

CONTROL OF PLACEMENTS ON THE HIGHWAY

HP8/4

Objective

To control obstructions upon the highway to ensure safe use and access, while permitting essential works, supporting business and encouraging a vibrant street scene.

1. The Director of Environment shall issue, where appropriate, statutory licences permitting the following obstructions:-

- (a) Temporary obstructions associated with building, refurbishment and development works, as permitted by the Highways Act 1980 (e.g. deposit of building materials, parking of builders' skips, erection of scaffolding/hoardings, etc.). A licence fee will reflect the cost of processing by the Council. Appropriate enforcement action shall be undertaken against unlicensed objects and breaches of licence conditions.
- (b) Temporary Highway Obstructions – e.g. private drain/sewer connections, etc.
- (c) Permanent Highway Furniture – e.g. roadside seats, bus shelters, etc.
- (d) Amenities on certain highways and provided for under Section 115A to K of the Highways Act as amended under the Local Government (Miscellaneous Provisions) Act 1982.

2. The Director of Environment shall, where appropriate, issue licences under the Highways Act 1980 as amended by the Local Government (Miscellaneous) Act 1982 for reasonable use and controlled obstruction of the highway by businesses and organisations. Permitted items shall include:-

- a) Shop displays (including stands and racks)
- b) Tables and chairs
- c) Event-related items (stalls, stages, safety barriers etc.)
- d) Free-standing items for advertising/information (map panels, menu boards, "A" Boards, dispensers etc.)
- e) Other items permitted by said legislation

A licence fee will reflect the cost of processing by the Council.

The Authority will set reasonable licence conditions, including site-specific conditions, for all licences issued. In general such conditions will relate to public access and safety.

Where deemed necessary, for example, in pedestrianised zones, conservation areas and districts within the main tourist areas of the City, the Council may, in addition to the above, impose reasonable conditions regarding the appearance of objects and structures authorised by licence. Such conditions would be intended to preserve or enhance the amenity of the highway and its immediate surroundings.

Appropriate enforcement action shall be undertaken against unlicensed objects and breaches of licence conditions.

3. Powers under the Highways Act 1980 shall be applied to control overhanging trees/hedges, projecting roots, etc. considered to obstruct the highway.

Policy (cont)

4. No advertising signs or banners of any nature which exceed four square metres in area shall be permitted upon any scaffolding placed upon the highway.
5. Unauthorised banners may be subject to removal and those responsible pursued under relevant legislation.
6. All licensees will be required to indemnify the Council against all claims arising from the grant of any permission relating to the highway.
7. Powers under the Highways Act 1980 shall be applied to control significant, non-vehicular obstructions of and encroachments on the highway not covered by the above.

Supporting Information

The Council will carry out its duty to protect and uphold the rights of use and enjoyment of all legitimate users of the public highway, without discrimination, as established by the Highways Act 1980 and other relevant legislation.

References

Highways Act 1980, Local Government (Miscellaneous Provisions) Act 1982, Disability Discrimination Act 1990, "Public Spaces, Public Life" document

Date of Approval:

Review By: Within 5 Years