

HIGHWAY AMENITY LICENCE

Business Advertising & Display Of Goods

GUIDANCE NOTES AND CONDITIONS

Middlesbrough has much to offer by the way of creating an ambience that makes the town attractive to visitors and residents alike. It is the Council's aim to assist businesses to thrive by permitting the use, where and when it is appropriate to do so, of good quality advertising signs and displays of goods upon the public highway.

The purpose of this document is twofold:

First, to highlight the requirements and minimum standards expected of applicants who wish to take advantage of further promoting their businesses in the town centre and other parts of Middlesbrough.

Second, to guide those wishing to establish licensed consents to operate displays upon the public highway, through the licensing process.

The Council licenses Advertising Signs and Displays of Goods upon public highways in Middlesbrough, which are not situated on privately owned land, by the granting of a Highways Amenity Licence. The licence is renewable annually. The current scale of charges are indicated on the attached 'Highway Amenity Licence, Application Form'.

The Licence application process involves specific procedures including the consultation process shown below, hence the need to follow the guidance in this brochure and on the application form which need to be completed by all applicants.

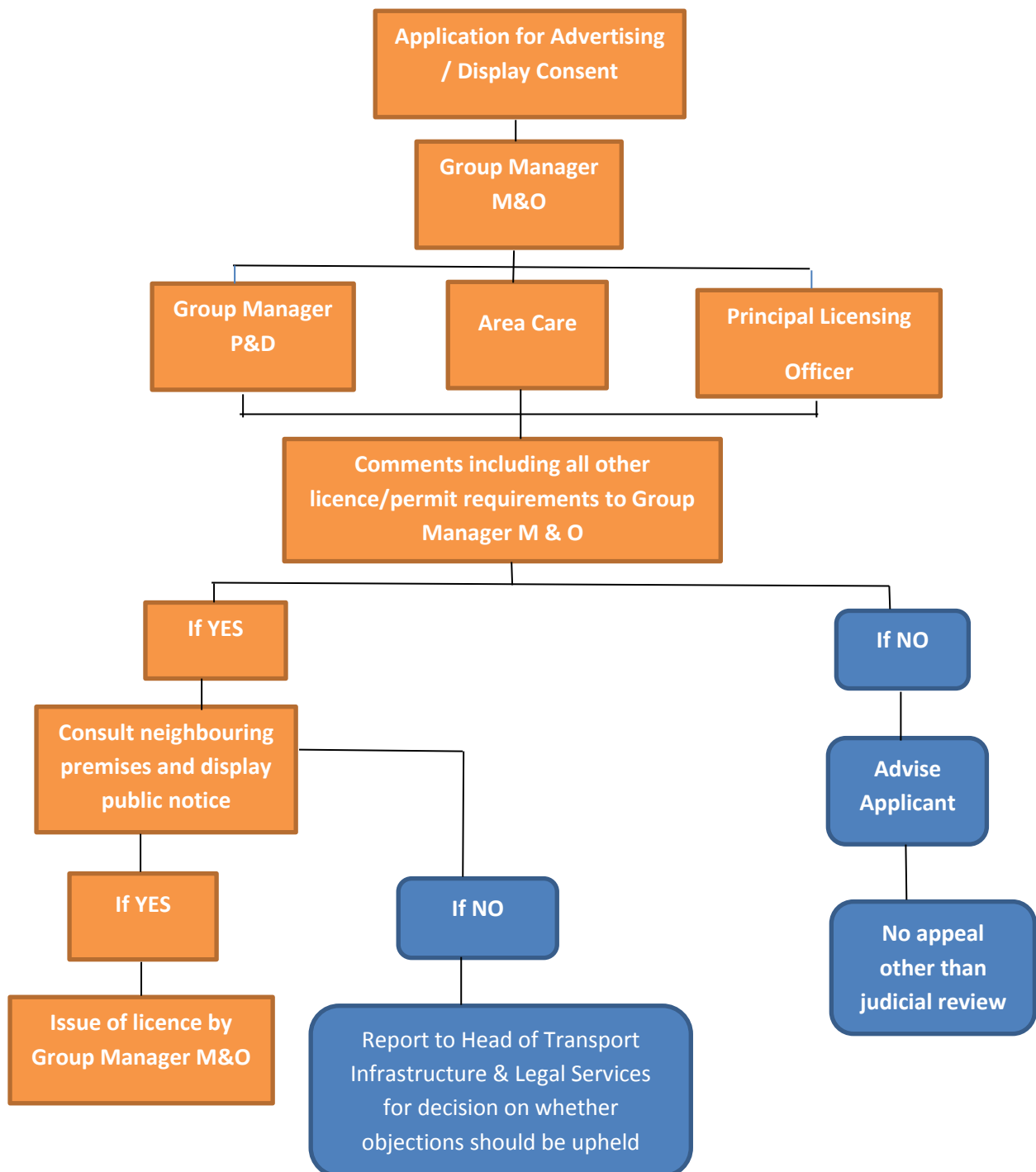
It will not normally be necessary to obtain planning permission for temporary outdoor street advertising facilities and displays of goods on the public highway, It remains the responsibility of the applicant however to ensure that this remains the case relevant to each and every application made. Planning permission will be necessary if there is either an area of

Consultation Procedure

permanent development associated with the application, or if permanent barriers are proposed.

All applicants will require the level of Public Liability indemnity as indicated on the application form.

Upon receipt of an application, it should normally take 2 months for the application to be determined, via the following consultation process.



Application Form

Many streets/areas in the Town Centre will accommodate pavement advertising signs or displays of goods, however each individual application has to be considered on its own merits. The Council therefore reserves the right to refuse applications if it is considered to be inappropriate.

DESIGN CONSIDERATIONS

General Considerations and Information – Guidance on size, advertising content, layout, type of equipment, furniture, environmental and other requirements/recommendations.

Size and Layout

Any signs or displays applied for, even if it may be promoting other licensed outdoor facilities, should be located outside and clear of the lines of main pedestrian movement. Where the pedestrian desire line on the street follows the building line, a clear pedestrian route (normally not less than 2 metres wide) shall be maintained on the highway adjacent to the building line. Where suitable recesses exist along the building line, or where the pedestrian desire line is away from a building's frontage, signs and displays may be located adjacent to the building line. Each sign or display arrangement will be considered individually on its own merits, and the 2 metre wide pedestrian route adjacent to the building line will be introduced where appropriate. In areas of high pedestrian flows it may be necessary to leave a clear route of greater than 2 metres in width.

The location to be used must take into account other needs in the immediate vicinity e.g. kerbside parking, bus stops, and pedestrian crossings. In any event where desired locations are not in pedestrianised precincts, a minimum clear distance of 1.2 metres width must be maintained at all times along any footway.

Additional Guidance

In general, for any application to be successful it will need to meet the following basic requirements and comply fully with the licence conditions throughout:-

- Advertising boards and displays of goods must be temporary in their nature so that they can be easily removed.
- Advertising boards and displays of goods must be stable and not represent an actual or potential danger/cause of injury to any highway users.
- Advertising boards and displays of goods must be such that they can be easily detected by the visually impaired and negotiated by those with mobility handicaps.
- Advertising boards and displays of goods must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
- On footways, advertising boards and displays of goods must not be placed within 2.0 metres of any tactile paving ,
- In areas of high volume pedestrian flow, for example, near schools or in certain pedestrianised areas near to main transport facilities, the placing of advertising boards and the display of goods may not be allowed.
- Signs, boards, displays, etc. must not have a detrimental effect on the surface of the footway.
- All signs, boards and displays of goods must be totally removed at the end of each day's trading.
- Any advertising boards or displays of goods 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 appropriate Council planning authority approvals and / or Building Regulation consents must be obtained if the sign, board or display is to be placed in a designated 'consent street'.
- Any advertising board or display of goods must relate only to the normal business of the trading establishment.
- All items must be presented in an attractive, professional manner.
- A maximum of 2 advertising signs may be permitted outside any establishment frontage even where property is in multi-occupation.
- Advertising boards must not be fixed to lamp posts, bollards, seats or other items of street furniture.

Additional Guidance

- Advertising boards should be no greater than 800mm square in plan and no higher than 1200mm above ground level. Any application for signs exceeding these sizes must be accompanied by a full risk assessment and will not necessarily be approved.
- Rotating or swinging advertising signs will not be permitted.
- All displays of goods must be entirely adjacent to the frontage of the trading establishment applying for the consent and signs will only be licensed if they are for display directly outside of the establishment making the application.
- No selling or trading will be permitted upon the highway. All transactions must take place within the trading establishment.

Furniture

The type of sign or display furniture should be of a high quality and uniform style within the licensed area. White plastic furniture or unsuitable leaf boards will not normally be approved. All items need to be portable enough to be brought in at the end of the licensed period of each working day or in the event of an emergency, but remain robust enough not to be easily moved or displaced by unauthorized persons. All items shall be removed outside the licensed period.

It should be noted that licence conditions will be enforced and failure to comply with the conditions may result in a licence being withdrawn.

Licence Conditions

- 1 The Holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission. The licensed consent will indicate the articles that are authorised to be placed upon the public highway and the location where they must be placed.
- 2 The Holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of Middlesbrough Council.
- 3 The placement of any sign or display on a public highway by a licensee, other than in a consented location, will lead to the revocation of all other permissions and licences relating to the use of the public highway for Advertising and Display of Goods.
- 4 The Holder(s) shall return this Permission to the Office of the Head of Transport and Infrastructure immediately on revocation of this Permission.
- 5 The Holder(s) shall not cause any obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
- 6 The Holder(s) shall not use or allow to be used any sign / display for any purpose other to that for which the license was sought and approved. Advertising under this licence will not be permitted for financial gain through licensees renting facilities or charging fees. The content of advertising must at all times be restricted to information about goods, services and events that are available at the licensee's premises.
- 7 Advertising signs shall not contain any breach of any intellectual property rights in the nature of; patents, copyrights, trademarks and the like, they shall not contain any obscene, libellous overtly sexual, violent or political or otherwise unlawful material, and will not contain any material in breach of the Advertising Standards Authority's codes of practice relevant thereto, including any advertisements in respect of products or services concerned with the occult, guns and or gun clubs.
- 8 The Holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface, unless otherwise agreed with the Council in writing.
- 9 The area 'consented' for use must be used solely for the purpose described within the license and not for any other purpose whatsoever.
- 10 The Holder(s) shall not take the issue of this Permit to exclude the requirement to obtain any other licences, planning permission or consents which may be required to accommodate all of the proposals. This Permit is not a consent to trade on the public highway.
- 11 The Holder(s) shall make no claim or charge against the Council in the event of the signs, goods or other objects being lost, stolen or damaged in any way from whatever cause.
- 12 Notwithstanding the specific requirements in condition 4 above the Holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of Middlesbrough Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent premises or to members of the public.
- 13 The Holder(s) shall not assign, underlet or part with any interest or possession given by this Permission or any part thereof but the Holder(s) may surrender it at any time.
- 14 The Holder(s) shall observe and comply with any directions in relation to the use of the highway given by relevant officers of the Middlesbrough Council.
- 15 The Holder(s) shall maintain the area shown on the plan attached to this permission and edged in red, and the immediate adjacent area, in a clean and tidy condition during the 'permitted' hours and shall leave the same in clean and tidy condition and totally unobstructed outside of the 'permitted' hours.
- 16 The location of signs or goods being displayed on the highway covered by this consents all be agreed with the Council and cannot be altered without receiving prior written agreement from the Council. Any signs and displays must be maintained in a clean and tidy condition and not placed so as to obstruct any entrance or exit to buildings.
- 17 The Holder(s) shall ensure at all times that the area is kept clean and tidy and that any Waste from the Holders' operations must not be disposed of in the permanent litter bins provided by the Council within the highway.

18 The Holder(s) shall remove all signs, equipment or other articles placed on the highway in accordance with this Permission at the expiry, surrender or revocation of the Permission and at the end of each working day.

19 The Holder(s) shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the display of signs or goods, and for this purpose must take out at the Holder(s) expense a policy of insurance approved by the Council in the sum of at least £5,000,000 in respect of any one event and must produce to the Council on request current receipts for premium payments and confirmation of annual renewals of the policy.

20 Nothing herein contained shall be construed as the granting or purported granting by the Council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof for the time being in force.

21 The Holder(s) shall be responsible for any rates, taxes and other outgoings which may be charged.

22 The fee for the provision of this Permission shall be as shown in the above schedule of charges. Additional rental may be charged where the Council are the owners of the subsoil beneath the highway. Fees will be reviewed annually by the Council.

23 The Holder(s) may from time to time be notified of temporary suspension of the permission granted to allow for maintenance, installation works or any other lawful activity to take place. In other cases where the use of the highway alters the permit may be revoked by issue of a notice. Permission may also be revoked for non-compliance with the above conditions and Middlesbrough Council shall not in any circumstances whatsoever be liable to pay compensation to the Holder(s) in respect of such suspension or revocation.

24 In certain circumstances the Holder(s) may be required to take immediate action to remove all facilities from the highway at the specific request of a Police Officer or designated Council Officer. This will include days when certain special authorised events are due to take place which includes certain Middlesbrough Football Club home matches. On other occasions high winds may cause displays and signs to become dangerous. On such occasions all displays and signs must be removed from the public highway without delay. At no time will consent be given for signs to be fastened to street furniture.

NOTE In addition with the above Condition of Permission your attention is drawn to the overriding requirements of Section 115k of the Highways Act, 1980. This section of the Act provides information on scope of the provisions and works to be covered, the powers to invoke conditions, the requirement to consult and serve public notices and the ability to deal with non-compliances.

Failure to comply with any Conditions of Permission will require the Council to consider whether any subsequent 'Permissions' should be granted to the Holder(s) of this 'Permission'.