

Use of 'A' Boards and other Advertising Structures on the Highway - Policy, Guidelines and Enforcement Procedure.

1. Purpose

- 1.1 To set out the detail and reasons for Horsham District Council's ("the Council") 'A' Board Policy. The use of the term 'A' Board refers to all types of structures for advertising on the highway, such as For Sale/Let Boards and flag banners.
- 1.2 To set out the procedure for dealing with items placed upon the highway, (which includes the highway verge, footpaths, paved areas and pavements) and/or attached to highway property. It does **not** apply to:
 - Boards on private property, including privately owned shopping centre areas.
 - The placing of tables and chairs on the highway.
 - Banners, hoardings, skip and scaffolding, which are licensed by application.
 - Street trading and other licensed activities.
 - Motorcycles and bicycles parked on footways and, or chained to railings/street furniture.
 - The placing of trade waste bins and waste containers on footways.

2. Rationale

- To ensure public safety and the free passage for pedestrians along footpaths and the highway.
- To seek an improvement in the visual amenity of the street environment by the controlled use of 'A' Boards and other items on highway land.
- To ensure that powers contained within the legislation to tackle 'A' Boards are applied fairly and consistently.
- Work with all users of the footways to reach an inclusive policy to meet their needs.
- Work with traders to promote their businesses in a way which improves the street scene, increases footfall and allows pedestrians to move freely through a clear, obstacle-free network of streets.
- Ensure the safe and free movement of pedestrians especially the visually impaired and people with other disabilities.
- Ensure that the powers contained within the Highways Act 1980 and Road Traffic Regulation Act 1984 Town and Country Planning Act 1990 and Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are applied fairly and consistently, and in the public interest.
- To ensure a consistent districtwide policy

3. 'A' Boards Policy and Guidelines

- 3.1 The Council wants Horsham Town and the District to be both attractive, easy to use and accessible for all. Over the years the number and size of 'A' boards displayed by businesses on pavements and footpaths has increased and in some instances excessively so. This means that pedestrians, disabled people, particularly people with visual impairment, and people with pushchairs sometimes have difficulty getting around them. 'A' Boards can also affect road safety and visibility if inappropriately sited.

- 3.2 It should be noted that the Royal National Institute for the Blind made representations to West Sussex County Council and Horsham District Council in 2017 about the number of 'A' Boards within the town centre and the difficulties this presented in being able to move about safely. At the time both Council's worked together to ensure that those 'A' Boards causing the most obstruction were either removed or relocated. This involved about 32 premises. Since then the number of 'A' Boards has increased and with it more obstruction to free passage.
- 3.3 It is important that the number, size and position of 'A' Boards on the pavement are controlled so that they do not become unreasonable and cause difficulties for pedestrians. However, we recognise that they are one way for businesses to communicate with shoppers and visitors.
- 3.4 This policy seeks to:
- Create a street environment which compliments premises based trading but is not unduly cluttered.
 - Be sensitive to the needs of residents, provides diversity and consumer choice.
 - Enhance the character, ambience and safety of local environments.
 - Ensure safe and unimpeded public access along pavements and footways.
 - Prevent the use of 'A' Boards in locations where they cannot be appropriately sited.
 - Ensure compliance with legislation relevant to the siting of 'A' Boards on public land, and
 - Ensure that legislation is applied fairly, reasonably and consistently across Horsham Town and the wider District.

4.0 'A' Board Guidelines

- A. Any business must only display one "A" Board¹ and place it directly against the building frontage so that an absolute minimum pavement width of 1.8m is kept clear for pedestrians. Boards should be professionally produced and kept in a good condition to the benefit of the business and general visual amenity. Businesses who have a [Temporary tables and chairs licence](#) are not permitted to display an 'A' Board.
- B. Any business must only display one "A" Board² and place it directly against the building frontage so that an absolute minimum pavement width of 1.8m is kept clear for pedestrians. Boards should be professionally produced and kept in a good condition to the benefit of the business and general visual amenity.
- C. In some locations where there is a high pedestrian flow the Council may require a greater clearance width. This is to ensure that there is no obstruction or danger to any highway users
- D. In pedestrian areas, these principles will generally apply although the special nature of these areas means that each case will be considered on an individual basis as a route for emergency vehicle access is normally required in pedestrian areas – a minimum clearance of 3.5m.
- E. 'A' Boards must not be any bigger than 0.6m wide and 1.1m high. They should have a solid base, where possible, so that they can be tapped by a visually impaired person using a long cane.
- F. 'A' Boards must be stable and not weighed down by sandbags/heavy objects. It must not have any sharp edges. Rotating boards are prohibited for safety reasons.
- G. Where multiple occupancy premises share joint accesses, only one board will normally be considered appropriate per frontage (such as arcades and courts). However, alternative options may be considered such as a larger shared board. Council advice should be obtained in the first instance by contacting the Duty Planning Officer between 10am – 1pm (Mon-Fri) on 01403 215187.

¹ The use of the term 'A' Board in this policy denotes all types of structures used for advertising on the highway.

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- H. Boards must be taken off the highway, as a precaution, during periods of severe weather (Met Office Amber and Red warnings), less they blow over causing damage or impeding access.
- I. 'A' Board type structures must not be fixed permanently onto the highway or chained/tied to street furniture. 'A' Boards must be temporary in nature so they can be easily removed in their entirety at the end of each trading day.
- J. Colour and Design: Strong colours enhance in small quantities; too much and the effect is overpowering. To achieve impact a sign or advertisement should contrast with its background but it should not overwhelm it.
- K. Vibrant colours can be appropriate in commercial areas to add excitement, but will not be appropriate in more sensitive areas such as Conservation Areas or close to Listed Buildings where more traditional subdued 'period' colours and type-faces should be provided, with modestly sized lettering and well-balanced design.
- L. The design of the 'A' Boards must not be distracting or confusing to motorists.
- M. For Sale/To Let boards/Banners placed on the highway will not be permitted.
- N. Signs which are purely promotional rather than informative, for example, a sign bearing wording advertising a "Sale" or "Special Offer", are discouraged in favour of a sign bearing the name of the company or organisation owning or operating in the premises.
- O. No electrical supply or illumination will be considered on the highway where it constitutes a highway hazard and in such circumstances 'A' Board type structures must be non-illuminated.
- P. All businesses are legally liable for any claims of damage or injury, caused by displaying 'A' Boards on the highway. Compliance with these guidelines will not relieve owners of their responsibility and they will be advised to have a Public Liability Insurance cover of £5 million for any such claims and be able to produce a copy of a valid policy when requested to do so. The Council will not be liable for any injury or damage caused.
- Q. 'A' Boards must not obstruct sightlines of vehicle drivers, nor block visibility for pedestrians.
- R. 'A' Boards will not be allowed on highway verges, central reservations, roundabouts and busy traffic junctions.
- S. 'A' Boards must not be put out before 9am to assist regular street cleaning. They must be removed from the street when the property is closed or other street cleansing or highway work is taking place.
- T. 'A' Boards may need to be removed or relocated during events or to permit street maintenance and street works or for other reasonable cause. Any additional requirements by the Council, the Police or Emergency Services, including removal of any items, must also be complied with.
- U. Hazard considerations: An 'A' Board would be considered a hazard if it obstructs visibility; its content or appearance might distract the attention for a period of sufficient duration to endanger the viewer; it might create glare and dazzle the viewer; it obstructs, overshadows or distracts the attention away from highway, signs, signals or beacons.
- V. Any unauthorised material attached to any street furniture will be removed immediately without any Notice being given and to be disposed of accordingly.
- W. Display of goods outside premises, within Horsham Town Centre, is not permitted and instead an appropriate type 'A' Board, advertising and promoting the trader's business, or an attractive and alternating shopfront display should be considered.

5.0 Compliance and Enforcement

- 5.1 Any breach of this policy will be investigated by Council officers and the following enforcement action(s) may be taken:
- 5.2 Businesses found to be using an 'A' Board / advertising structure in breach of the guidelines will be notified of this policy and asked to comply which may include the service of formal letter.
- 5.3 'A' Boards / advertising structures not complying with the general guidelines, within 48 hours of service of formal letter, will be removed by the Council and the business informed that they have 28 days to reclaim the board and pay the associated charge of £70. Any A-board not collected within the 28 day notice period will be disposed of. However, 'A' Boards that constitute an "immediate" danger, hazard or obstruction will be removed from the highway immediately.
- 5.4 In the case of persistent offenders or commercial concerns that the Council feels has an impact on the street scene, consideration will be given to seeking a criminal prosecution. Where appropriate any costs incurred by the Council in pursuing the above approach will be recovered from the business.

6.0 Advertisements and the Law

[The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)

- 6.1 'A' Boards' on highways (including footways) where vehicular traffic is prohibited will require express advertisement consent. Horsham Council's advertisement consent planning guidance can be viewed [here](#).
- 6.2 Regardless of whether local authority consent is required or not for a particular sign or other advertisement, **all** advertisements must comply with **Schedule 2 – THE STANDARD CONDITIONS**, as follows:
 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to —
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- 6.3 As most 'A' Boards are sited on the public highway permission must be obtained from the landowner West Sussex County Council as the Highway Authority. The County Council has agreed

that Horsham District Council will take responsibility for considering requests to place 'A' Boards on the public highway and any necessary monitoring and enforcement actions.

6.4 Further information can be found within: [Government Guidance – Advertisements](#)

[Town and Country Planning Act 1990](#)

6.5 Subsections 224, 225 and 225A to 225 E refer to the Enforcement of Control over advertisements.

6.6 S224 (3) If any person displays an advertisement without the necessary consent they would be guilty of an offence and liable to a fine not exceeding (£5,000), and in the case of a continuing offence, £500 (1/10th) for each day during which the offence continues after conviction.

[Highways Act 1980](#)

6.7 The Highways Act 1980, subsection 132, allows the 'Highways Authority' to remove 'A' Boards and other advertising structures if consent of the landowner has not been obtained. The person erecting or displaying an 'A' Board would be guilty of an offence and liable to a fine not exceeding £100 or, in the case of a second or subsequent conviction under this subsection, to a fine not exceeding £200.

6.8 Additionally, under subsection 137, Penalty for wilful obstruction, a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway they would be guilty of an offence and liable to a fine not exceeding £2,000.