

UNAUTHORISED SIGNS AND GOODS DISPLAYED ON THE HIGHWAY

Introduction:

While most traders are anxious to provide a safe and friendly environment for their customers, the display of goods and advertising 'A' frames outside businesses can be a hazard to people using the pavement, particularly the disabled.

Somerset County Council has a legal duty to protect the rights of the public to use any highway, including footpaths.

This information sheet explains how the County Council proposes to control unauthorised signs, goods and other items on the highway, in an even-handed and consistent manner, although the overriding consideration must be to the safety of pedestrians.

The Problem:

The display of goods and advertising 'A' frames outside businesses prevents wheelchair users from using some pavements and are a danger, particularly to blind people. A recent survey by the Guide Dogs for the Blind Association revealed that 42% of guide dog owners encounter difficulties with obstructions placed on footways.

Pavement signs and displays also put pedestrians and people with pushchairs at risk by forcing them to step into the road to get around the obstruction.

It is appreciated that there are often commercial reasons why goods or unauthorised signs are placed on footways in front of shop premises and some view this as adding to the character of the street scene.



However, such obstacles are an illegal obstruction. The High Court has ruled that the display of goods outside a shop breaks the law by causing a nuisance on the pavement and there is an increasing pressure on highway authorities to take action to safeguard the rights and safety of pedestrians.

As a result, there is a potential conflict between traders and the users of the highway and pavements.

The Council's Standard:

As the highway authority Somerset County Council has a statutory obligation to protect the rights of the public to use any highway.

If a dangerous situation is caused by the erection of an illegal sign or any other item on the public highway, the County Council has powers to take action to remove it, in order to protect the public.

Guidelines drawn up to assist traders, stipulate -

- Signs or displays should not protrude more than 500mm from the premises
- They should not be a hazard to pedestrians, particularly those with a sight disability
- They should not interfere with the visibility of motorists or crossing points for pedestrians
- There should be a minimum width of 1.8 metres of unobstructed footpath to allow people to pass
- Pedestrians should not be forced into the road

In other cases where complaints are received the facts will be considered and a decision made as to whether or not action is taken.

The Procedure:

When unauthorised signs, goods or other items are placed on the highway outside premises and constitute a danger, the person responsible will be contacted and given written notice that the offending object should be removed immediately.



If the notice is not complied with, the County Council will remove the offending items to a suitable depot to await collection by the owner. The Highways Act allows the council to recover the costs of removal and a minimum charge of £30 will be made, plus £5 for each item removed. Items will not be released to the owner until the County Council has been appropriately reimbursed. Any items not claimed within two months will be disposed of. If necessary legal proceedings will be initiated to recover the removal costs.

Conclusion:

It is hoped that traders and other organisations will co-operate and comply with this policy to remove the potential dangers posed by unauthorised signs and displays on the highway.

Not only is this important to satisfy the County Council's legal obligations but also it is in the traders' interests. By creating illegal obstructions they could put themselves at risk from public liability claims outside their normal insurance risks.

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