

Report to: County Council – 16 December 2010

Report from: Nick Chard, Cabinet Member for Environment, Highways & Waste

Subject: Policy on Advertising Boards

Classification: Unrestricted

1. On the 26th November a paper petition was received by Legal & Democratic Services, seeking support as follows:

"Campaign Against "A" Frames (Advertising Boards) If you would like to support the Campaign Against "A" Frames (Advertising Boards) to rid the streets of Maidstone from all these dangerous, unsightly and obstructive advertising boards ("A" Frames) and once again help make the Town Centre the pleasant, safe and uncluttered place it always used to be. Especially for the disabled, mums with prams/buggies, the elderly and everyone generally.

As a consequence this matter has been referred to County Council.

2. A revised Policy for the Management of Obstructions and Temporary Items on the Highway was considered by the Policy Overview and Scrutiny Committee on 25 May 2010 and set out a framework to regulate countywide management of Advertising Boards.
3. The Policy Overview and Scrutiny Committee was asked to consider the report recommending the Cabinet Member for Environment, Highways & Waste to approve a policy for the control and licensing of temporary items on the highway, including Advertising Boards and Tables and Chairs. Approval was granted on 13 September 2010 by the Cabinet Member for Environment, Highways & Waste.
5. The new policy brings the control of A boards into line with current work practices, particularly in relation to Tables and Chairs which are already licensed, rather than simply having operating guidelines. The proposals are both relevant and practicable in the control of A boards, to make the highway a safer place. The suggested fees are £65 per single A-board licence. A non-compliance charge of £47.50 will be applied, where a licence requirement or previous warning is not complied with. Licences are renewable on a yearly basis and will remain unchanged until such times as all licensing charges for highway activities are reviewed.
6. The first stage of implementing the policy in Maidstone has resulted in a significant improvement with many premises choosing to comply with the policy distributed to them on **29th September 2010** by Kent Highways Officers. Compliance has meant removing the A boards or placing them within private curtilages freeing up the highway for pedestrians. Subsequent to the distribution of the policy **11** applications for A board permits have been received.

Advertising Board - Conditions of Licence

1. A detailed plan and photographs must be provided to Kent Highway Services clearly showing the area you wish to use (including dimensions). The A-Board **must** remain within the designated area at all times.
2. The A-Board shall be positioned in accordance with our requirements and as agreed by Kent Highway Services. It should not impede the surface water drainage of the highway nor obstruct access to any premises.
3. The licence owner will be charged fees of £47.50 if, following a routine inspection, any infringements of the licence, or problems arising out of the use of the site are found. Any additional visits to the site, which have to be carried out by Kent Highway Services or officers from the Local Authority, will be charged at £47.50 per site inspection.
4. Any infringements of the licence or problems arising out of the use of the site must be immediately rectified to the satisfaction of Kent Highway Services. Kent Highway Services reserve the right to terminate a licence without notice.
5. No A-Board shall be left on the highway longer than is necessary, and in any event shall be removed or repositioned if required by a Police Officer, Kent Highway Services or Officer from the Local Authority. The A-Board shall be taken inside and stored during the hours when business is not trading or where other conditions are imposed by Kent Highway Services.
6. No A-Board shall remain on the highway pursuant to this permission after the period of this permit has expired.
7. The owner will hold Public Liability Insurance to indemnify the Kent County Council up to the value of £5 million against any liability, loss or damage, claim of proceeding whatsoever arising under Statute or Common Law in respect of the placing of temporary obstructions on the highway or their removal therefrom. The applicant is required to submit proof of this insurance prior to the licence being issued.
8. No A-Board is to be sited where it leaves less than 1.3m unobstructed footway.
9. Planning permission may be required. You should contact your local Borough/District Council planning authority for further information. If planning is required, you need to attach a copy of the permission to your application.
10. Depending on the site location, there may be additional local arrangements or conditions to adhere to. If so, these will be sent out with your licence.
11. The licence is valid for up to one year and must be renewed annually if the applicant wishes to continue using it.
12. No A-Board is to be placed on the public highway until permission has been granted by Kent Highway Services.

Advertising Board - guidelines for use on the Highway

In this document, 'A-board' will be used to describe any sort of advertising signs, boards or displays that the owner of a commercial premises may put outside his shop in order to promote business.

1. All A-boards must be able to be moved freely and easily, whilst remaining sturdy and in position. They may need to be moved if requested by Police, or local authority officer
2. An A-board must not be attached to any sort of object on the highway - including objects on the premises of the owner. This includes; lampposts, trees, bollards, posts, guardrails, benches or seats, drainpipes or any other item of street furniture.
3. The A-board shall not cause any damage to the highway
4. A-boards should be stable and be kept in their upright position whilst positioned on the highway. They should be safely and discretely weighted down if needed
5. A-boards will be the owner's responsibility when placed on the highway, and the highway authority will not be liable for any damage or injury caused to highway users.
6. The A-board must relate to the normal business of the premises.
7. All A-boards may only be displayed during the agreed hours (this will be the premises' normal daytime trading hours, unless informed otherwise) and must be removed outside of these hours.
8. Only one A-board will normally be permitted per business. Businesses whose premises stretch over 2 or more streets may have two A-boards - one on each street, where adequate footway width remains.
9. A-boards must not cause a visual distraction to drivers of road vehicles or obstruction to pedestrians on the highway.
10. A-boards should be easily detectable and noticeable to users who have visual impairments. Avoid choosing a sign with a moving board or space underneath where a white stick may get trapped as the person is walking.
11. A-boards should be noticeable and situated in such a way that they can be negotiated with ease by users with mobility problems.
12. An unobstructed footway of a minimum of 1.5m should be maintained at all times, although 2m is desirable and should be aimed for where possible.
13. The A-board shall be positioned adjacent to the shop frontage if at all practical. The A-board may only be positioned along this frontage, not remote from the property.
14. The A-board must fit within the following dimensions: 0.8m to 1.05m high and 0.45m to 0.7m wide.

15. No A-board may be positioned unnecessarily on the highway, where the owner of the shop is in ownership of a private forecourt that could be used instead.

16. No A-board may be positioned in areas of high pedestrian flow if specified by the highway authority, or where there is not enough remaining footway.

17. An A-board must be removed with immediate effect if requested by the Highway Authority or member of the emergency services for access to the highway or to maintain the highway.

18. Nothing in these guidelines absolves those concerned from their legal responsibilities under the Highways Act 1980 and other relevant legislation, including the content on the A-board from S.5 of the Public Order Act 1986.

These form part of the conditions of the licence and must therefore be adhered to in order for the licence to be upheld and valid.