

# MONMOUTHSHIRE COUNTY COUNCIL

## A BOARD POLICY - CHARGE

### **1. Introduction**

**1.1** 'A Board' advertising, apart from being an illegal activity, can degrade the local 'street scene' and can contribute to an impression of urban decay. Monmouthshire County Council would therefore aim to reduce damaging 'A board' displays throughout the county, and to control inappropriate 'A board' displays through education and enforcement.

### **1.2. What is an A Board?**

An A Board is defined a free standing advertising board, usually a two sided A frame located within the Public Highway. They usually advertise a business immediately adjacent.

### **1.3 The problems of using A Boards**

Apart from being illegal, MCC have requirement to maintain a clear and unobstructed highway ( Highway Act 1980, Section 132 )

'A Board' Displays can have a detrimental effect on the public's use of pedestrian areas of our County. They can be the subject of third party claims, for which MCC may be the most likely defender.

### **1.4 Legislation**

- (i) Under section 224 of the Town and Country Planning act 1990 it is an offence for any person to display an advertisement in contravention of the regulations. The relevant legislation is contained in the Town and Country Planning (Control of Advertisements) Regulations 1992. Any person contravening the legislation is liable on summary conviction to a fine, currently not exceeding £2500, recently increased under the provision of the Anti-Social Behaviour Act 2003. In the case of a continuing offence, there is £250 for each day on which the offence continues after conviction.
- (ii) Under section 132 of the Highway Act 1980 it is an offence for any person to paint, inscribe or affix any picture, letter, or sign on the surface of a Highway, any tree, or structure without the consent of the Highway Authority. If guilty of an offence the person can be liable to a fine of up to £1000, in the case of a second offence up to £2500.
- (iii) Under section 50 of the New Roads and Street Works Act 1991. The Authority has the power to impose conditions on permissions they think fit, including conditions requiring the payment to the council of such reasonable charges as they may determine

## 2. Methods of Prevention

The Council aims to prevent 'A Board' displays through a number of methods.

### 2.1 Highways activity

The Authority's Highways division has an existing policy that covers their activities around controlling 'A Board' displays and advertising on their property. These are –

- a. 'Control of Goods Displayed on the Public Highway' policy, adopted and effective from 1 April 2002. This covers aspects such as displaying of goods and advertising hoardings on public footways. The intention is to ensure a consistent approach, to ensure Highways Superintendents are clear when endeavouring to determine whether an obstruction is acceptable or not. This policy covers issues such as obstruction, for example where 'A board' displays may cause an obstacle for people with disabilities (including the visually impaired) and people with pushchairs to negotiate. There is also reference here to the Council not adopting a rigid ban on street advertising. The policy refers to 'trader's livelihoods could be damaged by the imposition of a rigid ban. Some displays are considered to add colour and vibrancy to the street scene of our towns and are an accepted component of some retail businesses'.

It should be noted the policy was agreed following extensive consultation with the Town Councils covering Abergavenny, Monmouth, Chepstow, Caldicot and Usk, their respective Chambers of Commerce and CAIR (Monmouthshire Disablement association). Each trader potentially affected by the policy received a letter and background information prior to 1 April 2002.

- b. 'Tourism signing' policy, adopted and effective from 19 May 2006. This policy sets about making it easier for visitors to find facilities and attractions, thereby enhancing the local economy, notably in the run up to the Ryder Cup in 2010. It encourages the removal of illegal and shabby signs, through a grant scheme to replace with better standard and legal signage. It also encourages the removal of too many signs in certain locations.

Consultees included over 120 members of the public during town and village centre surveying, business and stakeholder contribution during 5 open meetings.

### 2.2 Planning activity

The Planning Enforcement team have no specific policy regarding dealing with 'A board' display, since it is usually restricted to the Public Highway.

A 'Planning Enforcement Policy' was approved by Council on 13th September, 2007 which reflects the national 'enforcement concordant principles' - see 2.4 below

### 2.3 Environmental Health activity

Environmental Health have no involvement with 'A Board' display, most complaints going to Highways for investigation

### 2.4 General

This Authority is also signed up to the 'Enforcement Concordat' which lays down national principles of good enforcement. This includes reference to being open about our approach to enforcement, being helpful, proportionate and consistent. The Authority awaits further guidance from the newly formed Local Better Regulation Office regarding a new 'compliance code' which will outline similar enforcement principles.

### **3. Our Approach**

3.1 This Authority recognises the desire for 'A Board' display. It does not seek a 'zero tolerance' approach, recognising the difficulties this would present to local business. To provide guidance to the public, businesses, charities and other event organisers, a guidance letter has been produced. A copy of the Guidance is provided as Attachment 5 at the end of this policy document.

3.1 An application, received from a business, for permission to place an 'A board' will be recorded at our Customer Contact Centre. A 'process map' outlining the procedure for dealing with 'A Board' Displays is provided in Attachment 1. The process allows for a business to receive a license or be advised of reason that no licence will be issued.

3.3 Any complaints regarding 'A Board' display will in the first instance be recorded at our Customer Contact Centre. A 'process map' outlining the procedure for dealing with 'A Board' Displays is provided in Attachment 1A. Staff at the OSS's will be updated to reflect recent changes in both legislation and personnel (notably in Highways). Highways Inspectors would be the first point of reference for any 'A Board' complaints, referring to colleagues in other teams where the situation demands – as outlined in Section 2 above. The 'one point of reference' will allow the Authority to measure numbers of complaints, any trends, and our effectiveness.

3.4 It is the view of Officers in Highways, Planning and Environmental Health, that they deal with their elements of existing legislation, due to professional and competency issues. Thus Project Inspectors will determine compliance with the Highways Act provisions, Planning with Town & Country Planning Act etc. However, that does not preclude better joint working, with improved communication between the three teams. So, for example, Environmental Health have two Environmental Wardens who, if instructed, can remove fly posters on street furniture while out on the district. Similarly they could contact Planning for any breaches they see during their routine activities.

3.5 It is recognised that much of the 'A Board' advertising in Monmouthshire tends to be restricted to the main urban pedestrianised areas but not limited to. (Abergavenny, Caldicot, Chepstow, Magor, Monmouth, Usk and Tintern) . Highway Superintendents will be charged with their removal, once Projects Inspectors have identified offenders and followed process. Business' benefiting from 'A Boards' that do not comply will be warned of the consequences by letter. Repeat offenders will be referred to our Legal Services Section by a Planning Enforcement officer, with a view to prosecute.

Our staged approach to action will be by way of staged letters. These are provided in Attachments 2, 3 and 4. In appropriate circumstances, names and addresses will be traced from telephone numbers advertised on 'A Boards'.

3.6 Highways staff, in the interests of clarity, will adopt the following prescribed approach:

Permitted temporary posting -

Approved organisations are permitted to erect signs on street furniture on a temporary basis, provided the signs:

- do not cause offence
- do not cause a traffic or pedestrian hazard or safety issue in any way
- do not damage hardware by their presence
- are of presentable quality and not excessive in number
- are removed by the organisations concerned

#### Approved Organisations

The list of approved organisations, determined by the Highways Section, will be strictly limited. Initially it will include:

Adjacent Business'.  
Blood Transfusion Service  
Polling Stations  
Registered and legitimate not for profit organisations

The Head of Highways may extend the list of approved organisations. Applicants will be expected to demonstrate that they have no other reasonable way of spreading their message.

The following organisations are expressly not permitted to erect signs:

Business' advertising other than their business  
Business' advertising away from their frontage, unless agreed in licence conditions

- 3.7 Approved organisations who fail to observe the Council's conditions may have enforcement action taken and may risk prosecution.
- 3.8 To assist organisations and businesses determine what may be acceptable, and what specifically is not, a guidance leaflet is available - Attachment 5.
- 3.9 the 'A Board' is compliant with attachment 5

#### **4. Outcomes**

- 4.1 The outcome sought is to ensure a quick and effective response to 'A board' advertising that may be considered a risk. By consistent recording of incidents, working together better with early intervention, problems associated with fly posting will be reduced.
- 4.2 Officers involved with the policy will ensure all relevant Officers, including Customer Contact Centre staff, are aware of the content of this policy and monitor compliances, to update their procedures and provide some training.
- 4.3 The policy will be reviewed every 12 months to determine whether it assists in reducing non-compliance in Monmouthshire.

#### **5. Report Contributors**

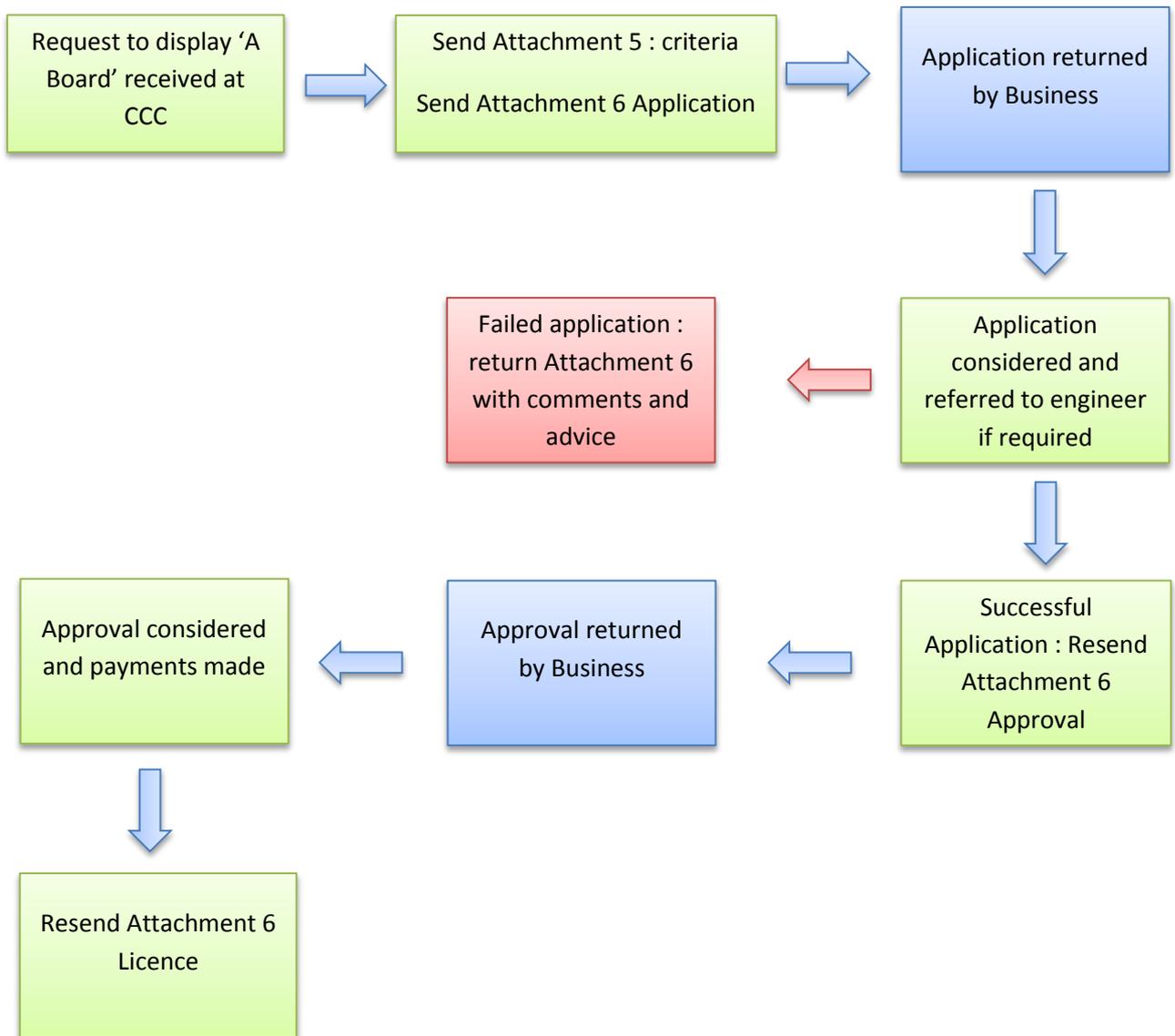
Policy substantively as 2008

#### **6. Report Authors –**

Steve Lane, Highways Manager, Highways Operations

**Attachment 1 : A BOARD**

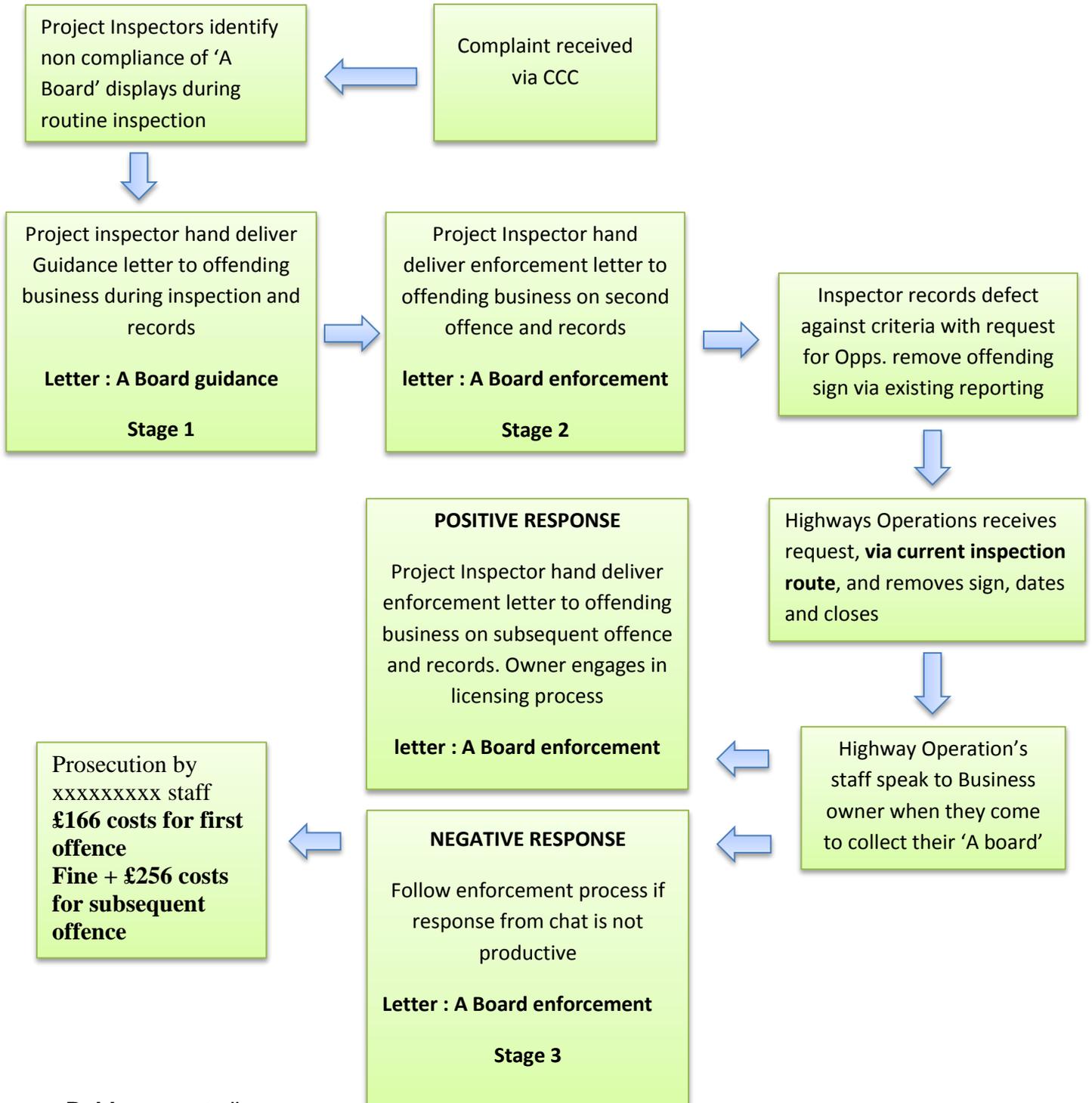
**LICENCE FLOW**



CCC = Customer Contact Centre / call centre

**ATTACHMENT 1A : A BOARD**

**ENFORCEMENT FLOW**



**Bold** = paper trail  
CCC = Customer Contact Centre / call centre

## **Attachment 2 : A BOARD**

The person dealing with this matter is:

Highway Enquiry Desk

Tel.No./Ffôn: 01633 644725

Fax/Ffacs: 01633 644725

Email/Ebost:

Dear Sir/Madam

### **RE:- CONTROL OF GOODS DISPLAYED ON THE PUBLIC HIGHWAY : ‘ A BOARD’ DISPLAYS ‘A BOARD’ GUIDANCE : FIRST STAGE ENFORCEMENT**

It has been recorded that an ‘A Board’ Display, identifying your business, has been positioned on the Public Highway that fails to comply with the Council Policy.

The Council has introduced guidance to control the placement of goods and advertising hoardings on town pavements. It recognises that a limited amount of street advertising and display gives colour and vibrancy to the street scene and adds to the character and atmosphere of our towns and villages, but it also has a statutory duty under the Highways Act ( section 149 ) to maintain the footways primarily for the unhindered passage of pedestrians.

In an effort to acknowledge these conflicting interests the Council has adopted a policy to allow traders to display goods and advertising hoardings on street footways on the understanding that they comply with the following criteria, viz;

- i) The obstruction does not encroach onto the footway by more than 1 metre from the shop frontage.
- ii) That the residual unobstructed footway width is not less than 1.2 metres or the footway width, whichever is the lesser. The footway width is deemed to be measured from the back of footway to the kerb line or the ditched channel, whichever is the lesser.
- iii) That ‘A’ frame boards are secure so that they do not collapse if they are hit.
- iv) The sign shall measure no more than H900mm, W450mm, D450mm approx., when displayed.
- v) That all placements in the footway shall be highly visible or shall have a contrasting horizontal band at least 3 inches wide across its width, at the top, in order to render them visible to visually impaired persons.
- vi) Where the existing designated footways have less than 1.5 metres unobstructed width no displays will be permitted.
- vii) Exceptions by agreement may be considered subject to maintaining a minimum access width in pedestrianised areas or limited vehicular access areas.
- viii) That traders provide evidence, when requested, of Public Liability Insurance cover to the minimum value of £5,000,000 indemnifying the County Council against third party claims for damage or personal injury as a result of an accident involving an obstruction in the highway.

**Cont’d/2.....**

The above criteria have been established following widespread consultation with the Chambers of Trade and Commerce for the main towns and villages, CAIR (Monmouthshire Disablement Association) and many stakeholders..

Although it will be still possible for the Council to prosecute for an obstruction in the highway under powers within the Highways Act 1980 ( section 149 ), it would not be in the spirit of the agreement to do so for an obstruction which is placed within the criteria outlined above although it would be desirable to prosecute any trader who refuses to comply.

It is hoped that this policy will require very little policing and that traders will abide by the criteria in the knowledge that every endeavour has been made to strike a fair balance between the needs of traders to advertise their wares and the rights of pedestrians to have safe and unhindered passage of the pavements.

This policy came into effect on the 1 April 2016 but if in the meantime you would like to discuss this matter or to meet a Highway Inspector to agree the location of apparatus fronting your premises then please contact the Highway Enquiry Desk on 01633 644725.

The Council wishes to pursue this matter in a spirit of co-operation, but will reserve the right to prosecute if the obstructions in the highway extend beyond the agreed limits or cause a danger or hazard to other users.

Your co-operation in complying with Council 'A Board' policy will be appreciated.

Yours faithfully

Steve Lane  
**Highway Operations Manager**  
**Operations Directorate**

### **Attachment 3 : A BOARD**

The person dealing with this matter is:

Highway Enquiry Desk

Tel.No./Ffôn: 01633 644725

Fax/Ffacs: 01633 644725

Email/Ebost:

Dear Sir/Madam

**RE:- CONTROL OF GOODS DISPLAYED ON THE PUBLIC HIGHWAY : ‘A BOARD’  
DISPLAYS**

#### **‘A BOARD’ GUIDANCE : SECOND STAGE ENFORCEMENT**

I am writing to advise you that an ‘A Board’ Display, identifying your business, has again been positioned on the Public Highway and that it fails to comply with the Council Policy. I must remind you that it is an offence under section 149 of the Highways Act 1980 to erect such an object on the Council’s equipment without meeting the criteria outlined in the guidance. No permission has been given for this sign to be erected, so it is therefore being removed by the Council regardless of its location in the near future.

The sign will be available for collection from a nearby storage depot. Your co-operation in refraining from business advertising in this way will be appreciated, as we prefer such matters not to escalate to a prosecution. Court action is not in the interests of either party, and the courts generally favour the local authority in such cases.

You should be aware that it is the policy of the Council to prosecute people who carry out repeat ‘A Board’ displaying that is not in compliance with the policy, and no further warnings will be issued to you on this matter.

You should request the guidance and seek permission to place an ‘A Board’ through the an application procedure that is available, by calling your local Customer Contact Centre / call centre or calling 01633 644725 please.

Yours faithfully

Steve Lane  
**Highway Operations Manager**  
**Operations Directorate**

## **Attachment 4 : A BOARD**

The person dealing with this matter is:

Highway Enquiry Desk

Tel.No./Ffôn: 01633 644725

Fax/Ffacs: 01633 644725

Email/Ebost:

Dear Sir/Madam

**RE:- CONTROL OF GOODS DISPLAYED ON THE PUBLIC HIGHWAY : ‘A BOARD’  
DISPLAYS**

### **‘A BOARD’ GUIDANCE : STAGE 3 ENFORCEMENT**

I am writing to advise you that an ‘A Board’ display, identifying your business, has again been positioned on the Public Highway and that it fails to comply with the Council Policy. I have reminded you in the past that it is an offence under section 149 of the Highways Act 1980 to erect such an object on the Council’s equipment without consent. No permission has been given for this sign to be erected, so it is therefore being removed again by the Council.

The sign will be available for collection from a nearby storage depot.

I am passing the matter to the Council’s solicitors, who will now instigate legal proceedings. Our costs will be recovered through the courts.

Yours faithfully

Steve Lane  
**Highway Operations Manager**  
**Operations Directorate**

## **Attachment 5 : ABOARD**

The person dealing with this matter is:

Highway Enquiry Desk

Tel.No./Ffôn: 01633 644725

Fax/Ffacs: 01633 644725

Email/Ebost:

Dear Sir/Madam

### **RE:- CONTROL OF GOODS DISPLAYED ON THE PUBLIC HIGHWAY : ‘A BOARD’ DISPLAYS ‘A BOARD’ GUIDANCE**

The Council has introduced guidance to control the placement of goods and advertising ‘A Boards’ on town pavements. It recognises that a limited amount of street advertising and display gives colour and vibrancy to the street scene and adds to the character and atmosphere of our towns and villages, but it also has a statutory duty under the Highways Act ( section 149 )to maintain the footways primarily for the unhindered passage of pedestrians.

In an effort to acknowledge these conflicting interests the Council has adopted a policy to allow traders to display goods and advertising hoardings on street footways on the understanding that they comply with the following criteria, viz;

- i) The obstruction does not encroach onto the footway by more than 1 metre from the shop frontage.
- ii) That the residual unobstructed footway width is not less than 1.2 metres or the footway width, whichever is the lesser. The footway width is deemed to be measured from the back of footway to the kerb line or the ditched channel, whichever is the lesser.
- iii) That ‘A’ frame boards are secure so that they do not collapse if they are hit.
- iv) The sign shall measure no more than H900mm, W450mm, D450mm approx., when displayed.
- v) That all placements in the footway shall be highly visible or shall have a contrasting horizontal band at least 3 inches wide across its width, at the top, in order to render them visible to visually impaired persons.
- vi) Where the existing designated footways have less than 1.5 metres unobstructed width no displays will be permitted.
- vii) Exceptions by agreement may be considered subject to maintaining a minimum access width in pedestrianised areas or limited vehicular access areas.
- viii) That traders provide evidence, when requested, of Public Liability Insurance cover to the minimum value of £5,000,000 indemnifying the County Council against third party claims for damage or personal injury as a result of an accident involving an obstruction in the highway.

**Cont’d/2.....**

The above criteria have been established following widespread consultation with the Chambers of Trade and Commerce for the main towns, CAIR (Monmouthshire Disablement Association) and the Town Councils.

Although it will be still possible for the Council to prosecute for an obstruction in the highway under powers within the Highways Act 1980 ( section 149 ), it would not be in the spirit of the agreement to do so for an obstruction which is placed within the criteria outlined above although it would be desirable to prosecute any trader who refuses to comply.

It is hoped that this policy will require very little policing and that traders will abide by the criteria in the knowledge that every endeavour has been made to strike a fair balance between the needs of traders to advertise their wares and the rights of pedestrians to have safe and unhindered passage of the pavements.

The Council wishes to pursue this matter in a spirit of co-operation, but will reserve the right to prosecute if the obstructions in the highway extend beyond the agreed limits or cause a danger or hazard to other users.

Your co-operation in complying with Council 'A Board' policy will be appreciated.

Yours faithfully

Steve Lane  
**Highway Operations Manager**  
**Operations Directorate**

**Attachment 6 : A BOARD**

**APPLICATION : COMMERCIAL OBSTRUCTION IN THE HIGHWAY LICENCE  
TYPE A : 'A' BOARD ADVERTISING**

Subject to section 132 of the Highway Act 1980

Section 50 of the New Roads and Street Works Act 1991 permits and Licence

Agreement by both parties, will require the payment of a single approval / licence fee, by the applicant, to Monmouthshire County Council.

On successful application a £50 administration fee will be payable.

Should the A Board be displayed in accordance with the licence then no further fees are payable.

Should the A Board not comply, it will be removed and costs, £166, charged to the Licensee.

Fees of £256, and fines, may be charged on subsequent infringements.

'A Board' organisations are reminded that permission granted is subject to the full policy of Monmouthshire County Council. (copies available on request.) In particular, (a) the obstruction does not encroach onto the footway by more than 1 metre from the shop frontage, (b) the residual unobstructed footway width is not less than 1.2 metres or the footway width, whichever is the lesser. The footway width is deemed to be measured from the back of footway to the kerb line channel, or the dished channel, whichever is the lesser, (c) the 'A' frame boards are secure so that they do not collapse if they are hit, (d) The sign placed in the footway shall be highly visible or shall have a contrasting horizontal band at least 3 inches wide across its width, at the top, in order to render them visible to visually impaired persons., (e) Where the existing designated footways have less than 1.5 metres unobstructed width no displays will be permitted, (f) exceptions by agreement may be considered subject to maintaining a minimum access width in pedestrianised areas or limited vehicular access areas, (g) cause offence, (h) cause a traffic hazard or safety issue, (i) One 'A board' is permitted per business and will only be considered for outside premises, if the criteria can be achieved. (j) the sign shall measure no more than H900mm, W450mm, D450mm approx., when displayed. (k) failure to comply with the licence may require the sign to be removed and costs being payable to MCC. (l) you may be required to display a small receipt on the sign at all times.

**Completed by Applicant :** I wish to apply for permission to display an 'A Board' on the Highway

My organisation.....

Responsible representative :.....Signature :.....

Email Address :.....Tel No. :.....

Postal Address :.....

Public liability insurance to be held for whole period that business utilises the licence

Size of 'A board : A=.....W=.....B=.....

'A Board ' : Is it highly visible or contain a contrasting 3 inch horizontal band

Is the 'A Board' outside your business

Details of location : sketch and notes.

.....  
 .....  
 .....  
 .....

**Official use : The Permission :**

Given : please refer to Attachment 5 detailing criteria :  resend agreement attachment 6 & 5

Refused : please give reasons in comments  send attachment 5 with comments

Referred to Area Engineer for comments :

Comments

.....  
.....  
.....  
.....

Signed : \_\_\_\_\_ Date : \_\_\_\_\_

**Completed by Applicant:**To be completed by the responsible Person, of the business, on successful agreement to place an ‘A Board’ on the highway.

Please return, with payments, to allow the issue of a Licence. You will be contacted prior to the completion of the Licence period to renew at you request. Please note that any sign not displayed as guidance and or that is not Licenced will be removed and the Policy enforced.

Please find enclosed Payments as prescribed below. I understand that (a) I will need to ensure that I comply with the Guidance and in particular (b) I will ensure that my Public Liability Insurance is maintained and my Business will remain covered, and Monmouthshire County Council will be indemnified for the whole duration of the Licence, (c) I will ensure the ‘A board’ does not cause a traffic hazard or safety issue.

Please call 01633 644725 to arrange payment

£50 application and approval fee, payment per Business and or per premise

Date Licence to commence :.....

I understand that this document will form the :Licence only when signed and dated below by Officer of Monmouthshire County Council. . The licence will be displayed in a prominent place, window, door or similar position, accessible by the Public and Monmouthshire County Council Officers and usually within sight of the A Board.

Signed : Responsible representative : (As application above).....

Signature :.....Date :.....

**Official use : The Licence :**

Payments received  : Licence Agreed  : Licence sent

Signed : \_\_\_\_\_ Date : \_\_\_\_\_  
**Licence to place and display ‘A Board’ as above agreement**

