

Cabinet

22 September 2011

Roundabout Sponsorship / Illegal signs and Adverts Policy



Report of Corporate Management Team

Terry Collins, Corporate Director of Neighbourhood Services,
Cllr Bob Young, Strategic Environment

Purpose of the Report

- 1 The purpose of this report is to identify to Cabinet the potential for environmental improvements that could be generated by the sponsorship of highways assets e.g. verges, roundabouts, lamp-post banners and Christmas trees/lights etc.
- 2 The report also identifies a consistent approach to the enforcement of A-boards, goods for sale and illegal signs on the highway.
- 3 Temporary Event signage is not considered as part of this report as such signage is permitted under the Traffic Signs Regulations. Durham County Council has an approved policy that is followed for each request. The management of these requests and their approval is currently undertaken by colleagues in Regeneration & Economic Development.

Background

- 4 In September 2005 Cabinet approved an Enforcement Policy Statement that sought to prioritise monitoring/inspections and standardised enforcement procedures of 'Display of Goods and A-Boards on Footpaths, Paved Areas and Highway Verges'. This is shown in Appendix 2. This policy statement accepted that compliance monitoring would be based on the hierarchy of footways and subject to available resources. A leaflet entitled 'Display of Goods and A-Boards on the Highway' was produced and was 'A guide to enforcement policy for Traders, Pedestrians and Other Highway Users'. This is shown in Appendix 3.
- 5 Members of Durham County Council have requested that the Highway Authority adopt a 'zero tolerance' approach with regard to signs placed within the highway which do not comply with Traffic Signs Regulations and are hence considered to be illegal. This follows a mandate agreed at the Members Workshop on enforcement in 2009 and was introduced to reduce street clutter and improve the environment.

Current Position

- 6 Currently there are many areas across the County that are subjected to issues of encroachment onto the public highway through a proliferation of signage for the marketing of businesses. This is both unsightly and gives cause for concern with regard to safety of the travelling public due to causing a distraction to motorists.
- 7 The enforcement of the current approach requires significant daily resources and leads to frequent frustration and objection from sign owners about inconsistent enforcement and also complaints that other Authorities licence advertising signs.
- 8 Durham County Council has also recently received several approaches to allow sponsorship of roundabouts. This could see improved maintenance and landscaping of the roundabout funded by the applicant in return for the erection of advertising signs by the sponsoring company and/or generate a revenue for the Council. These applications have been considered, however, a competitive procurement exercise would need to be undertaken to include the wider highway asset as identified within this report. It is anticipated that this would take several months to undertake.
- 9 The A-Board Guidance Note is in conflict with the 'zero tolerance' mandate as it may allow A-Boards to remain when they are considered to be illegal signs. This has been raised by the owners of some signs when we have removed their signs whilst allowing others to remain in accordance with the guidance note. The guidance note was agreed as a method of determining priorities whilst ensuring that they did not prevent the free and safe passage of pedestrians and other highway users.
- 10 An investigation of the policies of other Authorities, both locally and nationally, is detailed in Appendix 4 and this shows no definitive or consistent approach across the local area or nationally. Some local Authorities operate a 'zero tolerance' policy whilst others licence the signs and allow sponsorship of roundabouts.

Preliminary Consultations

- 11 Preliminary consultations have been carried out within the Council to gain an understanding of views of others. The consultation was in the form of a meeting between Legal & Town Centre Management and Planning within Regeneration & Economic Development. The views of each discipline is outlined below:

Legal

- (i) Display of goods and A-boards can block the free flow of pedestrian passage, create obstacles to persons with disabilities and pushchair users, produce an untidy appearance and cause conflict between neighbouring traders.

- (ii) Any obstruction of the highway is an offence under the Highways Act 1980 and the Highway Authority also has a duty under Section 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority.
- (iii) The Traffic Management Act 2004 places a duty on the Highway Authority to 'secure the expeditious movement of traffic' on its network. 'Traffic' in this context includes all forms of pedestrian usage.
- (iv) The Highway Authority can only use the highway for purposes in connection with the public passing and re-passing, as set out above, or where there are statutory powers to undertake other activities. Such powers are limited and do not include powers to authorise others to place signs on the highway for commercial gain.
- (v) Planting of highway assets can be carried out under licence and any income, from possible sponsorship, must cover the costs associated with the administration of such a scheme only i.e. not for profit.
- (vi) It is accepted that enforcement is based on priorities and available resources

Regeneration – Town Centre Management

- (vii) The business community are in favour of advertising signs within the highway.
- (viii) The business community favour sponsorship of highway assets and would like to see this extended to A-boards and display of goods.
- (ix) The Business Service Manager from Economic Development would not like to see town centres become sterile areas and would encourage selling of goods to make the centres vibrant. This statement was made following a meeting with local businesses organisations (Federation of Small Businesses, NECC, Enterprise Agencies, Business Clubs etc)

Planning

- (x) Support the view that advertising signs are illegal and that they open the Authority up to potential claims.
- (xi) Advertising signs do not fall within any of the permitted exemptions for planning approval
- (xii) Most advertisements within the highway will require Advertisement Consent. It is therefore important that any 'sponsorship' scheme recognises the need for consent from the Council as the Local Planning Authority as opposed to the Council's role as the Highway Authority.
- (xiii) The 'Sponsorship' scheme should be restricted to a limited number of roundabouts to avoid a proliferation of street clutter across the County. The use of lamp-post banners should be limited to city/town centre locations. Careful consideration should be given to sensitive areas such as Conservation Areas and World Heritage sites.

- (xiv) Local Planning Authorities are required to exercise their powers under the Advertisement Regulations with regard to amenity and public safety taking into account relevant development plan policies. "Public safety" is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included. Any scheme should therefore carefully consider both the impact upon amenity and public safety.
- (xv) A 'sponsorship' scheme may have implications for the enforcement of unauthorised signs elsewhere within the County. The Council may be accused of operating double standards in pursuing action against other signs particularly on public safety grounds.
- (xvi) Whilst the need to target resources in respect of the enforcement of unauthorised A-boards is acknowledged, exercising discretion from a public safety perspective is only one aspect of advertisement control (see above). The impact upon public amenity will also need to be taken into account when deciding whether or not to allow an advertisement within the public highway.

Proposal

- 12 The proposal, subject to full consideration of all safety, legal and other issues through further consultation on items ii) and iii), is to accept the following.
 - (i) Sponsorship of highways assets within the County, which will provide a revenue income and support, improved landscaping and planting whilst permitting the erection of small advertising signs (considered de minimis).
 - (ii) A-Boards on the highway within the County will be managed within the guidance as set out above, subject to further consultation.
 - (iii) Display of goods on the highway within the County will be managed within the guidance as set out above, subject to further consultation.
 - (iv) Illegal signs, such as fly posting and signs attached to lighting columns, within the County are removed from the highway.
- 13 Further details and examples of items (i) to (iv) are provided within the following sections.

Sponsorship of Highways Assets

- 14 Roundabouts and verge signs: One sign on the central island facing each approach road would be permitted and the size of each sign (to be confirmed) would be approximately 600mm wide by 300mm high. An example used elsewhere is shown below.



- 15 Lamp-post banners: These would be located at key city and neighbourhood locations/along main routes and would allow organisations or Durham County Council to publicise upcoming events. An example used elsewhere is shown overleaf.



- 16 Christmas trees and lights: Individual Christmas trees on roundabouts/other locations or an entire town's Christmas lights could be sponsored with appropriate recognition given to the sponsoring company via a suitable name plate/sign potentially similar in nature to those of roundabout/verge signs.
- 17 Managing the sponsorship of the highways assets could be undertaken 'in-house' or an external agency could be appointed through a competitive procurement process based on the most economically advantageous arrangement for Durham County Council. The successful company, after understanding the Council's key requirements and locations, would then source advertisers and manage the process, returning revenue to Durham County Council.
- 18 Preliminary discussions have taken place through soft market testing with regard to sole roundabout sponsorship. It has been suggested that, if handled by a management company, a total annual income would be in the region of £40 to £50 per sign per week. This equates to circa £8,000 per year per roundabout. Based on similar arrangements in place elsewhere this means that approximately half, after payment of sign development/erection costs, of the revenues generated would be payable to the Authority. This is given solely as a guide and the marketability of our sites would be tested through the procurement process and in the seeking of sponsoring organisations. Appendix 5 details examples of income generated by other Authorities.

Other Environmental Considerations for Sponsorship

- 19 The Environment Partnership is one of five key thematic partnerships under the County Durham Partnership and it aims to bring together representatives from key organisations throughout County Durham and the wider North East region to work towards an 'Altogether Greener' County Durham. The fourteen Area Action Partnerships (AAPs) cover all areas of the County to help us deliver services and give local people and organisations a say on how our services are provided and help us improve Civic Pride.
- 20 In County Durham we want to create a cleaner and our environment for all who live and work here and for those who visit with Altogether Greener approach, ensuring an attractive and 'liveable' local environment and contributing to tackling global environment challenge is one of Durham County Council's priorities.
- 21 Each year a large number of communities take part in Northumbria in Bloom to show their achievements in horticulture, environmental responsibility and community participation. It forms part of an environmental campaign to create a cleaner and greener Britain.
- 22 Business sponsorship is a good way to raise a company's profile as well as giving something back to the community. Sponsorship can take the form of the following.
 - (i) Hanging baskets
 - (ii) Floral displays
 - (iii) In-kind support
 - (iv) Beautiful Durham competition sponsorship
 - (v) Bloom volunteers scheme

A-Boards and Other Signs

- 23 The current policy statement enforces the removal of A-boards by way of a prioritised, resource dependent, monitoring and inspection procedure. This means that resources are targeted to areas where the risk to the user of the footway is greatest.
- 24 Action may not be taken in circumstances where the A-board location is considered low risk. This practice may permit A-boards similar to the one shown below and no change to this is proposed.



Display of Goods

- 25 The current policy statement enforces the removal of goods for display by way of a prioritised, resource dependent monitoring and inspection procedure. This means that resources are targeted to areas where the risk to the user of the footway is greatest.
- 26 The safe display of goods will look similar to that shown on the left hand side detailed overleaf however one such as shown on the right below would not be considered acceptable.



Enforcement of illegal signs

- 27 In order to ensure the effective operation of the sponsorship and A-boards and Display of Goods arrangements it will be essential that Durham County Council robustly enforce the removal of all unacceptable signs and goods.
- 28 To ensure an effective use of resources and maximise staff, such as Highway Inspectors, Neighbourhood Wardens and Planning Enforcement Officers that operate within the County environment, an operational protocol will be agreed. The protocol would operate between Technical Services, Streetscene and Planning Enforcement, and would mean that staff from these areas would all assist with monitoring and the enforcement of illegal signs
- 29 Where traders, in contravention of the Highways Act 1980, are displaying goods, or have placed A-boards outside of the guidelines, thereby causing an obstruction of the highway, they will be notified of possible offences being committed and the steps that are required to ensure compliance.
- 30 Where a serious obstruction is occurring the trader will be required to remedy the matter immediately; failure to do so may result in the removal of the display and any supporting structure by Durham County Council. In situations where the matter is less serious and the trader refuses to take the measures necessary to ensure compliance, enforcement of this policy will be implemented by the serving of a statutory Notice of Contravention under Section 149 of the Highways Act 1980.
- 31 Any non serious enforcement issues will be escalated as detailed below.
- (i) Written instruction to move within 7 days.
 - (ii) If no action after 7 days a Notice will be served on the offender.
 - (iii) Where signs do not have contact details then a notice to that effect will be attached to the illegal sign and removed after 7 days.
 - (iv) For goods on display a Notice will be served on the offender.

- 32 Durham County Council must consider the legal implications of signs and goods for display in relation to liability for personal injury accidents and subsequent claims. This would apply where no action is taken on an offending sign.

Consultation

- 33 Whilst internal consultations have been carried out, it is intended to consult with local access groups in respect of A Boards and Goods for sale.

Conclusion

Sponsorship

- 34 Further detailed work would be needed with regard to the number of signs and locations along with acceptable sponsoring organisations and brands. These would not include references to matters such as alcohol, tobacco, religion or sexual in content.
- 35 It would not be acceptable for large nationals or multi-nationals to dominate sponsorship of sites. Small and medium enterprises must be supported and a pre-qualifying tender will need to be submitted to identify the benefits that such sponsorship would bring to the Authority.

A-Boards and Goods for Display

- 36 Compliance monitoring will be undertaken as part of the planned programme of highway safety inspections, with assistance from Neighbourhood Wardens, based on the hierarchy of footways.
- 37 The safety of pedestrians using the highway is of paramount importance and hence it will be essential that a guidance note is produced giving the criteria by which signs and locations will be assessed. The guidance note will seek to clarify residual footway width, the number of signs permitted, the location of these signs in respect of the property and style.
- 38 The enforcement policy statement and guidance note for the placement of A-boards and goods for sale on the highway maintains public safety, protects the Highway Authority and enhances town centres (we do not look to sterilise these areas) and recognise the importance of signage for rural enterprises thus benefiting the local economy.
- 39 The approving of the policy for sponsorship of highway assets, signs and goods for display on the highway and the approach to illegal signs provides the opportunity for Durham County Council to develop a consistent policy whilst maintaining an improved street environment and providing an enhanced level of landscaping.
- 40 Licensing of these features places the Highway Authority in a position of liability by condoning the placement of such features.

- 41 It is necessary to consider exemptions to the policy that relate to events run by charitable organisations, community groups, churches and schools etc. where signs are placed on the highway for a few days before and a day following a local event.

Illegal Signs

- 42 It is proposed to proactively tackle the issue of illegal signs on Council highways following the introduction of an operational protocol that would maximise the use of our enforcement action as required.

Recommendations and Reasons

- 43 Cabinet are recommended, subject to consultation with relevant access groups, to:
- (i) Agree sponsorship of highways assets within the County to allow improved landscaping and planting whilst permitting the erection of small advertising signs and generation of a revenue stream.
 - (ii) Agree to consult on the continuance of the enforcement policy statement relating to A-Boards, goods for display and other signs within the County
 - (iii) Agree to the enforcement and subsequent removal of all illegal signs.
 - (iv) Agree the production of a Communication Plan and use this as part of the consultation process for A Boards and Goods for Sale to ensure that any proposed policy is supported by internal and external stakeholders

Background Papers

Fly Posting Consultation

Cabinet Report Sept 2005, Enforcement policy Statement on A Boards and Goods for Display

Contact: Terry Collins

Tel: 0191 383 4447

Appendix 1: Implications

Finance

There may be system costs in setting up and running of the sponsorship scheme.

Staffing

Staff resources may be required to manage the sponsorship scheme

Risk

If an accident occurred that could be attributable in any way to signs that have not been removed then Durham County Council could be at risk of being included in any third party claim.

Equality and Diversity / Public Sector Equality Duty

Equality Impact Assessment has been completed. The removal of illegal signs which cause an obstruction will make the highway safer for persons within restricted vision and persons with disabilities. Appendix 6

Accommodation

None

Crime and Disorder

The removal of all illegal signs will ensure equitable action is taken against all persons wishing to erect signs.

Human Rights

None

Consultation

Full consultation will be carried out on the proposed policy as detailed in Appendix 5.

Procurement

A competitive procurement process may be undertaken in order to appoint a suitable organisation to manage the introduction of sponsorship of the highways assets.

Disability Issues

Equality Impact Assessment has been completed. The removal of illegal signs which cause an obstruction will make the highway safer for persons within restricted vision and persons with disabilities.

Legal Implications

If the decision is taken not to remove signs and Goods for Display on the Highway and/or allow Sponsorship of Roundabouts then there is a risk that this decision could be challenged as it is uncertain whether there are powers within the Highways Act to allow such signs, goods or sponsorship. If an accident occurred that could be attributable in any way to signs not having been removed then Durham County Council could be at risk of being included in any third party claim.

Cabinet

2 September 2005



**Proposed Enforcement Policy
Statement for the 'Display of Goods
and A-boards on Footways, Paved
Areas and Highway Verges'
Key Decision Env/EN/03/05**

Report of David Miller, Acting Director of Environment

Purpose of the Report

- 1 To seek approval for the adoption of an Enforcement Policy Statement and procedure in respect of the 'Display of Goods and 'A' Boards on Footways, Paved Areas and Highway Verges'.

Background

- 2 Many traders currently display goods and erect A-boards on footways, paved areas and highway verges in an unregulated manner.
- 3 Although this practice constitutes an offence under the Highways Act 1980, Durham County Council in its role as Highway Authority does not as a matter of course take action against offenders because of resource implications. However, if complaints have been received, or Highway Management Service staff consider that an identified display of goods, or A-board is causing a safety hazard to pedestrians or other road users, then steps will be taken to remedy the situation. Prosecutions are rare, with only one recorded in the past five years as most incidents are resolved without recourse to court proceedings.

Current Position

- 4 There has been an increasing number of complaints and reports from members of the public of alleged accidents in connection with the display of goods and A-boards, which may result in Public Liability Claims and these have brought this matter to the fore. In addition, the Traffic Management Act 2004 also places a new duty on Highway Authorities to "secure the expeditious movement of traffic" on its network, "traffic" in this context including all forms of pedestrian usage. Current monitoring of the practice of displaying goods and A-boards, is in accordance with the recommendations of the Disability Discrimination Act 1995 and enforcement is based on priorities and the availability of resources. In the circumstances, the setting of standards applicable to all relevant traders will ensure a consistent approach.

- 5 Under the provisions of Section 115 of the Highways Act 1980 there is authority for Highway Authorities to permit certain activities and facilities within the confines of the highway, such as the provision of tables and chairs, information bureaux etc. Durham County Council Environment Service in accordance with Section 115 of the Highways Act 1980, allows the granting of consent to catering establishments, including public houses, for the placement of tables and chairs on parts of the pedestrianised paved area of the highway adjacent to their premises where appropriate. However, the provisions of this Section do not authorise the placing of 'displays of goods', or 'A-boards' within the confines of the highway.

Proposal

- 6 The following proposed Enforcement Policy Statement aims at prioritising monitoring and inspections based on the availability of resources, and standardised enforcement procedures following complaints or Officer observations. The proposed Enforcement Policy Statements are as follows:

Durham County Council Enforcement Policy relating to the 'Display of Goods' and 'A-boards' on Footways, Paved Areas and Highway Verges.

Displays of Goods and A-boards

Displays of goods and A-boards can block the free flow of pedestrian passage, create obstacles to persons with disabilities and pushchair users, produce an untidy appearance and cause conflict between neighbouring Traders. Any obstruction of the highway is an offence under the Highways Act 1980 and the County Council shall endeavour to enforce this by way of a prioritised, resource dependent monitoring and inspection procedure.

Compliance monitoring will be undertaken as part of the planned programme of highway safety inspections based on the hierarchy of footways and subject to the availability of resources. In addition, ad hoc inspections will be undertaken following the receipt of a complaint or information regarding instances of obstruction of the highway, based on priorities and the availability of resources.

Where Traders in contravention of the Highways Act 1980 are displaying goods, or have placed A-boards, thereby causing an obstruction of the highway, they will be notified of possible offences being committed and the steps required in order to ensure compliance.

Where a serious obstruction is occurring the Trader will be required to remedy the matter immediately, failure to do so may result in the removal of the display and any supporting structure by the County Council.

Where the Trader refuses to take the measures necessary to ensure compliance, enforcement of this Policy will be implemented by the serving of a statutory Notice of Contravention under Section 149 of the Highways Act 1980. This Notice will be served at a prescribed minimum interval following the initial notification to allow the Trader sufficient time to make any necessary changes in order to achieve compliance.

Where subsequent to the issuing of the above Notices, the Trader continues to refuse to take the measures necessary, the County Council will consider prosecution and/or institute other legal proceedings to secure compliance.

'A-boards'

Where an 'A-board' has been placed upon the highway and following the serving of a Notice requesting that it be removed, if it is not removed within a prescribed time interval, it will be removed by the County Council or its Agents and may be collected by the owner at their own expense within 21 days, or on expiry of which time it shall be disposed of.

Recommendations and Reasons

- 7 You are recommended to approve the proposed Policy Statements outlined in 6 above.

Background Papers

Office files

Contact: Brian Taylor Tel: 0191 383 3467

Appendix 1: Implications

Finance

Set up cost approximately £10,000 for initial publicity/statutory notices/leaflets, with gross annual running costs, including on site inspections and enforcement, approximately £5,000. However, although it is envisaged that there will be no additional cost to the County Council, any funding required will need to be met from existing budgets probably at the expense of a lower priority activity.

Staffing

No additional staffing requirements as the work will be undertaken by existing staff; however this situation needs to be regularly monitored.

Equality and Diversity

Adoption of this Policy will ensure that adequate provision is maintained for the use of footways and paved areas by all pedestrian users including those with disabilities.

For traders whose first language may not be English, information can be provided in other languages, it can also be provided in other formats, upon request. A press release regarding this issue will be publicised with the Race Equality Council and Chinese Association.

Accommodation

Not applicable.

Crime and disorder

Will regulate the behaviour of all Traders committing offences under the Highways Act 1980.

Sustainability

Adoption of this Policy will improve the environment for all pedestrians and disabled highway users, as compliance and enforcement of the conditions will ensure that high quality access standards are maintained.

Human rights

Not applicable.

Localities and Rurality

Anywhere there are trading premises adjacent to footways, paved areas and verges within the adopted highway.

The same standards shall be applied to all settlements and enforcement of the Policy in rural areas will not adversely affect the provision of services, legitimate business activities or the character of the surroundings.

Young people

Not applicable.

Consultation

Not applicable.

Health

Adoption of this policy will reduce the number of incidents causing injury.

Appendix 3

Display of Goods and A-Boards on Highway - A Guide to enforcement Policy for Traders, Pedestrians and Other Highway Users 'September 2005



**A guide to enforcement policy
for Traders, Pedestrians and other
Highway Users**

Display of Goods and A-boards on the Highway

Making a difference where you live



**DURHAM
COUNTY
COUNCIL**

If you require this information summarised in other languages or formats, such as Braille or talking tapes, please contact: (0191) 383 3467

اگر آپ کو اس معلومات کا خلاصہ اور دیگر زبانوں میں یا دیگر فرمات میں، جیسے برایل یا ٹالنگ ٹیپس، درکار ہے تو براہ کرم رابطہ کریں۔ (0191) 383 3467

如果您需要此信息的其他语言或格式摘要，如盲文或语音带，请联系我们：(0191) 383 3467

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Making a difference where you live

The County Council has a duty to assert and protect the rights of the public to use and enjoy any highway for which they are responsible - Highways Act 1980, Section 130(1). And.....

It is an offence to obstruct the highway so as to cause a nuisance - Highways Act 1980, Section 149(1).

Displays of goods and the placing of A-boards outside retail premises can cause an obstruction or nuisance on the footway or highway verge. This is of particular concern where the goods or A-board;

- Prevents the free passage of pedestrians, whether able bodied or not
- Causes a nuisance, or
- Constitutes a danger (including a danger caused by obstructing the view) to legitimate users of the highway.



Enforcement Policy

Goods or A-boards placed on the footway or within the highway verge will be monitored on a regular basis to ensure that nuisance or danger is not being caused to legitimate highway users as a result. Durham County Council is especially aware of the needs of visually impaired pedestrians, persons confined to wheelchairs/ electrically powered scooters and parents with children in pushchairs and the monitoring of displays of goods and A-boards will be undertaken with these groups in mind.

Enforcement Procedure

Where offenders in contravention of the Highways Act 1980 are displaying goods, or have placed A-boards, thereby causing an obstruction of the highway, they will be notified of possible offences being committed and the steps required in order to ensure compliance.

Where a serious obstruction is occurring the offender will be required to remedy the matter immediately, failure to do so may result in the removal of the display and any supporting structure by the County Council.

Should the offender refuse to take the measures necessary to ensure compliance, enforcement will be implemented by serving a statutory Notice of Contravention under Section 149 of the Highways Act 1980. Where subsequent to the issuing of the above Notice, the offender continues to refuse to take the measures necessary, the County Council will consider taking legal proceedings to secure compliance.



Contact Details

Should you have any queries or concerns with regard to displays of goods or A-boards, or you require further copies of this leaflet, please contact the HIGHWAYS ACTION LINE (HAL).

Tel: 0191 370 6000

Email: hal@durham.gov.uk

Web: www.durham.gov.uk/HAL

Dr, you can write to

Highway Management Services
ENVIRONMENT
Durham County Council
County Hall
Durham
DH1 5UQ



Appendix 4

A - Sponsorship of Highway Verges and Roundabouts.

- a) Marketing Force – Municipal Sponsorship Experts – are currently working with over 70 authorities across the country, including Redcar and Cleveland, providing a lucrative marketing tool for businesses and generating supplementary income for the authorities from their highway assets whilst also raising the quality of their local highway environment.
- b) Other authorities which operate roundabout sponsorship include:
- North Tyneside Council
 - Darlington Borough Council
 - Leicestershire County Council
 - Devon County Council
 - Borough of Poole Council
 - Thurrock Council
 - Peterborough City Council (from £1,000 per roundabout per year)
 - Southampton City Council (from £3,000 per roundabout per year)
 - Chelmsford Borough Council (from £950 per roundabout per year)
 - Leeds City Council
 - Stoke on Trent City Council
 - Harrogate Borough Council

B - Licensing and Enforcement by other Authorities on Signs and Goods for Sale within the Highway

Local Authorities

- a) Middlesbrough
- Subject to satisfying conditions Highway Amenity Licence can be issued which is renewable annually.
 - Consent requirements to place Advertising Boards and Display of Goods on the Public Highway are in accordance with the Highway Act 1980.
 - Charges for A-boards and display of goods (new and renewal) are included in fees and charges list of Council
 - A different charge is levied for displays over 5 sq.m and this is also included in fees and charges list of Council
 - Each applicant is required to hold £5 million Public Liability Insurance cover
 - The applicant is required to complete an application form and site plan and agree to conditions of licence.
 - Consultation process prior to determining request for licence is initially within the authority and police and then neighbouring premises. There is no right of appeal if an application is refused other than a judicial review. It will normally take 2 months to determine an application for a licence.
 - No requirement normally for planning permission – applicant needs to check
 - Size, layout, suitable furniture considered.
 - Highway Authority not liable for any licensed sign as it is placed at owner's responsibility.

b) Darlington

- The Council has the power to licence objects or structures on the Highway subject to conditions. It is considered that certain shop displays could be licensed, however where they are considered to be a nuisance or a danger, they will be dealt with in the same way as A-Boards.
- The Council has the necessary powers to require the removal of objects on the Highway that cause nuisance and where there is a danger the Council can, and will, remove objects straight away. It is also an offence with a maximum fine of £1,000.
- By their nature A-Boards are a significant hazard in most situations, they can be difficult to see, they are a nuisance and they can be a danger. There are alternative ways of advertising such as signs above head height.
- The Council will generally require the removal of A-Boards and will remove them where they are considered to be a danger.

c) Stockton

- Do not licence signs and remove signs as detailed below.
- Highways must be kept clear of obstructions/projections for safety reasons. The Council has the power to serve notice on a person who commits an offence of wilful obstruction on the highway. In certain circumstances the courts allow the Highway Authority to remove obstructions and recover reasonable costs incurred in doing so from the offender.
- Website asks members of the public if they see an obstruction on the highway or pavements, which includes hoardings and advertising boards, to report it.

d) Sunderland

- Do not licence signs and remove signs using a system of letters issued to offending businesses and individuals and stickers on signs where those responsible cannot be readily identified.
- Their letter states:
'It has been quite common to see unauthorised advertising material of this type placed on the Highway in recent years, but the number of locations where it is happening has increased considerably and has now become a problem. Under the Highways Act 1980 it has always been illegal to use the Highway for this purpose, but over recent years the Council has tried to deal with the problem using a light touch approach, preferring to deal with the problem signs on an individual basis. Unfortunately, the number of signs has increased to the extent that it is no longer possible for the Council to ignore its legal obligations and the safety and obstruction problems that these signs can cause.'
'The City Council has adopted a policy for dealing with unauthorised advertising material placed on the Highway. The policy states that unauthorised advertising on the Highway throughout the City will no longer be permitted.'

e) Newcastle

- Pavements are constructed and maintained for pedestrian use – blocked pavements can cause an obstruction or possibly put safety at risk.
- Responsible for ensuring any obstructions on pavements are there in a safe and legal manner. If not will ensure they are removed as soon as possible.
- Advertising boards that block the pavement will be removed.
- Obstructions on the road ask that they be reported to the Police.

f) Northumberland

- Do not licence signs and remove signs as detailed below.
- Pavement obstructions – They ask that problems relating to an advertising board where it is blocking the pavement is reported to the Authority.
- Road obstructions – Highway Authority has a duty to protect public rights on the highway network ensuring that they are free from nuisance, dangerous obstructions, unlawful closure, interference and encroachment eg include illegal signs.
- Where there is clear evidence that an organisation or individuals may be in breach of the law relating to highways, it is their intention to give informal advice without causing unnecessary expense or duress. However, firm action will be taken against those who disregard the law.
- Officers may deal with matters informally or formally and the action may lead to prosecution.

National Authorities

a. Leeds City Council

- Do not licence commercial signs and remove signs using a system of letters and stickers.
- The Highways Act 1980 Section 132 is stated to be the preferred legislation but it does not preclude the use of Town & Country Planning Act 1990 Section 224 or Anti-social Behaviour Act 2003 Part 6 Section 43 where necessary to secure conviction.
- Signs advertising local community activities are tolerated provided they:
 - Do not cause an obstruction or danger to Highway Users.
 - They are only erected within 14 days of the event.
 - They are removed within 1 day of the event happening.
 - They are erected within the immediate environs of the event location to inform the community and guests rather than be located so that they are seen 'at every turn'.

b. Rotherham

- Pedestrianisation schemes in town centres make it vehicle free and therefore safer for pedestrians. Resulting increase in A- Boards means there is a need to control them.
- An A-Board is an advertisement for the purposes of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007 and requires express consent of the Council and therefore any request for an A_Board needs planning consent from planning authority.
- Decision on applications made by Director as delegated by the Planning committee.
- If an application is refused the applicant can appeal to Office of Deputy Prime Minister
- If consent is granted the licence lasts for 5 years but can remain after that unless the Authority serve a discontinuance notice.
- Also need consent of Highway Authority – conditions apply and will be removed if not got relevant consents.
- No fee attached to consent of Highway Authority.

- Penalties for contravention of advertising regulations and for wilfully obstruction of the highway under S137(1) of the Highways Act 1980 carries a maximum fine of £1,000
- Conditions in the licence stipulate where the applicant can site any A-Board

c. Bury

- Do not licence signs which are classed as illegal and a cause for obstruction.
- Officers may deal with matters informally or formally and the action may lead to prosecution
- Powers to remove obstructions
 - Section 137 – penalty for wilful obstruction
 - Section 143 – power to remove structures for the highway
 - Section 148 – penalty for depositing things or pitching booths etc on the highway
 - Section 149 – removal of things so deposited on Highways as to be of a nuisance etc

d. Waltham Forest

- Do not licence signs which are classed as illegal and a cause for obstruction.
- Obstruction of free passage under section 137 Highways Act 1980
- Illegal signs dealt with under Section 132 Highways Act 1980

Appendix 5: Income Generated by Other Authorities

- a. Leeds Council aim to generate £500,000 per year.
- b. In 2009/10 Salford City Council made £349,982.
- c. In 2009/10 Tower Hamlets Council made £206,930 from outdoor advertising deals. Tower Hamlets charge between £3,000 to £15,000 per year per banner/sign on Council land.
- d. North Tyneside Council charges and income are shown in the table detailed below.

North Tyneside Council Advertising Income

Income source:	Approx. annual income:	Rate card:	Notes:
Roundabout advertising	£7,200* per roundabout per year (four panels)	Average annual income: £56,051** (gross)	North Tyneside Council has sold roundabout advertising since 1998. The council maintains the roundabouts and an external company sells the advertising; the income is split between the two organisations.
	All profit goes to Environmental Services to help keep North Tyneside cleaner and greener	Average annual income: £7,841** (net)	Planning permission is essential and the overheads can prove expensive.
		Average annual outgoings (sign manufacture, installation and traffic management): £14,579**	* Based on 2009 figures when Poster Identity held the contract **Based on 1998 – 2007 figures