

CHIEF EXECUTIVE'S DIRECTORATE



Protocol on Advertising Materials on the Public Highway

Advertising Board Policy

Caerphilly County Borough Council has introduced a Policy to control the number, position of and quality of A-Boards that are placed on public land/highways.

An A-Board includes all types of adverts, directional signs and information signs.

This Policy only applies to boards placed upon public land/highway and those attached to street furniture. It does not apply to boards on private property, including privately owned shopping centres.

The sale and storage or display of goods on the highway will be dealt with separately and fall within the scope of the 'Street Trading Policy'.

Environmental Enforcement Policy

Looking after the environment is a key aim in improving the physical appearance and condition of the streets and immediate surroundings to improve quality of life.

The placement of A-Boards can cause obstructions for disabled people, those who are visually impaired, senior citizens and mothers with toddlers and prams along with wheelchair users. Often the boards obstruct the footway forcing people to step into the road in order to get past them. The Council recognises the need to ensure that the use of such boards is controlled and allows appropriate pedestrian access.

Footways are designed for and used by pedestrians. The Council has duties and responsibilities to ensure public safety and uninterrupted passage along highways.

Road safety can be affected by inappropriate use of A-Boards and can be a traffic hazard if placed in the wrong position. A-Boards on grass verges or on traffic junctions can create road traffic hazards.

The cumulative effect of A-Boards from different premises can cause problems particularly:

- The placing of street advertising boards ('A' Boards) on the public highway is unlawful, unless permission has been sought and granted by the relevant Highway Authority.
- They cause street clutter/nuisance.
- They are a health and safety hazard to disabled and partially sighted people.
- They compromise the Council's statutory duties under the Highways Act 1980
- They compromise the Council's statutory disability duties under the Equality Act 2010.
- They obstruct cleansing activities.
- They can be a distraction to motorists.

A-Boards that are on central reservations, roundabouts, pedestrian safety refuges and junctions could constitute a road traffic hazard and will not be tolerated. A-Boards attached to street furniture are illegally placed and will be removed.

The Council requires that businesses take out Third Party Public Liability Insurance for at least £5,000,000 for any approved A board before it can be placed out on the public highway.

Any liability arising from an accident involving an A-Board remains firmly with the owner of the A-Board.

Overall Objectives

1. To ensure free pedestrian passage along pavements/footways.
2. To seek an improvement in the visual street environment.
3. To stop the unlawful use of public lands for street advertising.
4. To ensure that powers contained within the legislation to tackle A-Boards are applied fairly and consistently.
5. To permit local business to legally retain the use of A boards under control of the Council's Highways section.

Implications on Businesses in the Town

Particularly under the current challenging economic conditions, the Council recognises that many retailers consider that an A board offers them a valuable method to advertise their business and attract customers. The Council acknowledges that independent retailers add value to the town, by providing a more diverse range of goods and services and prevent the town centres from becoming what has become known as 'Clone Town'.

If the Council sought the removal of A boards from the County Borough's High Streets many retailers would object as they feel that these A-Boards offer an effective method of attracting customers, and their removal would have a detrimental impact on their business.

The Council works to promote and sustain the economic vitality of the County Borough's town and village centres. Therefore, a Voluntary Code of Compliance for A-Boards has been introduced. The conditions will place restrictions on the use of A-Boards where footway width does not allow safe passage for pedestrians. Alternative methods will need to be explored for those businesses affected as a result of these restrictions. Importantly, it offers many retailers the opportunity to retain the use of their A board providing they adhere to the Voluntary Code of Compliance.

A-Board Policy and the Code of Compliance

From 1st January 2014 all premises placing an A-Board on public lands will be approached and informed of the Council's policy and requesting their co-operation by not placing 'A' Boards or other advertising structures on the public highway unless they comply with the Voluntary Code of Compliance. Approval can be given for up to two or three years before it is considered for renewal.

The aim of the Voluntary Code is to ensure an A-Board:

- Is appropriately positioned against the property
- It does not cause an obstruction of the highway
- Allows a minimum of 1.8m clearance on the public footway
- The A Frame should be no more than 0.6m*0.6m and must be appropriately weighted/secured not to move in the wind etc.

In complying with the Voluntary Code a certificate will be displayed at the premises enabling the use of an A-Board and provide a public notice that the business is contributing to maintain a clean and safe surround for all.

There is a small fee of £25.00 associated with the Code.

The Council will monitor compliance with the Code, and if a business is found not adhering to this then the Council will pursue removal of the A-Board and recharge the applicant the actual cost for this removal.

Enforcement Approach

If advertising material is illegally placed on any section of the public highway, action will be taken in line with our enforcement policy, which may include one or more of the following:-

- Education, awareness, verbal warning and advising the offender of their legal obligations to remove the illegal advertising material.
- Sign up to the Code where applicable.
- Serve a Statutory Notice detailing offence, time frame to cease activity and consequence of non-compliance.
- Prosecution may be considered where there has been non-compliance with the statutory Notice requiring the removal of the advertising material on a persistent basis.

Where appropriate any costs incurred will be recovered from the owners.

Freestanding A-Boards not in compliance with the conditions will have a 48-hour notice to remove stuck to the board. If it remains in breach of the conditions, it will be removed 48 hours later. If the A-Board constitutes a hazard it will be removed without Notice.

How to Apply for the Code of Compliance

The business owner/operator can apply for a certificate by completing the attached Code of Compliance lease. The terms and conditions need to be read carefully to ensure that the request meets the criteria and you understand your obligations and responsibilities.

A Highways Inspector will arrange to visit you at your premises and discuss your application and discuss the required relevant signed documents. Provided the completed application is received correctly and there are no concerns raised, you will normally receive your permit within 10 working days.

Consideration and determination of your application

When received by the Council the details will be checked. If there are any queries then you will be contacted in writing and/or by telephone and given the opportunity to respond.

If your application is granted you will be informed in writing and a certificate will be sent to you with the relevant conditions as deemed necessary.

If your application is refused you will be notified in writing of the reasons for refusal. You will have a right to appeal to the Head of Engineering Services within 14 days of refusal clearly stating your reasons for the appeal. The decision of the Head of Engineering Services will be final.

Further Guidance

Any questions relating to this application process or advice should be addressed in the first instance to:

Highways Operation Group
Highway House
Penmaen Road
Pontllanfraith
Blackwood
NP12 2DY

Tel: 01443 863112
E-mail: highwayscustomercare@caerphilly.gov.uk
Web: WWW.CAERPHILLY.GOV.UK

CAERPHILLY COUNTY BOROUGH COUNCIL

**Voluntary Code of Compliance
For use of public highway to place advertising materials**

Name of business:.....

Name of business operator/applicant:.....

Position:.....

Address of premises:.....

Tel No./Email:.....

SR No./Officer:.....

The business operator accepts all liability and is deemed the responsible person for any Council communication and/or Statutory notices, and claims made by the public.

I agree to abide by the conditions set out in the accompanying document with regard to advertising material on the highway in respect to the businesses detailed above.

I am aware that failure to abide by the conditions will make the advertising material liable to be removed by Caerphilly County Borough Council and I will be responsible for any subsequent penalties/costs that may arise.

I have read and understood the requirements under the Voluntary Code of Practice and apply to receive a certificate to place an A-Board.

I enclose

- A plan (a sketch will suffice) detailing where I request my Board to be placed and detailing the distance between my premise boundary and the insider kerb line, and identifying any other structure on the footpath i.e lamppost, telecommunications box etc.
- A copy of Public Liability Insurance for a minimum of £5,000,000.
- Photographs of the area if applicable.
- The front area of my premises (dimensions)?
- The A-Board – size?

Signed:.....

Print Name:

Date:.....

Conditions for compliance

1. A-Boards must be in good condition and appear professionally made, e.g proper sign writing, painting/printing. Any content judged to be Offensive content will not be permitted.
2. Boards should not exceed 0.6m.sq. with a maximum base width of 0.6m.
3. The board must be 2 sided, or otherwise freestanding, 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.
4. Rotating cylinders and Boards leant against walls etc. will not be acceptable.
5. One A-Board will be allowed per premise.
6. Where a business has its own private forecourt any A-Board shall be placed wholly within this forecourt.
7. Where it is on the highway, and a Licence obtained A-Boards must be positioned outside the premises, on the same side of the road, abutting the premises building. The position on the pavement must be consistent on a day by day basis and allow a minimum of 1.8 metres free passage on the pavement.
8. A-Boards on grass verges, roundabouts, road safety refuges and central reservations are not permitted.
9. Any liability arising from an accident involving an A-Board remains firmly with the owner of the A-Board.
10. Boards must not be attached to street furniture, trees and other items within the highway (including pavements).
11. Boards must be taken in at night or when the premise is closed.
12. A-Boards must not impede vehicular emergency access.
13. Where an accumulation, of boards and/or other advertising techniques mean that the pavement is not easily useable, all must be removed until agreement is reached as to what is acceptable.
14. Conditions are non-negotiable, and failure to strictly meet these will result in the removal of the board.
15. 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 being blown over in exceptionally strong winds.

16. To maintain the area where the advertising material is positioned litter free and in a clean and tidy condition.
17. The Council reserves the right to attach any further terms and conditions on any Licence if deemed appropriate. You will be contacted and advised of any additional requirements.
18. All applications are reviewed on an individual basis.