

## **Guidance Note including Rules and Conditions - Licensing of 'A' Boards, Shop Displays and any other items displayed on the Highway**

A licence from the Council is required to display an 'A' board, shop display or other display item on the highway, this includes but is not limited to; placards, statues and cut-outs, novelty displays, display islands and trestles, pots, plants and planters, furniture, window displays projecting over the highway and other items of a similar nature.

### **Fees**

For 'A' boards and shop displays no fee is payable if you can meet ALL of the Standard Rules below. If these cannot be met a first time application fee of £50 for each item or renewal fee of £40 for each item will apply to cover the costs associated with the assessment and administration of a bespoke licence. Please note that fees are non refundable even if your application is refused.

### **Granting of a Licence**

The Council will normally grant permission if it is satisfied that all Standard Rules can be met. A bespoke licence will only be granted if the Council is satisfied that there will be no adverse impact on other footway users, visibility or highway safety. If during the processing of a standard rules application it becomes apparent the Standard Rules cannot be met, the applicant will be advised, and the application will be put on hold until the £50 fee has been paid.

### **Application Form**

To apply for a licence, you will need to complete and return an application form. This can be done online via the Council website at [www.wirral.gov.uk](http://www.wirral.gov.uk). Forms are also available by calling Streetscene on 0151 606 2004, or directly from the Department of Technical Services, Cheshire Lines Building, Canning Street, Birkenhead, CH41 1ND. The Council will confirm receipt of your completed application normally within 10 working days but your application may take up to 8 weeks to process due to the consultation period.

For all types of display you will be required to provide proof of suitable Public Liability Insurance, usually a minimum of £2,000,000 (two million pounds) before a licence will be issued. You will also be required to confirm that your Public Liability Insurance covers items that you have placed on the highway. This is to ensure you are adequately covered for any claims, damages or losses arising from the placement of your items or from your business within the highway.

If you meet all of the Standard Rules criteria you may continue to display your item whilst the application is processed, for other applications you must not display items prior to permission being granted.

### **The Licence**

A licence will normally be valid for an initial period of 2 years but may be reviewed at any time. If an application for an extension is received 8 weeks prior to the licence expiry and this is approved, the licence may be extended for a further period of 2 years. A decision to approve an extension of a licence will depend on a number of factors including continued compliance with any rules or conditions, which may be amended from time to time. A breach of the standard rules or conditions at any time could result in formal enforcement action, your licence being revoked and may affect any future decision to extend a licence.

## **Siting and Location of 'A' Boards and Shop Displays on the highway**

### **Standard Rules**

To be exempt from the application fee you must satisfy ALL of the following standard rules;

1. The application is for a single 'A' Board or Shop Front Display;
2. Maximum size for 'A' Board is 0.6m wide x 1.0m high and for shop front displays is a total of 5m<sup>2</sup> in area (for example 5m long x 1m wide) and 1m high including goods to be displayed;
3. No part of the 'A' board or display must be located more than 1.0m outwards from the shop frontage or encroach onto neighbouring frontages;
4. The minimum clear footway width remaining after the item is displayed must be not less than 2.0m. In busy or heavily trafficked areas (bus routes, town centres etc) the minimum clear width should be 2.5m;
5. The location of the 'A' board or display must not be adjacent to a dropped kerb or pedestrian crossing point;
6. There must be no other items of street furniture, lighting columns, litter bins, posts etc within or obstructing the minimum clear width stated in 4. above;
7. Within pedestrianised areas a minimum 3.5m wide clear route for emergency vehicles must be available.

The following standard conditions will apply to all licenses; additional conditions may also be applied.

### **Conditions**

1. The licence is issued for use of the highway including the placement of item(s) within it, provided such items are displayed and sited exactly as defined in this licence and in accordance with these conditions;
2. All items placed on the highway must be fit for purpose, must be stable, robust and maintained in good repair and condition. Flags, banners and items that rotate or spin are not permitted;
3. For shop displays, these must be contained on or within a stand, table or enclosure with fixed external dimensions. The design should incorporate kicking boards or similar for the lower 300mm to assist blind or visually impaired users. No item or part of the display or goods must project over the footway beyond the display base by more than 100mm nor be more than 1000mm high;
4. The licence must be kept on the premises and if possible prominently displayed in an external facing window so that it can be inspected from outside the premises;
5. No items are authorised to be attached or affixed to any highway structure, street furniture, post or column;
6. The footway fronting the whole premises including but not limited to the licensed area and extending to the kerb edge, must be regularly inspected and ALL litter removed so the area is maintained in a clean and tidy state. This includes smoking related litter and any other litter, even if it is not directly related to the business. Litter must be correctly disposed of;
7. The granting of a licence does not imply any permission to excavate, mark, alter or damage the highway in any way. The licensee will be liable for the costs of any repairs undertaken by the Council as a result of any damage arising from the use of the licensed area;

## **Siting and Location of 'A' Boards and Shop Displays on the highway**

8. All items must be immediately removed from the licensed area if the Highway Authority, a statutory undertaker or other authorised organisation have need to undertake works on, under or adjacent to the highway, at any time and for any period without the Council being liable for any losses claims demands costs or expenses whatsoever;
9. All items must be removed from the licensed area at any time the business is not open for trading, (or outside of the licensed times or days, if stipulated) and the licensed area left in a clean and tidy state;
10. The Licensee shall be liable for and shall indemnify and keep indemnified the Council against any liability losses claims demands proceedings damages costs charges and expenses whatsoever arising under any statute or at common law in respect of personal injury to or death of any person whomsoever or loss of or damage to any property whatsoever which arises out of or is connected with this Licence;
11. The Licensee shall at all times maintain in force such policies of insurance as shall fully insure and indemnify the Council against his liability under Condition 10 in the sum of at least £2,000,000 (Two million) in respect of any one occurrence or series of occurrences arising out of one event. A copy of such policy of insurance must be available for inspection as and when required by the Council;
12. Licence holders are required to advise the Council when the item is no longer being displayed on the highway and return the licence;
13. The Licence is personal to the Licensee and cannot be assigned to another;
14. The Licence may be revoked if the holder breaches or fails to observe or perform in accordance with any of the conditions or rules of the licence. This is in addition to any actions that the Council may take by virtue of statute or legislation. In the event the licence is terminated the Council will not be liable for any losses claims demands or expenses whatsoever;
15. Both the Licensee and the Council hereby agrees to be bound by the provisions of this Agreement.

### **Additional Important Information**

1. Permission to locate items remote from the business premises will not be granted;
2. The Council will not grant permission where it is considers that the location of the item may constitute a danger on the highway. In addition to checking for obstruction of the footway, the Council will also consider the effects on visibility and sight lines and access from the adjacent carriageway for loading and boarding/alighting from vehicles. Items will not normally be permitted in locations at or very near to junctions, traffic signals or pedestrian crossing points. In all cases the through route for pedestrians must be directly in the line of the main pedestrian flow and not involve kinks, detours or sharp changes of direction to pass the display item;
3. Permission for an A' board may not be granted in a location which is being currently utilised or has been identified under Highway Roadside Advertising Scheme;