommendations.

The Overview and Scrutiny board on the 4th September 2018 approved the final conclusions of the working group and agreed that the street charter is now embedded within the various services.

- 1.2 One of the considerations in the Street Charter is the obstruction which can result from the placement of A Boards on the highway including pavements. The work currently planned is to raise the awareness of the hazards that A-boards and café furniture can cause and encourage businesses to adopt a safe alternative.
- 1.3 In addition there are a number of sites where the neighborhood is poorly impacted on by the extended use of advertisements and where this can be described as having a detrimental impact on the visual amenity of the building and area in question there are planning controls.
- 1.4 A boards can also have a wider negative impact on the visual amenity of an area and therefore it is suggested a policy is adopted to state the Council's position.

2 **Proposal**

- 2.1 The Council wants the area to be both attractive and easy to use for all, to support this aim there is a need to set out what is considerable and acceptable.
- 2.2 The proposed draft policy (Appendix 1) seeks to support a street environment which compliments premises based trading but is not unduly cluttered and is sensitive to the needs of users.
- 2.3 To ensure the safe and unimpeded public access, the policy restricts the use of advertising signs in locations where they cannot be sited in accordance with the guidelines and/or comply with legislation relevant to the siting of advertising signage on public land; and that the supporting legislation is applied fairly, reasonably and consistently in line with the Council's Enforcement Policy.

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- 2.4 The guidelines contained within the proposed A board and Sign policy are applicable to the placing of advertising signs on the public highway and other such public lands. The conditions include stipulations that only one advertising sign per business premise will be permitted and must be positioned and sized as directed.
 - 2.5 Businesses found to be using advertising signage, in breach of the guidelines, will be notified of the policy in writing and required to remedy the breach within 48 hours. Any advertising sign found to be in breach of the guidelines beyond the 48 hours formal notice period will be removed by the Council and the business advised that they have 28 days to reclaim the sign and pay the associated charge of £70. Where appropriate any costs incurred by the Council in pursuing the above approach will be recovered from the business.

3 Key Issues for Overview and Scrutiny to Discuss

3.1 N/A

4. Links to Corporate Outcomes

4.1 The street charter is closely linked to our priorities of thriving communities and cooperative services as it seeks to engage people in our relevant design processes to make Oldham more accessible for blind and partially sighted people. This A board and sign policy is referred to in the adopted street charter.

6. Financial Implications

N/A

7. Legal Services Comments

N/A

8. Co-operative Agenda

8.1 The policy will clarify for all our approach to keeping pavements free from obstruction whilst enabling businesses to thrive.

9. Human Resources Comments

9.1 N/A

10 Risk Assessments

10.1 N/A

11 IT Implications

11.1 None

12 Property Implications

12.1 None

13 Procurement Implications

13.1 N/A

14 Environmental and Health & Safety Implications

14.1 None

Appendix 1: 'A' Board and Sign Policy

1.0 Purpose

- 1.1 The inappropriate siting of 'A' boards ¹ or other such advertising structures and signs on public footways, pavements and streets can cause obstructions for pedestrians who are mobility and sight impaired and those using wheelchairs, mobility scooters and pushchairs and for cyclists on cycle ways and dual purpose footways. In some locations, where the pavements/footways are narrow, A-boards can force pavement users to use the road in order to get past them, thereby increasing the risk of accidents with road traffic. Road safety can also be affected by inappropriate siting of A-Boards, such as on highway verges or junctions.
- 1.2 The council wants the Town and the Borough to be both attractive and easy to use for all, and there is a need to set out what is acceptable in order that we can safeguard people with disabilities, including those with visual impairments, and to do this we need to regulate against over-proliferation of obstructions and inappropriate positioning on the footway.
- 1.3 This policy seeks to create a street environment which compliments premises based trading but is not unduly cluttered, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments. To ensure safe and unimpeded public access along pavements/footways; prevent the use of A-Boards in locations where they cannot be appropriately sited; and ensure compliance with legislation relevant to the siting of A-boards on public land; and that legislation is applied fairly, reasonably and consistently across the city and in line with relevant council policies.
- 1.4 This policy does not absolve anyone from any statutory, or non-statutory, risk as regards personal injury or damage to property that may incur in depositing anything on the highway, nor to override the request of any Police Officer. Similarly this policy does not override the powers of Planning Authorities.

2.0 Scope

- 2.1 This policy applies to all types of free standing advertising structures, including A-boards, directional signs and information signs designed to be placed on the ground. This Policy only applies to advertising structures placed upon public roads, highways or public open spaces. These guidelines also apply to pedestrianised areas and precincts.
- 2.2 This policy does not apply to the use of advertising structures on private property, including privately owned shopping centres, or to advertising using unattended bicycles and display or other goods/trades stands.
- 2.2 The policy does not cover:
- The placing of tables and chairs on the highway.
 - Street trading and other licensed activities.

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- Banners, hoardings, skip and scaffolds etc., which are licensed by application.
 - Motorcycles and bicycles parked on footways and, or chained to railings/street furniture.
 - The placing of trade waste bins and waste containers on footways.

¹ The use of the term A-board in this policy denotes all types of structures for the purpose of advertising

3.0 Definitions

“Road”: A road as defined by the Road Traffic Regulations Act 1984 is any length of highway or of any other road to which the public has access.

“Highway”: A highway includes but is not limited to roads, carriageways, verges, footways, and cycleway.

“Businesses”: In the context of this policy, the term business covers sole traders, private companies, charities, social enterprises, community groups and individuals.

“A’ board or other advertising structure”: To correspond with footnote definition on p1 of policy.

4.0 General Guidelines

1. Only one ‘A’ board or other advertising structure associated with their trade will be permitted per business premises (to minimise the obstruction to pedestrians and other footway users). Where multiple occupancy premises share joint access, only one A-board / advertising structure will be allowed per shop / business frontage.
2. The A-board / advertising structures must be placed against the building line or boundary of the property and should not obstruct access to statutory undertakers’ plant and equipment.
3. The signs or displays must be robust and self – weighted. The use of sand bags to stabilise signs will not be permitted.
4. The board / advertising structure must be 2 sided, or otherwise free standing, causing an A shape or easel effect. Other designs which achieve the same purpose, such as a board suspended from a top rail within a frame, will also be acceptable. The structure must be of sufficient weight or design to prevent it being blown over in the wind. It should not be on trailer wheels or other trailer type device. Rotating cylinders and Boards leant against walls etc. will not be acceptable.
5. The A-Board / advertising structures must be removed from the street when the property is closed or street cleansing works are being undertaken.
6. An unobstructed footway must be left free for access and permanent structures (e.g. litter bins bollards, street furniture, pedestrian crossing etc.) as well as the geography of an area (e.g. slopes, steep gradients) should be taken into account. If a suitable width cannot be maintained then A-boards or other advertising structures should not be placed on the highway.

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7. A-Board / advertising structures may not be chained, tied or fixed to lamp posts, bollards, trees, seats or other items of street furniture.
 8. A-board / advertising structures must not be fixed into or on the highway. All A-Board / advertising structure must be temporary in nature so they can easily be removed. No excavation will be permitted to install or remove the item.
 9. A-Board / advertising structures must not obstruct sight lines of vehicle drivers or pedestrians.
 10. A-Board / advertising structures should be standard A1 size (841mm x 594mm) and no higher than 1100mm above ground level (including any support).
 11. A-Board / advertising structures must be in good condition and appear professionally made, e.g. proper sign writing, painting / printing. Offensive content will not be tolerated.
 12. Advertising signs and displays may need to be removed during severe weather, events to permit maintenance or street works or for other reasonable cause. Any additional requirement requested by the council, the police or emergency services, including immediate removal of any item, must also be complied with.
 13. Where a business has its own private forecourt any A-Board / advertising structure shall be placed wholly within this forecourt.
 14. A-Board / advertising structures on grass verges, roundabouts, road safety refuges and central reservations are not permitted.
 15. A-Board / advertising structures and other advertising structures must be such that they can be easily detected and negotiated by the visually impaired and those with mobility difficulties.
 16. If a premise has current licenced tables and chairs area, then any advertising should be contained with the agreed seating area and not outside the area.
 17. Nothing in the guidelines absolves those concerned from legal responsibilities under the Highways Act 1980 and other legislation.
 18. Where a specific sign is identified by the Council as creating a hazard for pedestrians and particularly the disabled or visually impaired, the owner must respond reasonably and promptly by relocating or removing the sign. This includes hazards created from a sign blown over in exceptionally strong winds.
 19. The Council reserves the right to amend or vary the guidelines and to consider each site on its merit.

5.0 Enforcement Approach

The Council will adopt the following approach, as resources allow, when taking enforcement action under this policy

1. Breaches of this policy will be investigated by Council officers.
2. Businesses found to be using an A-Board / advertising structure in breach of the guidelines will be notified of this policy and asked to comply (service of formal letter);
3. A-Boards / advertising structures not complying with the general guidelines, within 48 hours of service of formal letter, will be removed by the Council and the business informed that they have 28 days to reclaim the board and pay the associated charge of £70. Any A-board not collected within the 28 day notice period will be disposed of.
4. Any business which commits a second A-Board / advertising structure policy breach, will receive a formal written notice warning that the Council will consider taking legal action against them.

Where appropriate any costs incurred by the Council in pursuing the above approach will be recovered from the business.

6.0 General

- 6.1 This policy will be the subject of periodic monitoring and review.
- 6.2 The policy will be applied in a manner which is consistent with the Council's equalities and enforcement policies.
- 6.3 The policy does not exempt any applicant/owner from obtaining any required consent. The applicant / owner of the article will be responsible for obtaining any required consents required by The Town and Country Planning Act.
- 6.4 A-boards and other advertising structures will be the owner's responsibility when placed on the highway. Any liability arising from an accident involving an A-Board / advertising structure remains firmly with the owner of the A-Board. / advertising structure. It is essential that Public Liability Insurance cover of a minimum £5million pounds is held by any business which places an A Board on the highway. This is to cover any potential third party claims.
