

CITY SERVICES - ENFORCEMENT DIVISION

Operational Policy Subject: **A-Boards Enforcement policy**

Approved By: Director of City Services

Date: 7th March 2005

Version No: 1

1 **Scope**

- 1.1 This policy relates to A-Boards and similar advertising boards. An A-Board includes all types of adverts/directional signs/information signs/inanimate characters placed without permission.
- 1.2 This policy only applies to boards placed upon the highway, (which includes footpaths, paved areas and pavements) and/or attached to highway property. It does not apply to boards on private property, including privately owned shopping centres. A separate policy exists to deal with placards, adverts placed illegally on street furniture.
- 1.3 The sale of goods on the highway and refuse bins will be dealt with separately and do not fall within the scope of this policy.

2 **Objective**

- 2.1 To ensure the free passage along footpaths.
- 2.2 To seek an improvement in the visual street environment by the controlled use of A-Boards in the streets.
- 2.3 To ensure that powers contained within the legislation to tackle A-Boards are applied fairly and consistently.

3 **Link to Council Plan**

- 3.1 Looking after the environment is one of the five key aims in the plan. Improving the physical appearance and condition of the streets and immediate surroundings to improve quality of life helps support this aim.
- 3.2 The placement of A-Boards can cause obstructions for disabled people, blind people, elderly people and mothers with toddlers. Often the boards force people into stepping into the road to get past them. The council recognises the need to ensure that the use of such boards is controlled to support these groups.
- 3.3 Road safety is a specific indicator within the council plan, and A-Boards can be a traffic hazard if placed in the wrong position.

4 Application of the Environmental Enforcement Policy

- 4.1 The Environmental Enforcement policy provides a statement of options of how legislation can be enforced, and in what circumstances. The following paragraphs relate to that policy.
- 4.2 Paragraph 5.1 - Statutory Notices shall be served to require offenders to cease illegal activities and give offenders the statutory time to rectify the contravention.
- 4.3 Paragraph 5.3 - Prosecutions shall be taken in cases of failure to comply with statutory notices requiring the removal of the advert. If a person or business fails to comply with lawful requirements, having been advised on previous occasion(s), proceedings shall also be taken.
- 4.4 Paragraphs 5.5 - illegal A-Boards affixed to street furniture will be removed in the interests of public safety and to improve the environment. The costs are usually not prohibitive and immediate action resolves the situation quickly and cheaply.
- 4.5 Where appropriate the costs incurred will be recovered in accordance with the specific legislation.

5 Legislation

- 5.1 See appendix 2

6 Policy

- 6.1.1 In Leeds City Centre A-Boards will not be tolerated on the highway.
- 6.1.2 Elsewhere in Leeds all A-Boards will need to meet the conditions contained within Appendix 1. Ones that do not meet all of these conditions will be removed.
- 6.1.3 It is likely that the use of A-Boards in localised, geographical areas could cause obstruction problems due to the circumstances. It is recognised that Area Management provides for local choice in many operational areas. Therefore if Area management request that a street or trading area has a zero tolerance policy applicable to that street, they may pass a resolution to confirm this and the area in which it applies.
- 6.1.4 A-Boards on grass verges can create road traffic hazards. In addition, other Council policies are being created with a view to ensuring grass verges are kept in a well-maintained state. As a result A-Boards will not be tolerated on grass verges.
- 6.1.5 The cumulative effect of A-boards from different premises can cause problems and will be considered as part of this policy.
- 6.1.6 A-Boards that are on central reservations, roundabouts, pedestrian safety refuges and junctions could constitute a road traffic hazard and will not be tolerated.

- 6.1.7 A-Boards placed on the Highway will not be accepted on roads with speed limits of 50mph or more, as this increases the road safety hazard arising.
- 6.2.1 A-Boards attached to street furniture will be removed.
- 6.2.2 Free standing 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.
- 6.2.3 Boards lent against the wall are usually not too obstructive however, if not secured, may fall and create a hazard. Free-standing boards leaning against walls will not therefore be acceptable. Boards will be acceptable if secured flush to the wall surface and not protruding into the Highway.
- 6.2.4 Any boards removed will be destroyed and the costs of disposal will be passed back to the A-Board owner.
- 6.2.5 Signs attached to private property (such as railings outside a firm that clearly belong to the firm) will be dealt with using planning enforcement powers. Where signs have been attached to private property without the permission of the owner, the owner/occupier of the property will be requested to remove the signs.
- 6.2.6 The Department will respond to all complaints regarding A-Boards, except anonymous ones, subject to resources. Complainant confidentiality will be respected.
- 6.2.7 Leeds City Council will empower staff from various departments to support proactive compliance with this policy. Such authorisation will extend to planning enforcement teams, neighbourhood wardens, street wardens and city centre liaison officers as well as enforcement staff elsewhere.
- 6.3.1 Persons or businesses availing themselves of the use of A-Boards on the highway will be encouraged to help keep the areas in front of their premises clean and free of litter.
- 6.3.2 Any liability arising from an accident involving an A-Board remains firmly with the owner of the A-Board.
- 6.3.3 This policy supersedes any previous agreements operating within the City.
- 6.3.4 This policy does not absolve the owner of any advertising signs from ensuring that they comply fully with other statutory requirements which may apply.
- 6.3.5 Any dispute over the interpretation of the locations and compliance with the conditions will be re-assessed by the Highways Enforcement Manager, whose decision will be enforced.

Appendix 1 - Conditions to comply with:

1. A-Boards must be in good condition and appear professionally made, eg proper sign writing, painting/printing. Offensive content will not be tolerated.
2. Boards should not exceed 0.6m.sq, with a maximum base width of 0.6m (24 inches).
3. The 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. 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. Boards leant against walls etc will not be acceptable.
5. Rotating cylinders will only be acceptable on land owned by the property.
6. One A-Board will be allowed per customer entrance in the premises.
7. Where a business has its own private forecourt adjacent to the highway, any A Board shall be placed wholly within this forecourt.
8. Where it is on the highway, A-Boards must be positioned outside the premises, on the same side of the road, and in front of the frontage.
9. A-Boards will be placed at the back of the footway as near the property as possible.
10. A-Boards on grass verges will not be accepted.
11. No A Boards will be allowed on roundabouts, road safety refuges and central reservations.
12. Boards must not be attached to street furniture, trees and others items within the highway (including pavements).
13. The position on the pavement must be consistent on a day by day basis and allow 1.8 metres free passage on the pavement.
14. Boards must be taken in at night or when the firm is closed.
15. A-Boards must not impede vehicular emergency access.
16. 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.
17. Conditions are non-negotiable, and failure to rigidly meet these will result in the removal of the board.

18. 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.

Appendix 2- Legislation

Highways Act 1980

S132 (2) – The highway authority may...remove any picture, letter, sign or other mark which has, without consent...been painted...or affixed upon the surface of the highway or upon any tree, structure ...on the Highway.

Section 137(1)

If a person... in any way wilfully obstructs the free passage along a highway he is guilty of an offence....

Town and Country Planning Act 1990 & The Town and Country Planning (Control of Advertisements) Regulations 1992.

S224

(3) ... if any person displays an advertisement... he shall be guilty of an offence and liable... to a fine ... not exceeding (£1000), and in the case of a continuing offence, £100 (1/10th) for each day during which the offence continues after conviction.

(4) a person shall be deemed to display an advertisement for the purposes of that subsection if—

(a) he is the owner or occupier of the land on which the advertisement is displayed; or
(b) the advertisement gives publicity to his goods, trade, business or other concerns.

N.B (5) A person shall not be guilty of an offence... if he proves that it was displayed without his knowledge or consent.

S 225—(1) ...the local planning authority may remove or obliterate any placard or poster—

(a) which is displayed in their area; and

(b) ...is so displayed in contravention of regulations made under section 220.

But not ... within a building to which there is no public right of access.

(3) ... where a placard or poster identifies the person who displayed it or caused it to be displayed, the local planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing (that)

(a)...it is displayed in contravention of regulations ...

(b) ... they intend to remove or obliterate it... (5)(not less than two days from the date of service of the notice)

N.B (4) Subsection (3) does not apply if—

(a) the placard or poster does not give his address, and

(b) the authority ... are unable to ascertain it after reasonable inquiry.