



Nottinghamshire
County Council

Advertising Boards and Displays of Goods on the Highway in Nottinghamshire



1. INTRODUCTION

Shopping areas within the County of Nottinghamshire have much to offer by way of creating an ambience that makes them attractive to shoppers and visitors alike. The County Council recognises this and wishes to encourage traders to promote their business activities in a way which both enhances the street scene and is sensitive to the needs of its users.

The following guide has been produced to strike a reasonable balance between these needs and confirm the conditions where advertising boards or display of goods on the highway will be permitted.

By adopting this approach it will not be necessary for traders to apply for licences to place or display these items, but their co-operation in observing and abiding by the conditions of this guide will be essential.

For many years advertising boards and trade displays have been part of the street scene in the towns and out-lying shopping areas of Nottinghamshire. Not all such items constitute wilful obstructions requiring immediate removal under Section 149 of the Highways Act 1980, but it is important that their number, size and positioning are regulated. If not they can become 'unreasonable' and create severe hazards for the highway users particularly for those with impaired vision, mobility problems, the elderly or those with young children.



Section 115 of the Highways Act 1980 permits the licensing of advertising boards etc. on the highway. However, the procedure is complex and requires the approval adjacent premises and the local planning authority.

The County Council has therefore decided, in consultation with the Nottinghamshire Chamber of Commerce and Industry, that regulation would best be provided by traders adhering to the guidelines contained in these notes.

All advertising boards or displays of goods on the highway are obstructions, however those displayed in accordance with the conditions below will be acceptable to the Authority.

Items placed outside these conditions may be viewed as unreasonable and could be subject to the procedures described in section 7.

2. GENERAL CONDITIONS

The following conditions are common to both the placing of advertising boards and the display of goods on the highway and must be met in all cases in addition to the specific conditions which relate to A-boards or displays.

- All signs, boards, displays, etc. must be temporary in their nature so that they can be easily removed i.e. require no excavation to install or remove.
- Signs, boards, displays, etc. must not be located within 2.0 metres of any other permanent or temporary sign, pillar, post, item of street furniture, other display or the edge of the carriageway.
- An unobstructed footway width of 2.0 metres is desirable, but where this is not practicable a minimum width of 1.2 metres should be maintained. In pedestrianised areas the minimum width is increased to 3.5 metres.
- Signs, boards, displays, etc. must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
- Signs, boards, displays, etc. must take into account the other reasonable needs of the area e.g. bus stops, pedestrian crossings, etc. in relation to their positioning.

- In areas of high volume pedestrian flow, e.g. near schools or in certain pedestrianised areas, the placing of advertising boards and the display of goods may not be allowed. This decision will be made by the local Highway Manager.
- Signs, boards, displays, etc. must be such that they can easily be detected by the visually impaired and negotiated by those with mobility handicaps.
- On footways, signs, boards, displays, etc. must not be placed within 2.0 metres of any tactile paving or within 2.5 metres in pedestrianised areas.
- Signs, boards, displays, etc. must be stable and not represent a potential danger to any highway users.
- Signs, boards, displays, etc. must not have a detrimental effect on the fabric of the highway.
- All signs, boards, displays, etc. must be totally removed at the end of the days trading.
- Any advertising boards or displays will be the owner's responsibility when placed in the public highway and the Highway Authority will not be liable for any injury or damage caused to highway users.
- All District Council planning authority approvals and or Building Regulation consents must be obtained if appropriate including consent from the District/Borough Council if the sign, board or display is to be placed in a designated 'consent street'.

The County Council or its Agents as the Highway Authority may require the immediate removal of any feature if requested by a Police Officer or with other reasonable cause including the need for access to maintain the highway.

In addition, nothing within this guide absolves those concerned from their legal responsibilities under the Highways Act 1980 and other legislation.

3. FREE STANDING ADVERTISEMENTS BOARDS

The following conditions apply specifically to the placing of free standing advertisement boards.

Signs, boards etc. placed in accordance with the general conditions (section 2) and the notes in this section will be permitted on the highway.

- Only one sign, board, etc. will be permitted per premise, even where in multi-occupation.
- Any advertisement must relate only to the normal business of the trading establishment.
- Any signs, boards, etc. must not be fixed to lamp posts, bollards, seats or other items of street furniture.
- Any signs, boards, etc. should be no wider than 800mm square in plan and no higher than 1000mm above ground level.
- Rotating or swinging signs will not be permitted.
- All items must be presented in an attractive, professional manner.

4. DISPLAY OF GOODS

The following conditions apply specifically to the display of goods.

Displays placed in accordance with the general conditions (section 2) and the notes in this section will be permitted on the highway.

- The display must relate to the normal business of the trading establishment.
- All displays must be entirely within and adjacent to the frontage of the trading establishment and be no wider than a third of the available footway width up to a maximum of 2.5 metres.
- In pedestrianised areas a minimum 3.5 metre wide route along the pedestrianised area must be maintained.

- Displays remote from the frontage will not be permitted.
- No selling or trading will be permitted upon the highway. All transactions must take place within the trading establishment.
- All goods must be presented in an attractive, professional manner.

This note does not relate to goods displayed at markets, street fetes or lay-bys which are regulated by byelaws enforced by the local District Council.

5. THE LEGAL BACKGROUND

Sections 137, 143, 148, and 149 of the Highways Act 1980 relate to the depositing or placing of items within the highway and give the Highway Authority certain powers in their control.

This guide aims to minimise the need for exercising these powers by defining acceptable conditions, but where necessary further action will be taken in accordance with the Act in consultation with the Highway Authority's legal advisors.

6. CASE LAW

There is extensive case law on the placing of advertising boards etc. in the highway and whether or not they constitute wilful obstructions.

The conditions contained within this guide establish when action will be considered by the Highway Authority against traders who place advertising boards or display goods in the highway. Anyone that places items on the highway is potentially liable to any person who suffers an injury caused by that item, and could face separate legal action from that person. Traders should therefore be advised to consider obtaining public liability indemnity insurance in the event of such claims.



7. PROCESS TO BE FOLLOWED FOR THE REMOVAL OF ADVERTISING BOARDS AND DISPLAYS OF GOODS

Following complaints, or as part of routine inspection, any obstruction that is deemed 'unreasonable' in accordance with this guide and constitutes an immediate danger will be removed from the highway immediately and either returned to the owner, if known and practicable, or retained.

Where obstructions are 'unreasonable', but do not constitute an immediate danger, the owner will be requested to remove or reposition them in accordance with the guide. If the problem persists the Highway Authority may serve notice that the objects be removed before eventually seeking a Magistrate's removal and disposal order in respect of the items.

Any items removed from the highway will be taken to store and retained for collection by the owner. If the items are not collected within a period of one month they will be disposed of accordingly.

The Highway Authority may seek to recharge any expenses incurred in removing such items to their owners.

8. OTHER LICENCES

The Highway Authority can legally place items such as road signs, trees and seats on the highway.

In addition, the Highway Authority issues licences for the erection of scaffolding, the placing of builders skips or to provide catering facilities outside bars and restaurants in accordance with specific regulations which relate to their control.

9. FURTHER INFORMATION

The purpose of this guide is to advise whether the placing of advertising boards and the display of goods in the highway will be accepted. It does not extend to other items which may be covered by the examples described above.

10. MODIFICATIONS, ALTERATIONS, OR AMENDMENTS

The procedures and requirements specified within this guide may be modified, altered or amended at any time as Nottinghamshire County Council deems appropriate.



Contacting us

email enquiries@nottscc.gov.uk
phone **0115 977 3377**
fax **0115 945 5113**
post **Environment, Trent Bridge House, Fox Road,
West Bridgford, Nottingham NG2 6BJ**
internet www.nottinghamshire.gov.uk