

Dorset Highways

A-Board Advertising Sign Requirements

Conditions

These conditions are non-negotiable and failure to meet these requirements will result in the removal of the A-Board in accordance with the Highway Authority's powers under the Highways Act 1980.

- 1 A-Boards must be in good condition and appear professionally made (e.g. proper sign writing, painting / printing) and will not contain offensive content.
- 2 Boards should not exceed a maximum height of 1.2m and width of 0.6m.
- 3 The A-Board must be 2 sided, or otherwise freestanding, creating 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, is also acceptable. The structure must be of sufficient weight or design to prevent it being blown over in strong winds. It should not be on trailer wheels or other trailer-type device, leant against a wall or be a rotating cylinder.
- 4 A-Boards must allow a minimum of 1.8m of free passage (increased to 3.5m in pedestrianised areas) when placed on the pavement and the position must be consistent on a day-to-day basis. A-Boards should not be placed on grass verges.
- 5 A-Boards must not impede vehicular and/or emergency access or impede sightlines.
- 6 Only 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 When erected on the highway, A-Boards must be positioned immediately outside the premises and as near to the premises as possible.
- 9 A-Boards on roundabouts, pedestrian refuges or central reservations will be considered a danger and will be removed immediately in accordance with section 149 of the Highways Act 1980.

- 10 A-Boards must be taken in at night or when the business is closed.
- 11 A-Boards must not be attached to street furniture, trees or other items of infrastructure within the highway (including pavements).
- 12 Where an accumulation of A-Boards and / or other advertising techniques result in the pavement not being easily accessible, all must be removed until agreement is reached as to what is acceptable.

Guidance for Officers

If you identify an A board which contravenes the above conditions and would like to take action to remove this sign under section 149 of the 1980 Act then the first step is to decide if the sign constitutes a danger or merely a nuisance.

If the sign constitutes a danger you may remove the sign immediately, but it must be stored until a court order is obtained, or it may be returned to the owner. To obtain a court Order please complete the Instruction pro forma at Appendix 1 and pass it to legal services with any supporting documentation.

If the sign constitutes a nuisance you must identify the person who erected the sign and contact them once in writing. If you receive no response the next step is to instruct legal services to serve a notice, following which a removal and disposal order will be applied for through the court.

To instruct legal services please complete Instructions pro forma at Appendix 1, the Notice pro forma at Appendix 2 and the attached Certificate of Hand Delivery, if appropriate. These should be sent to legal services with a copy of the written correspondence.

If you would like to take action to prosecute under section 132 or 137 please contact legal services who will give you detailed advice on what actions must be taken.



Appendix 1 – Instruction Pro Forma



Highways File Ref: *(insert reference number)*
Area Officer: *(insert name)*

Matter: *(insert brief heading)*

**Instructions (for service of a notice regarding the removal of things deposited on the highway so as to be a nuisance and to obtain a removal and disposal order)
OR (for obtaining a disposal order in respect of things deposited on the highway so as to be a nuisance and a danger where the things have already been removed from the highway)**

To:
Legal and Democratic Services

Authority: Delegated powers under the scheme of delegation to the Community Highways Manager.	
Statutory Powers (Acts): s149 Highways Act 1980	
Cost Codes: <i>(cost centre and GL, these are required for us to undertake work)</i>	
Highway affected: <i>(A description, with reference to a plan, of the highway affected by the thing deposited)</i>	
Plan No: <i>(Plan must be computer generated and have a plan reference number)</i>	

<p>Details of person to whom notice is to be served and/or who will be the Defendant to the Complaint (<i>in this context a Complaint is the process by which the Magistrates Court is asked for an Order</i>)</p> <p><i>(i.e., the details of the person who deposited the thing on the highway)</i></p>	<p>The basis for knowing that the named person deposited the thing on the highway: <i>i.e., Land Registry result if land owned, admission from the person that the sign is their responsibility, proof of their association with the event or business being advertised.</i></p>
<p>Confirmation that the area is a highway and the basis on which that status is asserted:</p>	
<p>A description of the thing deposited on the highway land or deposited and removed from the highway land:</p>	
<p>Why is it considered that the ‘thing’ is a nuisance?</p>	
<p>If removed without notice, why is it considered that the ‘thing’ was a danger?</p>	
<p>Details of approaches made to the person before the instructions are sent to legal:</p>	

Where the 'thing' has not already been removed, what action/works will be required if a removal order is granted by the Magistrates Court?

Approximate cost of removal of the thing: £

Approximate value of the thing (if known): £

IMPORTANT NOTES

If there are reasonable grounds for considering that the thing constitutes a danger (including a danger caused by obstructing the view) to users of the highway, **and** the thing ought to be removed without the delay involved in giving notice or obtaining a removal and disposal order from a Magistrates' Court, the thing may be removed without notice. A complaint must then be made to the Magistrates Court for a disposal order.

If the above does not apply and the thing is not removed following receipt of the notice a complaint must be made to a Magistrates Court for a removal and disposal order before the thing can be removed by the Council.

In either case, the information provided in the instructions will form the basis of a statement to the court. The officer providing the instructions may be required to attend the Magistrates Court in person in order to give evidence of the matters referred to.

In both cases, the Council can recover the costs involved in removal of the thing from the proceeds from disposal of the 'thing'; any additional cost can be recovered from the person who deposited the 'thing'. In the event of dispute or challenge that money claimed is due, the information provided in the instructions will form the basis of a statement in support of the Council's claim for the money. The officer providing the instructions may be required to give evidence of the matters referred to in the event that the debt is disputed.



Dorset
Council

.....
Signed by the case officer to confirm the information contained above

Date:

.....
**Signed in accordance with the Scheme of Delegation by the Community Highways
Manager or Team leader.**

Date:



Appendix 2 - Section 149 Notice Pro Forma

Notice requiring removal of thing so deposited on highway as to be a nuisance

Dorset Council

Highways Act 1980 Section 149

To *(name and address of person depositing thing)*

(describe deposited material or thing) has been deposited by you on the highway known as *(name)* at *(location)* so as to constitute a nuisance.

Dorset Council as highway authority for the highway requires you to remove the above described item within two weeks of the date of service of this notice.

If you fail to comply with this **notice** the council may make a complaint to a magistrates court for an order authorising the council to remove and to dispose of the thing causing the nuisance and to apply the proceeds to the expenses of removal and the maintenance of highways and if the proceeds are insufficient to pay for the expense of removal the council may recover the balance from you.

Authorised Signatory

Dated:

Date of Service:

Guidance for serving a notice:

- The full name and address, including post code of the sign owner should be included even if the notice is to be delivered by hand
- The notice must be signed by the proper officer, currently this is either the Director for Corporate Resources or Head of Legal and Democratic Services. If you require assistance with this, please contact legal services
- “Dated” should be followed by the date on which it was signed by the proper officer
- “Date of Service” should be followed by either the date the notice is to be hand delivered, or the date on which the notice is to be sent recorded delivery
- It is important that there is proof that the notice was delivered; it may be sent by registered post or an officer may be asked to deliver it by hand to the person in question and the officer must complete the certificate below.



Certificate of Hand Delivery of Notice

(legal reference)

(Highways reference)

To:- Legal Services

**Notice requiring removal of thing so deposited on highway as to be a nuisance
Dorset County Council
Highways Act 1980 Section 149**

Of *(description of material or thing, identical to description stated in the notice)*

At *(description of location, identical to that stated in notice)*

I, _____ confirm that I have delivered by hand letter to *(full address)* in respect of the above Notice under Section 149 of the Highways Act 1980 on the day of _____ 2013

Signed.....

Date.....

Guidance for completing this certificate:

- At least two copies of this certificate should be produced. One to be kept on the Highways file and one to be sent to Legal Services
- Formatting may be altered, and 'guidance' sections should be removed from these documents when used