

## **HIGHWAY ADVICE NOTE ESE 01 ADVERTISING SIGNS IN THE HIGHWAY**

### **1.0 INTRODUCTION**

Advertising signs can promote business and contribute to the commercial vitality of an area. However Suffolk County Council (hereafter 'SCC') as highway authority has duty to ensure that the highway is not obstructed and is kept safe for users of the highway. SCC reserves the right to take enforcement action in accordance with relevant legislation.

"Advertising signs" are A Boards, free standing advertisements and other similar advertising structures.

Any advertising sign placed on the highway is unlawful. Nothing in these guidelines affects this position. "Highway" includes roads, carriageways, footways, pavements and verges.

Advertising signs which create a nuisance or present a danger to users of the highway may be removed by SCC in accordance with the relevant legislation. However in considering whether to take action to remove an advertising sign placed on the highway Suffolk County Council will take into account the guidelines set down below. Compliance with these guidelines does not imply compliance with any other legislation such as advertising consent or licensing.

If SCC removes an advertising sign, it will be kept for one month before being disposed of. SCC may seek to recover any expenses incurred in removing and storing advertising signs from the owner of the advertising sign. Assistance with the administration of this policy may be provided by town and parish councils.

The owners of the advertising sign will be liable for any claims from damage or injury caused by an advertising sign on the highway. It is strongly advised that owners have adequate public liability insurance.

### **2.0 LEGAL BACKGROUND**

Section 137 of the Highways Act 1980 makes it an offence to wilfully obstruct the free passage along a highway. Section 148 of the Highways Act 1980 makes it an offence to deposit anything on a highway which interrupts any user of the highway. Sections 143 and 149 of the Highways Act 1980 give SCC powers to require the removal of and to remove structures from the highway. Other legislation may also apply.

The following guidelines aim to minimise the need for exercising these legal powers. However, compliance with the guidelines does not guarantee that enforcement action will not be taken and/or that an advertising sign will not be removed from the highway.

### 3.0 GUIDELINES

Suffolk County Council will require removal of advertising signs from a highway in the following circumstances:-

#### Appearance

1. Where advertising signs are larger than A1 size or more than 1.1 metres high.
2. Rotating or swinging signs.
3. Where the content of the advertising sign does not relate to the trade of the premises.

#### Premises, owners

4. Where more than one advertising sign is displayed per premises.
5. Where the advertising sign has not been removed from the highway by the owners when the premises to which the advertising sign relates are closed.

#### Placing

6. Where the advertising signs have not been placed outside the premises to which they relate.
7. Where the advertising signs have been placed on central reservations, roundabouts, pedestrian refuges or at junctions.
8. Where advertising signs have been leant against or fixed to walls or other structures.
9. Where advertising signs have been placed on highway structures eg: bridges or street furniture.

#### Access, highways

10. Where signs obstruct access along the highway or into adjacent property for highway users taking into account the needs of the mobility impaired.
11. Where advertising signs cause a traffic safety hazard, e.g. by causing a visual obstruction to drivers.
12. Where advertising signs need to be removed to enable access for maintenance, events or other activities. This includes a request from the police or other emergency services.

Compliance with these guidelines does not exempt any advertising sign from the need for planning or other necessary consent.

Advertising signs must be removed when weather conditions, such as high winds, could make them unstable.