

# **Policy for the placing of Advertising Boards**

## **Definitions**

For the Purposes of this Policy the following terms have the meanings given to them below:

1. "Advertising Board" or A-board means any type of free standing structures for the purpose of advertising (including directional signs, flags and information signs designed to be placed on the ground)
2. "Businesses" means sole traders, private companies, charities, social enterprises, community groups and individuals.
3. "Highway" means a highway as defined in the Highways Act 1980 and under common law (this includes but is not limited to roads, carriageways, verges, footways, and cycleway).
4. "Owner" means the owner of the Advertising Board or of the business being advertised and for the purposes of this Policy both are jointly and severally responsible for any Advertising Board covered by it.

## **Purpose**

The inappropriate siting of Advertising Boards and signs on public footways, pavements and streets can cause obstructions for pedestrians, who are mobility and sight impaired; those using wheelchairs, mobility scooters and push-chairs; and for cyclists on cycleways and dual purpose footways. In some locations, where the pavements/ footways are narrow, Advertising 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 Advertising Boards, such as on highway verges or junctions.

The council wants the city to be both attractive and easy to use for all, and there is a need to set out what is considered acceptable, in order that we can safeguard people with disabilities, including those with visual impairments. To do this, we need to regulate against over-proliferation of Advertising Boards and inappropriate positioning on the footway.

This Policy seeks to create a street environment, which complements 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 the city. To ensure safe and unimpeded public access along pavements/footways; there is a need to prevent the use of Advertising Boards in locations where they cannot be appropriately sited; and ensure compliance with legislation relevant to the siting of Advertising Boards on public land; and that legislation is applied fairly, reasonably and consistently across the city and in line with relevant council policies.

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 override the request of any Police Officer. Similarly this Policy does not override the powers of Planning or Highway Authorities.

## **Scope**

This Policy only applies to advertising structures placed upon public highways/streets, including associated verges and pavements or public open spaces, including parks, green spaces, pedestrianised areas and precincts. This Policy applies to the whole administrative area of Cambridge City Council.

This Policy does not apply to the use of advertising structures on private property, including privately owned shopping centres, or to advertising using unattended rideable bicycles and display of other goods/trades stands.

The Policy does not cover:

1. The placing of tables and chairs on the highway, which are managed under licence by Cambridgeshire County Council (as Highway Authority);
2. General and Sunday Market on Market Square, which are managed in accordance with the Charter Market Regulations;
3. Street trading and other licensed activities, which are managed in accordance with specific consent terms and conditions;
3. Banners, hoardings, skip and scaffolds etc., which are licensed/ managed by application by Cambridgeshire County Council (as Highway Authority);
4. Motorcycles and bicycles parked on footways and, or chained to railings/ street furniture; or
5. The placing of trade waste bins and waste containers on footways which are regulated by the Environmental Protection Act 1990.

## **Grant of Permission**

If the conditions laid out in this Policy are met, one Advertising Board may be permitted per business premises. Where multiple occupancy premises share joint access or frontage, only one Advertising Board will be allowed per frontage.

## **Policy Conditions**

### **Location**

1. An unobstructed footway width of 1.5 metres must be maintained and permanent structures (e.g. litter bins bollards, street furniture, pedestrian crossings, etc.) as well as the layout and geography of an area (e.g. slopes, steep gradients) must be taken into account in placing an Advertising Board. If the minimum width cannot be maintained then Advertising Boards cannot be placed on the highway.
2. Advertising Boards must be easily detected and negotiated by the visually impaired and those with mobility difficulties.

3. The Advertising Board must be placed against the building line or boundary of the property and should not obstruct access to statutory undertakers' plant and equipment.
4. The Advertising Board or advertising structure must not obstruct sight lines of vehicle drivers or pedestrians.
5. Where a business has its own private forecourt any Advertising Board must be placed wholly within this forecourt.
6. Advertising Boards on grass verges, roundabouts, road safety refuges and central reservations are not permitted.
7. If premises has licenced tables and chairs area, then any Advertising Board must be contained with the agreed seating area and not outside the area.

### **Design**

1. The Advertising Board 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.
2. The Advertising Board must be robust and self – weighted. The use of sand bags to stabilise signs is not permitted.
3. The Advertising Board 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 permitted.
4. Advertising Boards should be no larger than a standard A1 size (841 mm x 594 mm) in any dimension and no higher than 1100mm above ground level including any support.
5. The Advertising Board or advertising structure must be in good condition and appear professionally made, e.g. proper sign writing, painting/printing. Offensive content will not be permitted.

### **Temporary Structures**

1. All Advertising Boards must be temporary in nature so they can easily be removed.
2. The Advertising Board must be removed from the street when the property is closed or when street cleansing or street works are being undertaken.
3. The Advertising Board may not be chained, tied or fixed to lamp posts, bollards, trees, seats or other items of street furniture.
4. The Advertising Board must not be fixed into or on the highway, no excavation or other works will be permitted to install or remove them.
5. Any Advertising Board may need to be removed during severe weather, events, to permit maintenance or street works or for other reasonable cause. Any such request or any other additional requirements requested by the council, the police or emergency services including immediate removal of any Advertising Board must be complied with immediately.

### **Liability**

1. Any permission granted under this Policy does not transfer liability or responsibility from the owner of the Advertising Board to the Council or to any other person, whether the Highways Act 1980 or otherwise.

2. Any one placing an Advertising Board on the highway or public land must have a minimum of £5million pounds public liability insurance cover that covers the Advertising Board.

### **Relocation or Removal**

1. Where an Advertising Board creates a hazard for pedestrians and in particular the disabled or visually impaired, the owner must relocate or remove the sign; this duty includes temporary hazards, for example when an Advertising Board a sign being blown over in exceptionally strong winds or has been moved by a third party.
2. Where an Owner is informed by the Council that their Advertising Board has been identified by the council as a hazard they must respond reasonably and promptly by removing or relocating the sign to ensure that the hazard is removed.
3. Failure to remove hazards, may result in permission to place an Advertising Board on the highway or public land being removed

The council reserves the right to amend or vary the conditions and to consider each site on its merit.

### **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. Owners found to be using an Advertising Board in breach of the conditions will be notified of this Policy and asked to comply (service of formal letter by hand);
3. 'Advertising Board belonging to owners that are not complying with the Policy conditions will be removed by the council within 48 hours of service of formal notice by hand and the owner informed that it has 28 days to reclaim the Advertising Board and pay the associated charge of £70. Any Advertising Board not collected within the 28-day notice period will be disposed of.
4. Any owner which commits a second Advertising Board Policy breach within six months of a previous offence, will receive a formal written warning that the Council will consider taking legal action against them. Following service of the formal written warning, any Advertising Board which continues to breach the Policy may be removed by the council at any time.
5. Any owner which commits a second Advertising Board Policy breach more than six months after a previous offence will be dealt with under step 2 of this enforcement approach.

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

### **General**

This Policy will be the subject of periodic monitoring and review.

This Policy will be applied in a manner which is consistent with the council's equalities and enforcement policies.

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 1990.

'A' boards or other advertising structures will be the owner's responsibility when placed on the highway. Any liability arising from an accident involving an Advertising Board remains firmly with the owner of the Advertising Board. It is essential that Public Liability Insurance is held by any business which places an Advertising Board on public land. This is to cover any potential third party claims.