

**CODE OF PRACTICE
ON THE CONTROL
OF THE
PLACING OF ITEMS
WITHIN THE HIGHWAY**

April 1997 Edition 1

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1. SCOPE

1.1 INTRODUCTION

There is desire by various persons and organisations to place direction signs, advertising signs, goods for sale and various other public amenities within the Highway.

Such items can be of benefit to the community, but they can also cause obstruction and danger.

The purpose of this Code is to give a consistent approach to resolving the conflict. It provides a mechanism for dealing with items on the Highway which are not acceptable, a procedure for licensing or otherwise approving those items which are acceptable, and the conditions and procedures to be applied in each case.

The Code deals with the subject in detail, for the assistance of involved local authority personnel, to whom its circulation is restricted. However, the layout is designed so as to allow issue of appendices for information.

It applies to all publicly maintainable highways for which the County Council is Highway Authority. In the absence of specific instructions to the contrary, it also applies to Department of Transport trunk all purpose roads for which the County Council is, for the time being, the Agent Authority.

The policy has been formulated in consultation with the District Engineers and confirmed by County Council Members. It gives a degree of flexibility to reflect local circumstances, but except where such flexibility is specifically stated, the policy is mandatory and not open to unilateral modification or interpretation.

Responsibility for application shall be with the County Surveyor whose interpretation shall be final. The extent of delegation to District Councils and the availability of direct powers is summarised in the Clause 6.

1.2 TOPICS DEALT WITH

- (a) Obstructions to use of the highway
- (b) Temporary direction signs
- (c) Advertising signs
- (d) Goods displayed for sale
- (e) Amenities including: access ramps for the disabled; works of art; sponsored landscaping; cafes; etc.
- (f) Planting

1.3 EXCLUSIONS FROM THE CODE

It is possible that not all situations are covered by this Code, and the following in particular are excluded:-

- (a) Seasonal and other decorations which re the subject of a separate Code of Practice produced by the County Surveyor's Department.
- (b) Whereas this Code considers the display within the highway of goods for sale, the consideration does not extend to street trading.

- (c) Forecourts. The term 'highway' is not statutorily defined but common law defines it as 'a way over which all members of the public have a right to pass and repass'. As such, it may include forecourts, both publicly and privately maintainable, and many of the obligations and powers referred to potentially apply to these areas. However, their status is frequently not clear, and in addition a strict application would be likely to be particularly contentious. To deal with these aspects in a meaningful way would, therefore, be excessively demanding on resources and consequently they are excluded from the considerations at the present time unless a clearly evident public safety risk, exceeding interference with rights of passage, is perceived. In this latter respect, District Councils are reminded of the delegation to them of powers available under Section 230(7) of the Highways Act 1980

2. GENERAL PRINCIPLES

2.1 BASIC REQUIREMENTS

- (a) Public safety and convenience.
- (b) Environmental considerations.
- (c) Damage to or interference with the maintenance of the highway and its infrastructure
- (d) Nuisance to frontagers and local residents
- (e) Access to apparatus

2.2 SAFETY AND CONVENIENCE

- (a) Obstruction of visibility at junctions, bends, etc.
- (b) Obstruction of free passage along the highway (both horizontal and vertical clearance)
- (c) Obscuration of authorised traffic signs
- (f) Source of distraction and confusion to the road user
- (e) Conflict with authorised traffic manoeuvres and directions.
- (f) Inappropriate location to fulfil purpose
- (g) Incorporation of moving parts which constitute a danger
- (h) Construction or fixing which is structurally unsound.

Handicapped people re particularly vulnerable in respect of several of the above examples. Reference can be made to the Code of Practice on Mobility for further guidance.

2.3 ENVIRONMENTAL

Consideration should have regard to the general characteristics of the locality and seek to minimise the detrimental aspects of the proposal. This may in many instances warrant a prohibition.

2.4 DAMAGE

Damage can be caused to highway equipment such as a lighting column by the manner fixing or to a permanent sign face by adhesive (in addition to obscuration). Posts may damage the highway surface or underground services and/or interfere with Highway Authority operations such as grass cutting.

2.5 NUISANCE

Nuisance caused to local residents by unauthorised activity is unacceptable. On occasion it is necessary to reconcile the public and private interests before authorising a proposal. This may be a statutory require (e.g. HA 198 Section 115C).

2.6 ACCESS TO APPARATUS

Apparatus owned by Statutory Undertakers must be preserved or alternative arrangements agreed. This may be a statutory requirement (e.g. HA 1980 Section 115D)

3. RELEVANT STATUTORY AND REGULATORY PROVISIONS

3.1 GENERAL STATUTORY

Section 130 of the Highway Act 1980 ("the Act") provides that it is the duty of the Highway Authority to assert and protect the rights of the public to use and enjoy the highway.

Section 132 makes it an offence to inscribe or affix any sign upon any tree, structure or works on or in a highway, other than with the consent of the Highway Authority who may remove offending signs. 'Sign' in this context includes traffic mirrors which comply with the definition of 'traffic sign' given in Section 64(1) of the Road Traffic Regulation Act 1984.

Section 137 makes it an offence to wilfully obstruct a highway (for example by placing items such as sandwich boards on the highway). (See also Town Police Clauses Act 1847 Section 28 re particular acts of obstruction).

Section 143 empowers the Highway Authority to require, by notice, the removal of unauthorised structures within the highway and to remove such structures itself if the requisite notice is not complied with. Structure in this context includes such items as sandwich boards and (sign posts in addition to more complex items such as trestles for display of goods).

Section 148 makes it an offence to deposit things, within the highway, without authority. Section 149 deals with their removal whereby the Highway Authority may serve notice and, in default of compliance, apply to the Magistrates Court for a removal and disposal order. If they have reason to consider that the thing constitutes a danger, then the Highway Authority may remove it forthwith without recourse to the above procedure. This section is considered to apply to such items as sandwich boards.

Section 152 empowers both the Local Authority and the Highway Authority to serve notice requiring the removal of projections (including signs etc) from buildings, which obstruct safe and convenient passage along a street. A projection which is insecurely fixed or of defective construction, or is otherwise a source of danger, is deemed to be such an obstruction. This could apply to temporary signs advertising property for sale or to permanent signs advertising the premises. Both are commonplace and subject to planning control. If the notices are not complied with, the appropriate Authority can remove the obstruction in default. Failure to comply with such notices is an offence.

Section 161 makes it an offence for a person to deposit anything whatsoever on a highway in consequence of which a user of the highway is injured or endangered.

Section 178 prohibits the fixing or placing of rails, beams, wire, etc (which may include banners if the banner incorporates rails, beams, wire, etc or other similar apparatus) over, along or across the highway without the Highway Authority's permission. Failure to obtain the consent of the Highway Authority is an offence. If the offence is continued following conviction, the section provides for the imposition of a daily penalty. (These powers in respect of banners only are delegated to Agents within the prescribed areas).

The Local Government (Miscellaneous Provisions) Act 1982, Schedule 5, introduced Part VIIA into the Act. The new sections 115A to K, deal with the provision of amenities on certain highways, in particular, pedestrian areas.

Section 56 of the County of Lancashire Act 1984 makes it an offence to 'remove or interfere with any property placed in any street ...' Without lawful authority or reasonable excuse.

Property in this respect is specifically defined and includes traffic signs, bollards, lights or 'other things For assisting warning or directing traffic'.

The Public Health Act 1925, Section 14, empowers Local Authorities, or others with their consent and subject to any conditions imposed, to erect and maintain in appropriate situations, seats for public use. The powers are not exercisable without the consent of the Highway Authority.

The Parish Councils Act 1957, Section I, empowers Parish Councils to provide and maintain for public use seats and shelters in appropriate situations subject, in the case of public highways, to the consent of the Highway Authority.

Section 96 of the Act empowers Local Authorities, with the consent of the Highway Authority, to plant etc within highways. This is extended by the County of Lancashire Act 1984, Section 8, to include planting in tubs and containers.

Section 142 of the Act empowers the Highway Authority to issue a licence to the owner or occupier of adjacent premises to plant etc in the highway.

Section 21 of the Town Police Clauses Act 1847 empowers a District Council to make orders to control the use of a street for a procession or other short duration event.

Section 287 of the Act empowers a County or District Council to erect barriers where an event so warrants.

Section 14 to 16 of the Road Traffic Regulation Act 1984 contain powers by Traffic Authorities to make temporary orders to prohibit or restrict traffic on roads. Section 16 was extended by the Road Traffic Regulation (Special Events) Act 1994 to control use of roads for up to 3 days, for any sporting event, social event or entertainment held on a road.

The foregoing is a brief outline of the relevant major provisions. Any doubt regarding interpretation or application should be referred to the Authorities Legal Officers. In the first instance District Agents should refer to District Council Legal Officers, approaching the County if assistance is required.

3.2 THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS

A majority of the signs with the highway are of a permanent nature, provided for the safety and convenience of the travelling public. The traffic authority is authorised to place traffic signs on roads by virtue of Section 65 of the Road Traffic Regulations Act 1984. Specific details to be included in permanent and temporary traffic signs are prescribed in the above mentioned 1994 Regulations. The detailed requirements for such temporary signs are dealt within Clause 5 of this Code and a relevant extract from the Regulations is included at Appendix D.

3.3 THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

The Regulations concern the enormous variety of signs with an advertising content which may or may not be displayed within the highway or elsewhere. Responsibility for administering the Regulations lies with the Local Planning Authority. Additional powers to remove or obliterate placards or posters contravening the Regulations are available under Section 225 of the Town and Country Planning Act 1990.

They are relevant to the highway interest in that they are additional to any requirement imposed by the Highway Authority. Some aspects of particular interest include:-

Schedule 1:

Universal standard conditions including:-

'No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission'.
(The Highway Authority were appropriate)

'No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any traffic sign Or so as otherwise to render hazardous the use of any highway'

Schedule 2:

Exempt from the Regulations (subject to certain conditions) are traffic signs, signs on moving vehicles, signs erected with Statutory Authority.

Note: A vehicle which is legally parked and could move may not be exempt if it is primarily being used as a static advertisement. It cannot be dealt with under highway or road traffic law, and should be brought to the attention of the Local Planning Authority.

Schedule 3:

Some classes of sign which may be displayed with deemed consent (again subject to certain conditions including Highway Authority approval where relevant) are:-

Class 1 Functional advertisement of Local Authorities, Statutory Undertakings and Public Transport Undertakings.

Class 3A Temporary advertisement relating to sale or letting of land or premises.

Class 3B Temporary advertisements relating to sale of goods.

Class 3D Temporary advertisements relating to various events.

Class 9 Advertisements on highway structures authorised under Section 115E, Highways Act 1980

Class 10 Neighbourhood Watch and similar schemes.

Class 11A Advertisement (off the highway) to a site where residential development is taking place.

4. GUIDING PRINCIPLES

4.1 GENERAL SIGNING GUIDELINES

When considering an application to place a temporary sign within the highway, refer to the leaflets (Appendices A and B) and also the following aspects which should be taken into account

- (a) The Standard Conditions shall apply. (See 5.2).
- (b) The proposal should minimise the nuisance and inconvenience to local residents and assist the general public.
- (c) The signs must not obscure, obstruct or otherwise interfere with the safe and convenient passage along the highway.
- (d) The signs must not create an unattractive visual intrusion.
- (e) Advertising is generally prohibited, but some discretion is allowed in respect of charity and non-profit making events and certain other limited circumstances described in Clause 8.
- (f) The signs must relate to an extraordinary need of limited duration and not to the normal everyday, circumstances of an on-going business, recreation or other activity.
- (g) Direction signs should only be provided for events expected to attract a considerable volume of traffic from outside the local area and where there is adequate parking. Signing may be justified for smaller numbers if the remoteness of the venue makes it particularly difficult to find.
- (h) Direction signs should not be used in routes where there are already permanent local direction or tourist signs to the venue, although for some major events, it may be desirable to indicate other routes to assist traffic management.
- (i) The reasonable availability of other alternatives (eg off highway signing, advance notice to visitors or limited admission events, media advertising).
- (j) No temporary signing is permitted on motorways and a stringent determination is to be made on other high speed roads.
- (k) Signs displayed by Local Authorities, Statutory Undertakers, the Police and public transport undertakings, necessary for the safe and efficient performance of their duties, may not require authorisation but should, in any case, be allowed subject to standard conditions.
- (l) Departments of some District Councils have placed signs, which this policy does not permit, advertising civic promotions. This is not acceptable as District Councils should observe and implement the requirements impartially as a good example to others.

4.2 STANDARD CONDITIONS

Additional requirements and conditions for particular situations are given in the appropriate Clause and are in accordance with the provisions of the Traffic Signs Regulations and General

Directions 1994. The following standard conditions shall apply and should be brought to the attention of all persons placing temporary signs by means of the leaflet in Appendix B.

Content

Content shall be kept to a minimum and limited to event name, date, location and/or directional arrow.

Characters

Capitals to be between 60 and 280mm height, and lower case accordingly, height approximately 40 to 200mm.

Colours

Direction signs shall be black on yellow or white, or white on blue, or blue on white. All to be non-luminous, non-reflective, and non-illuminated.

Size and Shape

Normally rectangular, but directional signs may have a pointed end. Of minimum size to accommodate the approved content and not exceeding 1 sq metre (except for banners).

Construction and Fixing

Signs shall be robust weather resistant, non-ferrous and of rigid material.

Fixings shall be non-ferrous or plastic coated of a nature not to cause damage.

Under no circumstances shall direct adhesion be used.

Attachment to existing street furniture is limited to lighting columns excluding any with permanent signs (other than parking restrictions or speed limit repeaters) Except that direction signs may (subject to meeting other criteria detailed in Appendix 'E') be fixed to posts supporting informatory signs (but not warning or regulatory signs).

Duration

Advertising for non-profit making events from 1 week before to 24 hours after the event.

Direction signs from 24 hours before to 24 hours after the event.

Direction signs to opening of new retail/entertainment outlet; from one day before for a maximum of 8 weeks.

Damaged unsightly or dangerous signs shall be removed forthwith by the person responsible at his/her expense and similarly on expiry of the approved duration.

Location

No signs shall be placed so as to be obstructive.

Direction signs are limited to the most appropriate route(s) between the event and major road(s). Signing for up to 5 miles from the nearest A or B road should usually be adequate.

Signs shall only be permitted over verges or footway and shall not encroach within 0.5 metres of the kerb/edge of the carriageway. The maximum height in any location shall be 4.0 metres and the minimum height over any footway or pedestrian area shall be 2.5 metres.

Small temporary signs not exceeding A4 size may be fixed to lighting columns at a lower height, and in which case, shall be exempt from the letter sizing condition.

Indemnity

The person receiving permission shall at all times keep the County Council and its Agents fully and effectively indemnified from any consequences attributable to the proposal, arrange insurance cover to meet the cost of any potential claims and be able to produce evidence of public liability insurance cover with a minimum limit of indemnity of £2 million.

When seeking evidence of such insurance, persons or organisations should be asked for evidence from the Insurance Company or Brokers giving:-

- (i) Name of insurers
- (ii) Limit of indemnity
- (iii) Claims excess
- (iv) Expiry date of cover
- (v) Details of all relevant Policy wordings, endorsements, exclusions, etc.

5. TEMPORARY DIRECTION AND NOTICE OF WORKS SIGN

5.1 GENERAL

Signs covered by the Traffic Signs Regulations and General Directions, within the terms of this code, fall into the categories detailed below.

Appendix D gives an extract from the Regulations.

5.2 SIGNS TO EVENTS

These are covered by Section 6, Regulation 41 and are for conveying 'information as respects the route which may conveniently be followed on the occasion of a sports meeting, exhibition or other public gathering, in each case attracting a considerable volume of traffic'. Section 6 prescribes the form and content of such temporary signs.

Such events may be held at venue which are themselves permanently signed, eg by brown and white signs to a tourist attraction. If the permanent signing to the venue is adequate to the scale of the event, temporary signs to the event shall not be authorised.

Signs are generally only necessary from the nearest major road to the venue.

Signs can be accepted for the opening of a major new facility such as a multiplex cinema, entertainment centre, or large retail establishment, but only for a maximum period of 4 weeks opening.

Direction signs for abnormal highway use such as a rally can be accepted as a means of warning other road users of that abnormal use.

The charges to be levied on organisers of events for this facility are given in the Schedule in Clause 12.

5.3 SIGNS TO NEW HOUSING DEVELOPMENTS

These are now included in Section 6 of the Traffic Sign Regulation.

A relevant extract from the Regulations, together with a Model Form of Consent and Notes for Guidance is given in Appendix E. The charges to be levied on Utilities for this facility are given in the Schedule in Clause 12.

5.4 SIGNS GIVING NOTICE OF STREETWORKS FOR UTILITIES

These are now included in the Traffic Sign Regulations. Such temporary signs will be permitted where the scale and duration of works are such that advanced warning to the public is justified.

A relevant extract from the Regulations, together with a Model Form of Consent and Notes for Guidance is given in Appendix 'E'.

6. POWERS AND RESPONSIBILITIES FOR AUTHORISATION AND ACTIONS

6.1 This Schedule identifies the appropriate organisation to authorise or take action in various circumstances, taking account of the Highway Agency Agreement. It does not cover very possible circumstance.

| Circumstances | | Responsibility | |
|---|--|-----------------------|--|
| | | In Core | Non-Core |
| Obstructions and illegal signs | HA 1980 Part IX | A | D |
| 'Amenities' (including access ramps) | HA 1980 Part VIIA Section 115 | 4 | 4 |
| Advertisements for Charitable Events | LCC policy SM Imp Cttee 3.3.95 | A | HQ |
| Banners | HA 1980 Section 178 | A | HQ |
| Temporary Direction Signs | RTRA 1994 Section 65 Traffic Sign Regs | A | HQ |
| Streetworks Warning Signs | RTRA 1994 Section 65 Traffic Sign Regs | A | D |
| Signs to Housing Sites | RTRA 1994 Section 65 Traffic Sign Regs | A | HQ |
| Neighbourhood Watch etc | | 5 | 5 |
| Planting by Councils | HA 1980 Section 96 | HQ | HQ |
| Planting by Councils in Tubs and Containers | HA 1980 Section 96 extended by County of Lancs Act 1984 Section 8 | A | D |
| Planting by Frontagers | HA1980 Section 142 | A | D |
| Seats | PH1 1925 Section 14 | District/A6 Council | District/D6 |
| Bus Shelters | Loc Gov (MP) Act 1953 Section 4 et seq | District/A6 Council | District/A6 |
| Seats & Shelters | Parish Councils Act 1957 Section 1 | A | D |
| Temporary Closure for Public Event | Town Police Clauses Act 1847 Section 1 | District Council | District |
| Temporary closure for Public Event | Road Traffic Regulation (Special Events) Act 1994 (as inc RTRA 1984 Section 16A,B, C,) delegation H&T Aug 94 | A | A except where several Districts affected, or where no District Agency |

NOTES:

1. A = District Agent : D = County Division :
HQ = County HQ : HA = Highways Act
2. Particulars in respect of other bodies (e.g. planning) are not included.

3. It is assumed that the Highway Authority role in respect of trunk roads is delegated to and executed by the County Council. Enquire if any reason for doubt in particular circumstances.
4. District Councils have directly available powers throughout their district, subject to the consent of the Highway Authority. Only on unclassified roads within core areas, Districts will give consent as Agents on behalf of the County Council.
5. District Council responsibility subject to conforming to Highway Authority requirements.
6. District Councils have directly available powers throughout their districts, exercisable subject to Highway Authority consent. Accepted practice is for Agents to issue consents, except that Divisions issue planting and set consents in non-core areas.

7. OBSTRUCTION TO THE USE OF THE HIGHWAY

7.1 GENERAL OBSTRUCTIONS

Obstructions to the use of the highway commonly include advertising A frames and other free standing signs. They may obstruct safe and free passage, visibility, or access to premises and may interfere with highway operations.

Such obstructions cannot be authorised, and action should be taken for their removal following the enforcement procedure set out in Clause 10.

7.2 DISPLAY OF GOODS FOR SALE

The display of goods for sale is an offence, and therefore cannot be approved, even passively, by a deliberate policy of not taking enforcement action. However, whilst such acts of obstruction cannot be legitimised a policy of priority for action due to practical and budgetary constraints can be pursued. The Highways and Transportation Committee of the County Council made the following resolution on this matter:-

'In respect of the display of goods, the District Councils and Divisional Surveyors be given greater flexibility in determining their priorities associated with removal; define areas where the priority would be given to keeping footways completely clear; further define areas where the priority would be to keeping a minimum of 1.8m (16ft) width clear, and other areas where they would only act on complaints.'

Any action must apply the enforcement procedure set out in Clause 10.

An information leaflet on obstructions in the highway is reproduced as Appendix A.

8. ADVERTISING ON SIGNS

8.1 GENERAL

Advertising on objects or structures within pedestrian areas of the highway may, in certain circumstances, be permitted under Section 115 of the Highways Act 1980, and this matter is covered in Clause 11.4 of this Code.

Otherwise, advertising on signs within the highway, either directly or in the guise of a pseudo direction sign is generally not acceptable, and powers are available to ban any such signs. However, the following discretionary dispensations have been made.

8.2 EVENTS ORGANISED BY CHARITIES

An advertisement relating to events organised by charities and other approved non-profit making organisations (such as religious, educational, cultural or recreational) and other signs in the public interest such as properly organised public safety or health campaigns. A commercial promotion 'with contribution to charity' shall not benefit from this dispensation.

Such event advertising signs shall not be more than 1 mile from the event in urban areas and 3 miles in rural areas. The number of sign shall not exceed 20.

Such signs shall not be placed in de-restricted dual carriageways, on central islands, or within 50 metres of a major junction (ie a junction between 2 or more classified roads).

An application form and notes for guidance are included at Appendix B.

8.3 NEIGHBOURHOOD WATCH SPONSORSHIP

The inclusion of a sponsors logo on a Neighbourhood Watch sign if this leads to reduced costs to the scheme.

8.4 SPONSORS NAME IN EVENT NAMES

The inclusion of a sponsors name when it is an integral inextricable part of the event name on a temporary direction sign or banner.

9. MISCELLANEOUS AUTHORISED ITEMS AND ACTIONS

9.1 BANNERS

Banners for the purpose of advertising charitable events or public safety or health campaigns as defined in Clause 3.2 may be provided over pedestrian and limited access ways only, subject to a minimum clearance height of 5.8 metres and subject to the Standard Conditions in Clause 4.2

The placing of a banner over the highway may require authorisation under Section 178 of the Act if the banner incorporates beams, wires, cable or other similar apparatus. Limited delegation of Section 178 for this purpose only (and not for example for illuminated decorations) is made to District Council Agents within their prescribed areas.

The form of licence to be used and the terms and conditions are given in Appendix K.

9.2 NEIGHBOURHOOD WATCH SIGNS

Such signs shall only be included in a properly constituted Neighbourhood Watch or similar area established in consultation with the Police.

9.3 PLANTING

The available powers are listed in Clause 3. Section 115A-K of the Highways Act has empowering potential, but the use of Sections 96 and 142 is more usual and straight forward. Note, however, that those under Section 96 are limited to highway and local authorities and are not applicable to third party proposals by a private or individual or body.

Licences for frontagers to plant are given under Section 142.

District Agents can give consent to their own Councils for planting in tubs and containers within the prescribed areas.

District Agents cannot give consent to their own Councils for planting trees and shrubs in the Highway.

The form of Licence or Consent to be used and related conditions and criteria are given in Appendix G.

9.4 PROVISION OF SEATS

The available powers are listed in Clause 3.

Where considered appropriate, a hard standing in the immediate vicinity of the seat may be included, and this should be made clear in the licence description of the works.

9.5 TEMPORARY CLOSURE FOR EVENTS

The available powers are listed in Clause 3.

Such closures may be a District Council function or may be carried out as Agent for the Highway Authority, but the Highway Authority requires that a District Council on receipt of request should:-

- a) Consult with the maintaining Authority and the Police to ensure that the closure will not adversely affect any on-going works or cause undue traffic problems.
- b) Consult as necessary to determine if any bus services will be affected.

When notifying approval to the organiser, it shall be stated that access for emergency service vehicles must be maintained, and that the Highway Authority shall be indemnified against any damage, liability or costs resulting from the event.

9.6 SECURITY CAMERAS

Applications to install such equipment, and the associated electricity supply and telecommunication cables are to be dealt with under the procedures under the New Roads and Street Works Act 1991 and are not dealt with in the Code of Practice.

However, the general guidance given in this Code regarding obstruction, safety, nuisance and inconvenience shall be applied before the issue of any licence.

Such installations shall not be fixed to, or supplied with electricity from, highway lighting or other highway electrical equipment.

10. ENFORCEMENT POLICY IN RESPECT OF UNAUTHORISED ITEMS

10.1 PRIORITY FOR ACTION

It is a matter of judgement related to the availability of resources as to whether or when to take action, except where there is a clear safety risk, when action shall be taken.

In order to act reasonably and consistently priority should be determined, but this does not imply that lower priority incidents are condoned, they remain an offence.

When considering priority for action, regard should be had to the following:-

- Extent of unobstructed footway available (having regard to width and headroom).
- Effect on handicapped people and those pushing prams, particularly in location where concentrated numbers may be expected.
- Presence of sharp projections.
- Instability.
- Distance from relevant location.
- Degree of damage to highway.
- Interference with maintenance operations (cutting, sweeping).
- Access to service apparatus.
- Whether complaint received (including similar complaint/action in same vicinity, ie strive to be even handed).
- Environmental intrusion (consider attractiveness of environment).
- Amount of pedestrian and vehicular traffic.
- Obstruction to visibility at junctions and pedestrian crossing points.

10.2 TYPE OF ACTION

A determined and persistent approach to the problem is called for as an initial warning followed by inaction is unlikely to succeed. Each incidence must be dealt with on its merits with the assumption that it may lead to litigation and any action take and evidence gathered should take account of this.

The procedures to be followed are illustrated in the flow chart in Clause 10.5. In the interests of speed and easy action, some of the desirable notification procedures may be omitted, but it must be borne in mind that such omission may prejudice any future case for prosecution or recovery of costs. It is import that the correct clauses appropriate to particular circumstances are used in Letter 1 (App C1).

Some examples of appropriate action:-

- a) A dangerous object. Action must be taken to ensure prompt removal without any reservations, under Section 149, followed by Letter 2 (App C2).
- b) Common but minor infringements such as the attachment of cardboard to a fixture with string. It may be expedient to remove offending items, and forgo further action as this may be more cost effective than litigation. However, this would preclude prosecution and recovery of costs and be less likely to deter a recurrence. It is unlikely that the collected material will be of sufficient value to warrant keeping.

- c) Static notice boards (A-frames). A request to remove should be issued, preferably using Letter 1 to allow the sign owner to remove it. If the owner does not do so, the items should be removed, Letter 2 issued and the collected items stored for a reasonable period prior to disposal, if not previously returned on receipt of an appropriate sum if applicable, eg where notice is served under Section 143.
- d) Signs fixed/adhering to furniture of other examples causing damage. The notification procedures under Section 132 using Letter 1 or leaflet should be implemented prior to removal and/or prosecution.
- e) Goods displayed for sale are a thing deposited on the highway. It is probable that a lack of response to an initial request to remove, possibly as a result of complaint, may lead to prosecution under Section 149 generally without removal of goods. Full notification procedures using Letter 1 and the notice in App C4 must be followed.
- f) A structure. This would normally be an item of a more permanent nature, not easily moved, and probably fixed into or onto the surface of the highway.

In this case the course of action is always the standard notice under the Highways Act 1980, Section 143, as in App C3.

If the offending structure is not moved within the month, it must then be moved by the Authority, and the matter referred to the Legal Department for possible legal action and the recovery of costs.

Standard letter and notices are included in Appendix C.

10.3 EVIDENCE

In any circumstances where action is planned which may involve litigation, the collection and preservation of evidence is essential. Photographs are particularly useful if obstruction is alleged or if damage is claimed.

A record should be kept of all action taken including any verbal requests, issue of leaflet and, of course, any correspondence.

It should be demonstrable in all cases that action taken is not arbitrary, but is reasonable and complies with the requirements of this Code.

10.4 COMPLAINTS AGAINST ENFORCEMENT

Enforcement almost inevitably generates complaint from those whose freedom of action is restricted. A fair, even-handed application of policy is therefore crucial. The following description and comment regarding some of the more common complaints may also be helpful.

- a) Some businesses suggest that they depend on these (obstructive) signs to direct customers to their premises which may not be on the main pedestrian or traffic route.

It cannot be denied that this occurs fairly frequently. However, the County Council cannot condone the breaking of the law to favour a particular business. In particular, it would create a precedent that would be difficult to justify, and operate against those businesses which function within the law.

The location of business premises is something which any prospective purchaser must bear in mind before making a commitment. There are ways of dealing with direction of customers to businesses other than illegal obstructions of the highway.

- b) Allegations that there is not physical obstruction of the highway, because the footway is very wide, or a sign is located on a verge.

This has proved to be the most contentious issue and has provoked the greatest amount of criticism of the County Council's policy. It is certainly perceived by many as being unreasonable. There are nevertheless, five important principles involved.

- i. Even-handedness: where a blatant obstruction exists, then a request to remove it is often countered by references to similar instances where not action has been taken. This inevitably leads to prolonged arguments about the nature of the obstruction. In order to deal with the severe cases, it is therefore essential to be consistent in the application of the policy
- ii. Interpretation and the setting of limits: If we were to attempt to define circumstances where an obstruction is tolerated, this would be unlawful and would inevitably lead to confrontation with those who feel that they are very close to the limits imposed and should, therefore, be allowed to be exempt. Again, this calls into question the ability to be consistent in the application of the policy
- iii. If a member of the public has an accident involving an obstruction on the highway, any subsequent claim may be made against the Highway Authority and not the 'owner' of the obstruction. A failure to remove the obstruction could be construed as negligence.
- iv. The whole of the highway must be available for maintenance purposes. Footways need to be cleaned and verges need to be cut, without any necessity to remove obstructions.
- v. The Highway Authority cannot be seen to be condoning the breaking of the Law. The Act defines a duty requiring unauthorised obstructions to be removed and this duty must be implemented. There are no exceptions specified in the Act.

Whilst action can be prioritised to deal with the most seriously congested and affected areas first, this must be approached with caution. A case in Blackpool was referred to the Ombudsman on the basis that the policy was being implemented inconsistently and selectively. Having studied the evidence, the Ombudsman was able to agree that this had not been so, but the case certainly demonstrated the importance of action being prioritised rather than selective.

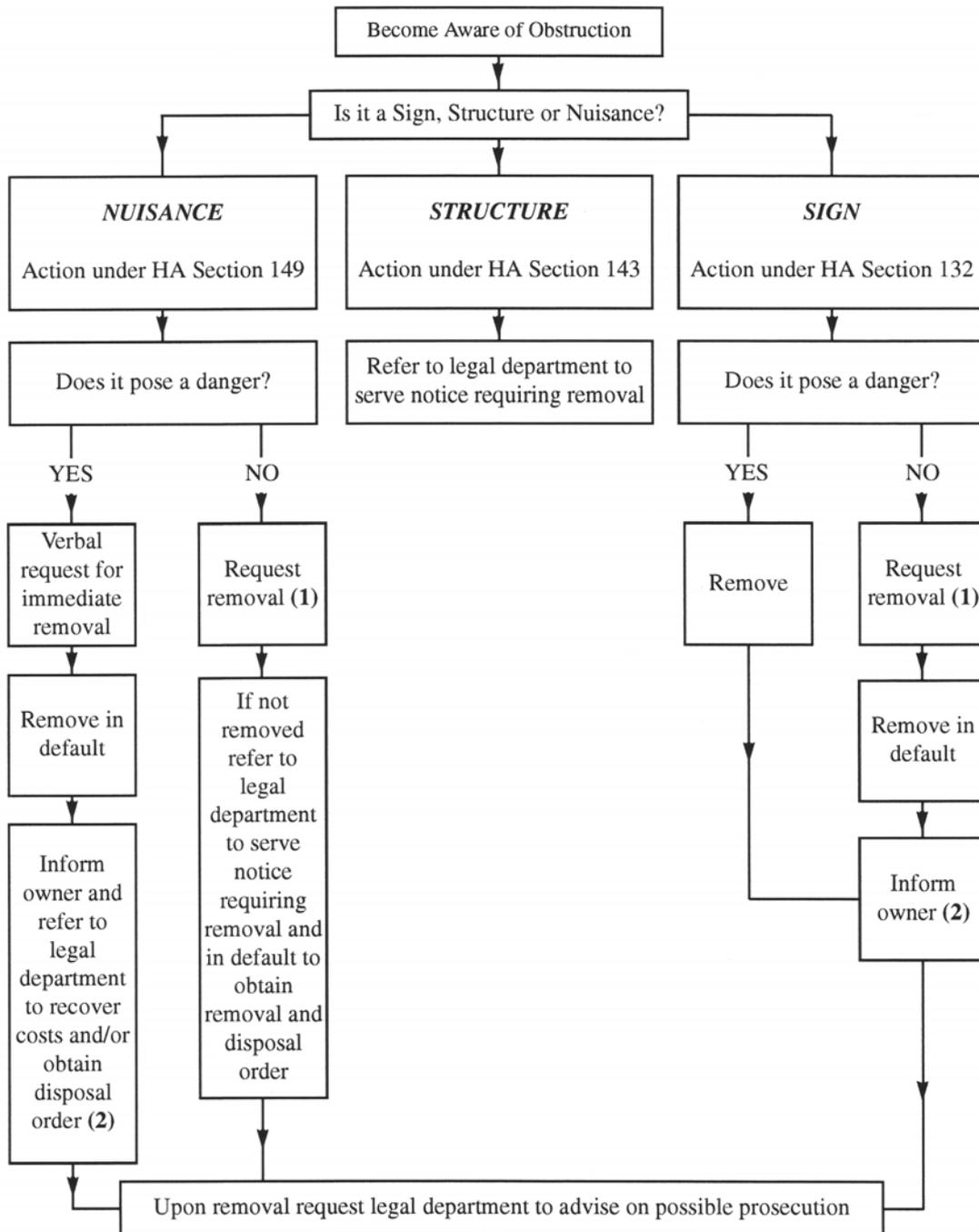
- c) Many of those affected say that the use of free-standing signs and displays in shopping areas adds colour and character.

This is not a view shared by many of those with visual impairment. It is a matter of opinion which should be not debated as this leads to arguments as to whether signs and displays are, themselves, visually appealing, which is not relevant to the issue of obstruction.

- d) It has also been alleged that the worst culprits in respect of street clutter are the County and District Councils themselves. The criticism is particularly targeted at litter bins and bollards.

Street furniture is provided for a public purpose, not simply to support individual businesses. Siting of this equipment generally complies with Codes of Practice, which have been agreed with representatives of disabled people.

10.5 ENFORCEMENT PROCEDURE FLOW CHART



11. PUBLIC AMENITIES IN THE HIGHWAY

11.1 GENERAL

11.1.1 Consideration may be given to the provision of amenities on certain highways, particularly pedestrian areas. The enabling legislation to do this is the highways Act 1980, Part VIIA, Sections 115A-K (as incorporated by the Local Government (Miscellaneous Provisions) Act 1982. This is outlined below.

This Part of the Act is specifically concerned with highways which take only users by foot or on horseback. The highways which are included within this Part of the Act are:-

- Highways which have been the subject matter of an Order under the Town and Country Planning Act 1990, Section 249;
- Bridleways;
- Footpaths (including walkways);
- Subways constructed under Section 69;
- Footbridges constructed under Section 70;
- Highways of any other sort which are subject to an Order made under the Road Traffic Regulation Act 1984, Sections 1 and 6, which order prohibits vehicular traffic only for certain periods of time;
- Local Act walkways whether or not they are highways for the purposes other than under the Part of the Act.

The term 'Local Act walkways' means a 'way or place which is declared in pursuance of a local enactment to be a walkway, city walkway or pedestrian way' (Section 115A.2).

11.1.2 The powers contained in Part VII A are granted to Councils (this term includes both District and County Councils). A Council is given power to carry out works and place objects or structures on, in or over the specified highways for the purposes of giving effect to an Order under the Town and Country Planning Act 1990, Section 249(2), of enhancing the amenity of the highway and its immediate surroundings, or of providing a service for the benefit of the public or a section of the public. The council then has power to maintain those works or objects. These power can only b exercised in respect of walkways with the consent of occupiers of the building in which the walkways subsists and certain other persons who, in the opinion of the Council, are likely to be materially affected by the exercise of the power (Sections 115A, 115B). A further restriction is imposed by Section 115B(5) (6) in respect of objects or structures placed on, in or over footpaths, bridleways and certain footways where the object or structure is placed for a purpose which will result in the production of income or for the purpose of providing a centre for advice or information. In these cases the consent of interested frontagers must be obtained to the placing of the object and to the purpose for which it is to be placed. By Section 115B(7), the consent of interested frontagers is also required in respect of objects similarly placed in, on or over the highway to which this part of the Act applies for the purposes of production of income or providing a centre for advice or information and where the Council proposes to grant a permission under Section 115E to some person to use that object or structure.

The specific powers mentioned in this Part of the Act include the improvement of the amenity of the highway by providing lawns, trees, shrubs or flowers (Section 115B(4), the provision of recreation and refreshment facilities subject to the consent of frontagers with an interest (Section 115C), and the granting of permissions to persons to carry out works or place objects in, on or over these highways or to use those objects. Again, those powers may be subject to the consent of interested frontagers

(Section 115E). The statutory powers may be used to restrict the access of the public to any part of the highway subject to certain restrictions contained in Section 115D.

'Amenity' and 'Service' are not defined in the Act and the specifically quoted examples should not prejudice the generality of the powers provided in Part VIIA of the Act.

The Act includes limitations and restrictions on the exercise of the powers detailed in this part of the Act in order to prevent their inappropriate use. The limitations in Section HA115D are in order to restrict the access of the public to any part of a highway to which this Part of the Act applies. Section 115H imposes a duty to consult or obtain the consent of other Authorities, in particular, the Highway Authority and the local Planning Authority. Sub-section 93) of Section 115H provides that the requirement to consult should be construed as a requirement to obtain consent of the Highway Authority. Section 115G provides for notices to be given before the exercise of the powers under Part VIIA, and the several references to obtaining the consent of interested frontagers provide additional safeguards.

Section 115E(1) (a) empowers a Council to grant permission to other persons to do anything which the Council is empowered to do under Section 115B(1) to (3) or Section 115C, subject to the consent of frontagers. There is provision in Section 115F to enable the Council to impose conditions on permissions granted under Section 115E and also to impose charges (limited to reimbursement of its expenses unless the Council is owner of the subsoil of that part of the highway in relation to which the permission is granted).

11.1.3 The provision of amenities of this kind is generally a matter of local concern and interest. The County Council, therefore, expect that a District Council will normally exercise these powers at its own discretion and responsibility throughout its district. However, this is subject to consultation with and consent from the County Council as Highway Authority for each application. If the County Council should wish to exercise these powers, it will consult the District Council as Planning Authority.

On unclassified roads only within the prescribed core areas, District Councils may give consent on behalf of the County Council.

The County Surveyor shall be notified of every Licence issued anywhere within the County.

Where Planning Consent is sought for such amenities, the County Council, or the District Council acting on behalf of the County Council, when commenting on the Highways aspect of such Planning Applications, will at the same time indicate whether or not consent will be given for the amenity on the Highway and, if appropriate, indicate any conditions which the Authority wish to impose.

Certain of the Highway Authority's requirements under this Code are covered by statute, others can be embodied in a licence which the Highway Authority can require to be granted, where appropriate, as a condition of giving consent. The required form of licence for the exercise of powers under Part VIIA is given in Appendix 'J'

11.1.4 In all instances it is paramount to ensure that there is no obstruction to safe passage, to and fro along the highway, or access to premises, or access to third party apparatus or for the purpose of highway work.

The licence shall be in respect only of the minimum space necessary for the proper functioning of the proposal including due allowance for any consequential gathering of the public. This will normally require a residual unobstructed footway of minimum width of 6 feet (1.8 metres) although this will be greater in busy areas, crossing points, etc.

Before issuing a licence, Councils are reminded of the several requirements to consult with affected frontagers, Statutory Undertakers, etc.

The general principles and requirements shall be those set out in this Document, together with the particular requirements for particular situations detailed below.

11.2 ACCESS RAMPS FOR DISABLED PEOPLE

11.2.1 With the passing of the Disability Discrimination Act 1995 there is an increasing demand to provide access for disabled people to all buildings open to the public, both public and commercial. An appropriate statutory power for the provision of access ramps is Section 115E of the Highways Act 1980 ('the Act') which may be applied either by the County Council or the District Council (irrespective of highway agency powers and may be direct or by authorisation of other persons).

Normally permission will be granted by District Councils whether within or outside prescribed agency areas, subject to the consent of the County Council as Highway Authority.

The provision, wherever possible, should be outside the highway even though this may be more expensive than provision of a ramp within the highway.

Where a Council is requested to consider encroachment of the ramp onto the highway, they shall only do so if their Access Officer or Building Control Officer certifies that internal alternatives have been examined but are not possible.

Where the difference in level is small, it may be possible to accommodate by adjustment of the levels of the adjacent footway. In these circumstances, the work will be arranged by the Highway Authority, or its Agent, at the expense of the applicant. The adjusted surface shall blend in with the existing surface, with a smooth, flat, transition along the building line and have a minimum length of 4.0 metres for every 0.1 metre of rise to the threshold. Where the solution requires the provision of a rail or barrier, then it shall be subject to the additional requirements in Appendix 'H' and Licence in Appendix 'J'.

Where the difference in level between the ramp and the highway is greater and can only be accommodated by a significant structure within the highway, the Council will need to consider the merits of the particular circumstances and the requirements and licence in Appendices 'H' and 'J' will again apply.

The Council will examine the proposal against the requirements of the County Council's Code of Practice on mobility (incorporating standards abstracted from the Building Regulations 1991, Part m), and the requirement to make satisfactory provision for dealing with surface water run-off.

11.2.2 Notices are included for use under both Section 115B (provision by the Council) and Section 115E (execution of works by persons other than the Council) of the Act.

NOTE:

The notices in Appendix 'H' are worded for issue by the County Council. District Councils will normally issue such notices in their own right and not as Agent of the County Council and should modify the notices accordingly.

Section 115G requires the Notice to give details of the proposal, and a space is provided for the details to be inserted and it is suggested that a plan/specification is also provided. As

included the Notices are suitable for placing on the site. Where a notice is served on a person, it ought to be amended by inserting after the heading: -

'To* of*'

TAKE NOTICE THAT the Lancashire County Council in pursuance*' and then continue with the same format as the enclosed Notices.

The Notices require a period of not less than 28 days for representations to be made. Before deciding whether to exercise its powers, the County Council must take all such representations into account.

As regards the distribution of the Notices, Section 115G requires the Notices to be affixed in a conspicuous position at or near the place to which the proposal relates (the site). A second requirement is that the Notices be served on the owner and occupier of any premises appearing to the Council to be likely to be materially affected. Thus, there is discretion with regard to the second requirement.

No definition is provided of 'premises likely to be materially affected' and so much depends on the location of the site. Certainly Notices will usually have to be served on the owners and occupiers of a premises where it is proposed to place a ramp wholly or partly between their premises and the highway. Thus, if it appears that access to a premises or land is likely to be affected by the ramp, Notice must be served. It is largely a question of fact and discretion in each case to decide whether any person is likely to be materially affected. It will also be appropriate to consider the effect on Statutory Undertakers and Emergency Services.

It should also be noted that the Council cannot exercise its powers under Section 115B or 115E over a walkway without obtaining walkway consents.

The Council cannot exercise its powers under Sections 115B or 115E where the conditions in Section 115D apply. These relate to preventing traffic, other than vehicular traffic, entering and passing along the highway or having normal access to premises adjoining it; preventing use of vehicles permitted by a Pedestrian Planning Order; and preventing access by Statutory Undertakers and the operator of a telecommunications code system.

11.3 PAVEMENT CAFES AND MOBILE CAFES IN LAYBYS

11.3.1 Subject to the general requirements of this Code, operators of cafes bounding the highway may be licensed to place tables and chairs on the pedestrian area.

Detailed notes for the guidance of applicants, conditions and a Form of Licence are given in Appendix 'J'. These include a requirement to mark in an agreed manner the extent of the licensed area on the highway surface, and to remove the furniture from the highway at the end of each working day.

11.3.2 Subject to the general requirements of this Code, operators may be licensed to provide mobile cafes in lay-bys. The Licence will take the form of a Street Trading Licence issued by the District Council and before designating as a licence street (i.e. a street in which street trading is prohibited without a licence granted by the District Council) any street maintained by the County Council, the District Council will seek the consent of the County Council as Highway Authority. Districts will notify the County Surveyor when such Licences are issued, giving details of the duration and location, and will **comply** with the requirements of Appendix 'J'.

11.4 ADVERTISING ROTUNDAS/KIOSKS AND SIGNS

Subject to the general requirements of this Code, operators may be licensed to install and operate advertising rotundas/kiosks and signs on the pedestrian area, if the units are of appropriate design and can themselves be regarded as enhancing the amenity of the highway.

The District Council will grant permission to use such an object/structure for advertising after, or ancillary to, the granting of permission for the placing of the object/structure, subject to the consent of the County Council as Highway Authority.

Detailed conditions and a form of licence are given in Appendix 'J'.

Such rotundas/kiosks and signs may be illuminated, but electricity supplies shall not be taken from highway electrical equipment and the operator shall make direct arrangements with the Regional Electricity Company.

Consent may be granted for the use of an existing object or structure such as a lighting column for the purpose of advertising within a pedestrian area only.

Consent will not be granted for advertising except within fully pedestrianised streets or within the footways of unclassified streets with limited low speed vehicle access.

11.5 WORKS OF ART

The placing of works of art, for the benefit of the public, may be considered on various areas of the highway, subject to the general requirements of this Code. Appropriate areas may be pedestrian areas, roundabouts or verges. Consideration may also be given to the application of works of art to existing structures such as murals applied to bridges.

Such works of art may be provided by the County Council, District Council or other organisations. Where either Council owns and maintains the work of art, formal consultation and consent is necessary but a licence will not be issued.

A freestanding work of art may be a structure requiring structural certification, and advice should be sought from the County Surveyor.

With other organisations, ownership and responsibility for maintenance shall be clearly established and covered in the licence. The maximum period for which a licence shall be granted is 10 years.

Works of art may be illuminated, but the electricity supply shall not be taken from any item of highway electrical equipment unless the work of art is owned and maintained by the Authority also responsible for the maintenance of the item of highway electrical equipment.

Where the provision of such works of art has been sponsored by firms or organisations, one or more information signs may be provided by the Council acknowledging the source of sponsorship. The signs shall be of the format, and shall not exceed the dimensions shown in Annex 'J'.

11.6 SPONSORSHIP SIGNS FOR LANDSCAPING

Subject to the general requirements of this Code, sponsors of landscaping at roundabouts and other suitable areas of the highway may be acknowledged by one or more information signs provided by the District Council advising the public of the origin of the sponsorship.

The signs shall be of the format, and shall not exceed the dimensions, shown in Annex 'J'.

12. SCHEDULE OF CHARGES

The fundamental principle appears to be in very broad terms that a charge may possibly be made for exercising a power but not for carrying out a duty unless statute provides otherwise. Indeed sometimes the particular situation is set out in relevant statute (egg Section 132(3) HA1980), or defined as reasonable expenses in connection with granting the permission.

In order to provide a consistent approach throughout the County, a Schedule of Charges for the various items has been agreed by the County and District Councils, and a copy is available on request.

The Schedule will be adjusted annually.

IT IS AN
OFFENCE
TO PLACE GOODS OR SIGNS
WITHIN THE HIGHWAY



**IF YOU REQUIRE FURTHER INFORMATION
PLEASE CONTACT :-**

| | |
|--|--|
| LANCASTER: Lancaster, Morecambe, Heysham, Middleton & Overton City Engineer (01524) 582941 Remainder of Lancaster District Lancashire County Council (01524) 752290 | CHORLEY: Chorley, Clayton-le-Woods, Adlington, Whittle-le-Woods & Euxton Chorley BC (01257) 244305 Rest of Chorley District Lancashire County Council (01772) 335089 |
| WYRE: Fleetwood, Thornton Cleveleys & Poulton Wyre BC (01253) 891000 Remainder of Wyre District Lancashire County Council (01524) 752290 | BLACKBURN: Whole District Blackburn BC (01254) 585439 |
| RIBBLE VALLEY: Whole District Lancashire County Council (01254) 823831 | HYNDBURN: Whole District Hyndburn BC (01254) 385021 |
| BLACKPOOL: Whole District Blackpool BC (01253) 25212 | BURNLEY: Burnley, Padiham & Hapton Burnley BC (01282) 425011 Rest of Burnley District Lancashire County Council (01254) 823831 |
| FYLDE: Whole District Lancashire County Council (01253) 723708 | PENDLE: Nelson, Colne, Barrowford, Barnoldswick, Earby, Trawden, Brierfield, Kelbrook, Blacko & Salterforth Pendle BC (01282) 617731 Rest of Pendle District Lancashire County Council (01254) 823831 |
| PRESTON: Preston & Fulwood Preston BC (01772) 266789 Remainder of Preston District Lancashire County Council (01772) 690410 | ROSSENDALE: Whole of District Rossendale BC (01706) 874333 |
| SOUTH RIBBLE: Leyland, Bamber Bridge & Penwortham South Ribble BC (01772) 625449 Remainder of S Ribble District Lancashire County Council (01772) 335089 | |
| WEST LANCASHIRE: Ormskirk, Burscough, Skelmersdale, Aughton, Newburgh & UpHolland West Lancs DC (01695) 585121 Rest of West Lancashire District Lancashire County Council (01772) 335089 | |

**Lancashire
County
Council**



In association with
the District Councils

MAXIMUM FINE £2500

APPENDIX A 2 OF 2

RESTRICTIONS ARE NECESSARY

- For the safety and convenience of all pedestrians, especially those who are blind, elderly or disabled and those with prams, wheelchairs etc..
- To ensure clear visibility which is vital at road junctions and crossing places.
- To ensure that a driver's attention is not distracted and to avoid a confusing proliferation of signs.
- To keep the public highway clear of unattractive clutter, free from damage and available for essential maintenance operations.



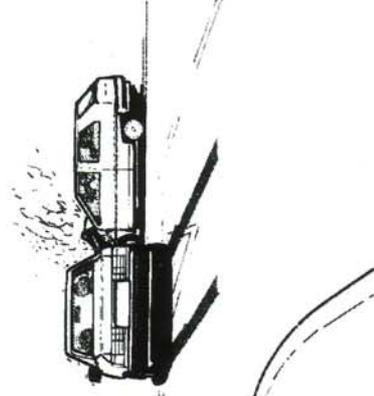
**THE HIGHWAY INCLUDES ROADWAY
FOOTWAY, VERGE, TREES AND
EQUIPMENT.**

**IF YOU ARE RESPONSIBLE FOR
PLACING AN OFFENDING OBJECT
IN THE HIGHWAY :**

PLEASE REMOVE IT

IF YOU FAIL TO DO SO

- The Council may remove it and recover the costs from yourself
- You may have to pay for any damages that arise
- You could face prosecution and a fine



APPENDIX B 2 OF 2

**TEMPORARY SIGNS
WHICH MAY BE PERMITTED**

- ✓ Direction signs to a **major** public event which will relieve associated traffic problems (This excludes events at locations which are already adequately signed and is unlikely to apply to the typical car boot sale or antique fair).
- ✓ Signs advertising or giving direction to events promoted by a charity or non profit making organisation.
- ✓ Road safety and other signs in the public interest.
- ✓ Signs to housing developments in limited circumstances. (Separate application form available)
- ✓ Signs indicating the route of an approved rally etc.
- ✓ Directional signs to the opening of a **major** retail or entertainment outlet (excluding seasonal and other occasional events).

**TEMPORARY SIGNS
WHICH ARE NOT PERMITTED**

- ✗ Any which obstruct or interfere with the safe and convenient use of the highway.
- ✗ Any form of commercial advertising.

**STANDARD CONDITIONS WHICH
APPLY TO PERMITTED SIGNS**

- ✓ **PERMISSION** is granted by or on behalf of the Highway Authority. Other permission (eg. Local Planning Officer, Police etc.) may be required.
- ✓ **CONTENT**: Event name, date, location and /or directional arrow only. Capitals to be between 60 and 280mm height, and lower case accordingly, height approximately 40 to 200mm. Direction signs shall be black on yellow or white, or white on blue, or blue on white, except to housing developments which shall comply with DTP Drg (P)2701.
- ✓ **SIZE**: Rectangular, or with pointed end if directional, of minimum size necessary to accommodate the approved content, and not exceeding 1sq. metre. All to be non-luminous, non-reflective and non-illuminated.
- ✓ **CONSTRUCTION AND FIXING**: Signs shall be weather resistant non ferrous and of rigid material. Fixings shall be non ferrous or plastic coated of a nature not to cause damage. Under no circumstances shall direct adhesion be used.
- ✓ **DURATION**: Non commercial advertising: from 1 week before to 24 hours after the event.
Direction signs: from 24 hours before to 24 hours after the event.
Direction signs to opening of new retail/entertainment outlet: from one day before for a maximum of 4 weeks.
Damaged, unsightly or dangerous signs shall be removed forthwith by the applicant at his expense and similarly on expiry of the approved duration.
- ✓ **LOCATION**: Direction signs are limited to the most appropriate route(s) between the event and major road(s).
Advertising signs shall not be more than 2 miles from the event location.
Attachment to existing street furniture is normally limited to lighting columns excluding any with permanent signs (other than parking restrictions or speed limit repeaters). In unlit rural areas permission may be given to their erection on the posts of simple informative signs (but not regulatory or warning signs).
Signs shall not cause obstruction and the full footway width shall be maintained, unless a reduced width (minimum 1.8m) is specifically agreed.
Signs shall only be permitted over verge or footway and not encroach within 0.5m of edge of carriageway. Maximum height shall be 4.0m and minimum height over footway 2.5m.
- ✓ **INDEMNITY**: The person receiving permission shall at all times keep the County Council and its agents fully and effectively indemnified from any consequences attributable to the proposal, arrange insurance cover to meet the cost of any potential claims and be able to produce evidence of public liability insurance cover with a minimum limit of indemnity of £2 million.

APPENDIX C1

Letter 1

STANDARD LETTER REQUESTING REMOVAL OF UNAUTHORISED SIGN(S)/GOODS

Dear Sir/Madam

UNATHORISED SIGNS/GOODS FOR SALE WITHIN THE HIGHWAY AT

This Council in carrying out its duties as/or on behalf of* the Highway Authority, is keen to: -

- i. preserve and maintain the safe and convenient passage of road users, both pedestrians and vehicular;
- ii. preserve and improve the environment;
- iii. prevent damage to the highway.

It has been brought to my attention that a sign(s)/goods* has/have* been placed by you/on your behalf*, within the public highway at the above location, and the placing of the sign(s)/goods* is considered contrary to the desired objectives detailed above.

You should be aware that: -

It is an offence under Section 132 of the Highways Act 1980 ('the Act') to so place a sign(s) without the consent of the Highway Authority.

/and

it is an offence under Section 137 of the Act to wilfully obstruct free passage along the highway by so placing a sign(s)/goods*

/and

it is an offence under Section 148 of the Act to deposit anything whatsoever on a highway to the interruption of any user of the highway

/and

under Section 143 of the Act where an unauthorised structure has been erected or set up on a highway the Council may by notice require its removal within such period as the Council specifies

/and

under Section 149 of the Act where a thing has been deposited on a highway so as to constitute a nuisance the Council may by notice require its removal forthwith.

I hereby give you formal notice to remove the offending object forthwith and ask you not to repeat the offence. Failure to do so will leave me with no alternative but to remove the signs/goods and to refer the matter to the Chief Executive/Clerk of the County Council to consider taking action against you by way of a prosecution against you in the Magistrates Court, where for an offence under Section 132 of the Act you may be fined up to £2,500 and for offences under Sections 137 and 148 you may be fined up to £1,000.

Yours faithfully

*Delete as appropriate.

APPENDIX C2

Letter 2

STANDARD LETTER NOTIFYING REMOVAL OF SIGNS/GOODS

Dear Sir/Madam

UNAUTHORISED SIGN(S)/GOODS FOR SALE WITHIN THE HIGHWAY AT

This Council in carrying out its duties as/on behalf of * the Highway Authority, is keen to: -

- i. preserve and maintain the safe and convenient passage of road users, both pedestrians and vehicular;
- ii. preserve and improve the environment;
- iii. prevent damage to the highway.

It is believed that (a) sign(s)/goods* was/were* placed by you/on your behalf*, within the highway at the above location. The placing of such (a) sign(s)/goods* is an offence contrary to the Highways Act 1980 and contrary to the desired objectives detailed above and is a continuation or repetition of an earlier offence regarding which I have previously written to you/*(and) constitutes an unacceptable danger to users of the highway and the Council considers that it/they* should be removed without delay*.

Accordingly the item(s) comprising. have been removed by Officers of the Council to a place of safekeeping.

They may be collected by you from:

During normal office hours, Monday to Friday.

You will need to produce some form of identification [and have with you the sum of £50 payable in cash to cover the cost of removal and storage.

If you do not collect the items within 14 days of this letter, the Council will apply to the Magistrates Court for an order to dispose of the items and recover its costs from the proceeds of sale.]

Yours faithfully

/* Delete as appropriate

[] Words in square brackets applicable only to action under Section 149(2) of the Highways Act 1980.

APPENDIX D

4.1

- (1) A temporary sign shall be of such a size, colour and type as is specified in this regulation
- (2) The shape of a temporary sign shall be:
 - a. rectangular,
 - b. rectangular but with the corners rounded, or
 - c. pointed at one end but otherwise in accordance with (a) or (b).
- (3) A temporary sign may incorporate:
 - a. wording,
 - b. numerals,
 - c. arrows or chevrons,
 - d. any appropriate symbol taken from any diagram in an Schedule, an
 - e. the arms, badge or other device of a traffic authority, policy authority or an organisation representative of road users,and shall be of a size appropriate to the circumstances in which it is placed.
- (4) Every letter and numeral incorporated in a temporary sign other than any letter incorporated in the sign in accordance with paragraph (3) (e) shall be not less than 40 nor more than 350 millimetres in height and every arrow so incorporated shall be not less than 250 nor more than 1000 millimetres in length.
- (5) Every letter, numeral, arrow, chevron or symbol, other than a sign in a diagram in Schedules 1 to 5 when used as a symbol, incorporated in a temporary sign shall be:
 - a. Black on a background of white or of yellow,
 - b. White on a blue background,
 - c. Blue on a white background,
 - d. If the sign conveys information or warnings of the kind mentioned in subparagraphs (c) or (d) or paragraph (7), white on a red background, except where it is placed on a motorway, when it shall be black on a yellow background, or
 - e. If the sign is a variable message sign, yellow on a black background or a black on a yellow background, except when the sign is not in use when it shall display a plain black or grey face.
- (6) No temporary sign shall convey to traffic any information, warning, requirement, restriction or prohibition of a description which can be conveyed either by a sign shown in a diagram in Schedules 1 to 12 or by a sign so shown placed in combination or in conjunction with another sign so shown in such a diagram.
- (7) In this regulation "temporary sign" means a sign placed temporarily on or near a road for conveying to traffic:
 - a. information as respects deviations or alternative traffic routes,
 - b. information as respects the route which may be conveniently be followed on the occasion of a sports meeting, exhibition or other public gathering which in each case it is anticipated will attract a considerable volume of traffic,

- c. information as to the date from which works are to be executed on or near a road,
- d. information or warnings as to the avoidance of any temporary hazards occasioned by works being executed on or near a road, by adverse weather conditions or other natural causes, by the failure of street lighting or by malfunction of or damage to any apparatus, equipment or facility used in connection with the road or anything situated on, near or under it or by damage to the road itself, or
- e. requests for information by the police in connection with a road traffic accident.

APPENDIX E1

TEMPORARY DIRECTION SIGNS TO NEW HOUSING DEVELOPMENTS

NOTES FOR APPLICANTS

1. Applications for permission to erect signs shall be made to the District Engineer at the appropriate Council Offices in urban areas (except Ribble Valley and Fylde) and elsewhere to the County Surveyor, PO Box 9, Cross Street, Preston, PR1 8RD, accompanied by a copy of each sign layout drawing, a copy of a signed location plan and a cheque in accordance with the following charges to cover the Councils administrative expense.

Charge: £...* per application received plus an additional £...* per sign applied for. These sums are not returnable in whole or in part, irrespective of the outcome of the application.
2. The following aspects will be among those taken into account in the determination of an application.
 - a. The signs are not intended as advertisements to entice passing trade and there must be a demonstrable traffic need for the signs.
 - b. A development to include at least 30 bedrooms is generally the smallest size warranting signing.
 - c. Signs are generally to be restricted to the more difficult to find locations away from major routes and are normally confined to within 1/4 mile radius or 2 major junction from the development whichever is the further).
 - d. The signs shall conform to Diagram 2701 in the Traffic Signs Regulations. The signs should feature the estate name only and must not incorporate the Utility's, or others, name or logo. Colour to be black on yellow background and unlit.
 - e. Sign position shall allow a vertical clearance of 5.8 metres over carriage\ways (for a distance of 0.5 metres behind the kerb line) and 2.5 metres over verge or footway and shall be placed so as to not cause physical or visual obstruction to road users.
3. Any queries regarding this subject should be addressed to the application recipient described in note 1.

* Insert appropriate charges from agreed Schedule.

APPENDIX E2

TEMPORARY DIRECTION SIGNS TO NEW HOUSING DEVELOPMENTS.

SCHEDULE 7 Part viii page 230 Regulation ii(1)



2701

Direction to a new housing development

| Item |
|--|
| 1. Regulations : None |
| 2. Directions: 12(30) 33(2) |
| 3. Diagrams: None |
| 4. Permitted variants: Schedule 16 items, 3. 6. 15. 19. 29 The lorry symbol in diagram 804 1 may be added. . |

DIRECTIONS

12 (3) May not be placed on a motorway Page 346

33 (2) May be retained for not more than 6 months after completion or development Page 356

SCHEDULE 16 Page 330-334

3. An indication of distance to the designation may be shown in accordance with item (4,5 or) 6.
 6. Numerals indicating distance may be varied with: -
 - (a) distance of over 3 miles being expressed in miles to the nearest mile
 - (b) distance of $\frac{1}{2}$ mile or more but less than 3 miles being expressed to the nearest $\frac{1}{4}$ mile with the fractions $\frac{3}{4}$, $\frac{1}{2}$, and $\frac{1}{4}$ being used, and
 - (c) Distance of less than $\frac{1}{2}$ mile being expressed in yards to the nearest 10 yards, "yards" or "YARDS" and the abbreviation "yds" may be used interchangeably.
 15. Direction in which sign points may be reversed.
 19. The designation, other place name or junction name shown may be varied. The words "Other routes" or "ring road" may be substituted for the destination. The phrase "via toll road", "Byway to" and "single track road" may be used in addition to the designation.
 29. Relative position of symbol and legend may be reversed.
- The above extracts are verbatim and not all are of general application.*

APPENDIX E3

FORM OF CONSENT FOR TEMPORARY DIRECTION SIGNS TO NEW HOUSING DEVELOPMENTS

TEMPORARY DIRECTION SIGNS TO HOUSING DEVELOPMENT ROAD TRAFFIC REGULATION ACT 1994, SECTION 65

PERMISSION is hereby given by or on behalf of Lancashire County Council (LCC), as Highway Authority, to ...* (Developer) for the placing of signs in accordance with the attached drawing, at the location(s) shown on the attached plans, and subject to the following conditions.

1. The signs shall comply with the Traffic Sign Regulations and General Directions 1994 Diagram 2701. They shall be rigid, weather resistant, non-ferrous material securely fixed to a street lighting column (unless specifically stated otherwise on the plan) using non-ferrous or plastic coated fixing such as to avoid causing damage.
2. The Developer shall be responsible for the provision, erection, maintenance and removal of the signs at his own cost.
3. Permission shall not become operative until the prior removal by the Developer of all unauthorised signs for which he is responsible and he shall not cause any additional unauthorised signs to be placed on any highway within Lancashire. The placing of signs in the highway without permission is an offence and may incur a fine.
4. Permission may be withdrawn if the Developer fails to comply with any of these conditions and LCC or its agent may act in default and recharge costs incurred.
5. The Permission shall otherwise remain valid for not more than six months after completion of development whereupon the Developer shall remove the sign(s) and make good.
6. The Developer shall, within seven days of being requested, remove any sign which interferes with highway operations or those of a Statutory Undertaker.
7. The Developer shall at all times keep the LCC and its agents fully and effectively indemnified from any consequences attributable to the proposal. He shall arrange insurance cover to meet the cost of any potential claims and be able to produce evidence of public liability insurance cover with a minimum limit of indemnity of £2 million.

Signed on behalf of
Lancashire County Council

Date

APPENDIX E4

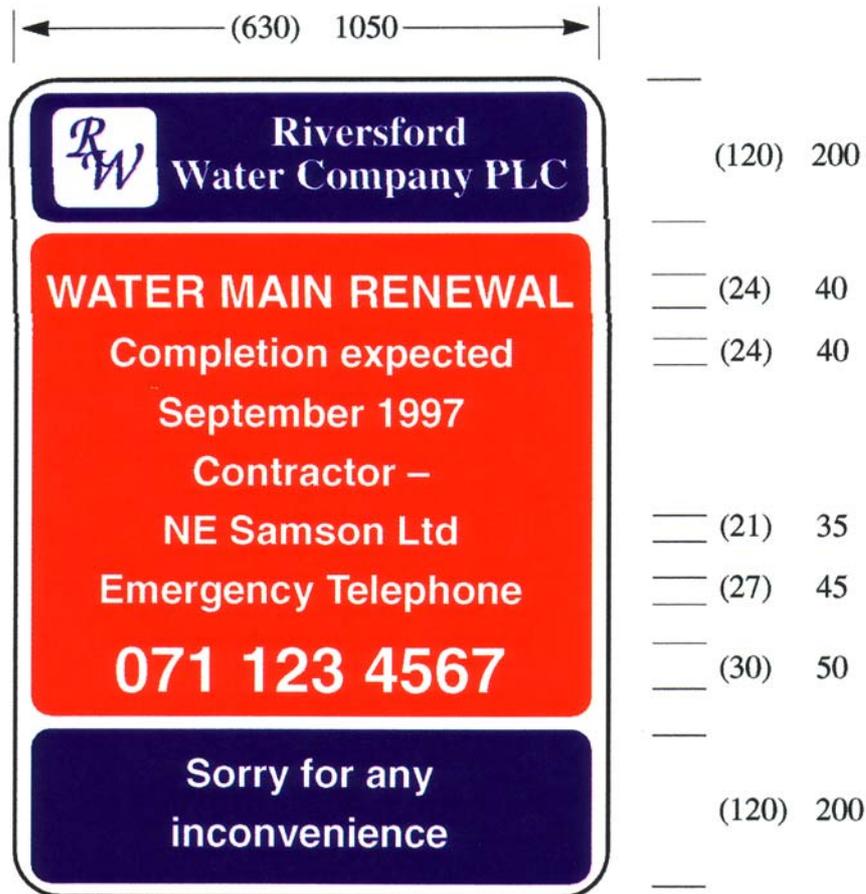
TEMPORARY SIGNS GIVING NOTICE OF STREETWORKS BY UTILITIES

NOTES FOR APPLICANTS

1. Applications for permission to erect signs shall be made to the District Engineer at the appropriate Council offices in urban areas (except Ribble Valley and Fylde) and elsewhere to the appropriate Divisional Office of the County Surveyor accompanied by a copy of each sign layout drawing and a copy of a signed location plan.
2. Consent will only be granted where the scale and duration of the works is such as to have a significant effect on traffic. Applicants must provide a statement outlining the scale and duration of the works.
3. Signs up to 1m² may be fixed to lighting columns, if the columns carry no other signs except waiting restriction plates. If there is a need for larger signs, or there are no convenient lighting columns, advice should be sought from the appropriate District Engineer or Divisional Surveyor.
4. The signs shall conform to Diagram 7008 in the Traffic Sign Regulations, and shall be unlit.
5. Sign position shall allow a vertical clearance of 5.8 metres over carriageways (for a distance of 0.5 metres behind the kerb line) and 2.5 metres over verge or footway and shall be placed so as not to cause physical or visual obstruction to road users.

APPENDIX E5

TEMPORARY SIGNS GIVING NOTICE OF STREETWORKS



7008

Nature of street works, giving names of employer and contractor, emergency telephone number and apology for inconvenience

| Item |
|--|
| 1. Regulations: 13(1), 13(4) |
| 2. Directions: 31 |
| 3. Diagrams: None |
| 4. Permitted variants: Details shown shall be varied as appropriate, but the emergency telephone number must be the most prominent item. The top and bottom panels may be in any colours and style of lettering. The bottom panel may be omitted. The top panel may be omitted and the Undertaker's names shown on the main panel. |
| 5. Illumination requirements: Schedule 17, item a. |

APPENDIX E6

FORM OF CONSENT FOR TEMPORARY SIGNS GIVING NOTICE OF STREETWORKS BY UTILITIES

TEMPORARY SIGNS GIVING NOTICE OF STREETWORKS ROAD TRAFFIC REGULATIONS ACT 1994, SECTION 65

PERMISSION is hereby given by or on behalf of Lancashire County Council (LCC), as Highway Authority, to ...* (Utility) for the placing of signs in accordance with the attached drawing, at the location(s) shown on the attached plans, and subject to the following conditions.

1. The signs shall comply with the Traffic Sign Regulations and General Directions 1994 Diagram 7008. They shall be rigid, weather resistant, non-ferrous material securely fixed to a street lighting column (unless specifically stated otherwise on the plan) using non-ferrous or plastic coated fixing such as to avoid causing damage.
2. The Utility shall be responsible for the provision, erection, maintenance and removal of the signs at his own cost.
3. The Utility shall not cause any additional unauthorised signs to be placed on any highway within Lancashire. The placing of signs in the highway without permission is an offence and may incur a fine.
4. Permission may be withdrawn if the Utility fails to comply with any of these conditions and LCC or its agent may act in default and recharge costs incurred.
5. The Permission shall otherwise remain valid for one month before commencement and not more than seven days after completion of the street works whereupon the Utility shall remove the sign(s) and make good.
6. The Utility shall, within seven days of being requested, remove any sign which interferes with highway operations or those of a Statutory Undertaker.
7. The Utility shall at all times keep the LCC and its agents fully and effectively indemnified from any consequences attributable to the proposal. He shall arrange insurance cover to meet the cost of any potential claims and be able to produce evidence of public liability insurance cover with a minimum limit of indemnity of £2 million.

Signed on behalf of
Lancashire County Council

Date

APPENDIX F1

CRITERIA/CONDITIONS TO BE MET IN RELATION TO THE DISPLAY OF NEIGHBOURHOOD/RURAL WATCH AND BUSINESS SECURITY INITIATIVE SIGNS WITHIN HIGHWAY LIMITS

1. The sign content shall be as illustrated over in black on a yellow or yellow and white background. The inclusion of a modest logo by a sponsoring organisation is permitted.
2. The size of the sign shall not exceed 350mm wide or 500mm high and shall be mounted with the lower edge not less than 2.1 metres above the footway and with the upper edge not more than 3 metres about the footway. Repeater signs shall not be greater than 100 x 150mm.
3. The sign shall be erected by the District Council (or its approved agent) and securely fixed to the lighting column and other structure by means of two non-ferrous metal bands fastened round the column or post and tightened into place with a banding tool. Other secure fixings of an approved design, which will not damage the column or structure, are also acceptable.
4. The sign shall not be affixed to a traffic light signal post or to any post or lighting column to which a traffic sign is already attached.
5. The sign shall be displayed in a location agreed with the District Council where it is not likely to obscure a driver's view of any traffic sign or where it is likely to obscure the visibility of a driver at road junctions or on roads of poor horizontal alignment.
6. The number of signs displayed in the highway in connection with each individual Scheme shall be kept to a minimum, compatible with the need to give appropriate awareness and adequate recognition that a scheme is in force. Repeater signs within the area may be provided where considered necessary, but at a frequency no greater than one per street or 150 metres apart on longer streets in BSI areas and on the basis of 1 sign for each 25 dwelling included in a Neighbourhood Watch scheme.
7. The High Authority will not make any financial contribution to the signs nor have any subsequent responsibility for their maintenance and are only able to give authorisation as Highway Authority.
8. Attention is drawn to the Town and Country Planning (Control of Advertisement) Regulations regarding the circumstances under which a sign may be displayed with deemed planning consent (including a requirement for both Police Authority and Highway Authority consent).
9. The Highway Authority reserves the right to remove the signs if they fall into disrepair or otherwise constitute a hazard, or if the Highway Authority, or its Agents, wish to affix a traffic sign to the lighting column or structure on which a sign is mounted.
10. The organisers of a scheme shall, to a minimum limit of £2 million, indemnify the Highway Authority against any claim whatsoever against the Highway Authority which may arise as a result of or in connection with the erection, display or removal of a sign and, in this respect, the organisers shall maintain insurance for the purpose of the indemnity provided to the Highway Authority under this Condition. An appropriate Certificate of Insurance or Cover Note obtained by the organisers of the scheme in respect of the signs for which they have obtained consent shall be produced for the

information of the District Council as evidence of insurance cover before the signs are erected. Direct arrangement of indemnity, by the District Council, is equally acceptable.

APPENDIX F2

APPROVED FORMAT FOR NEIGHBOURHOOD WATCH AND SIMILAR SIGNS



APPENDIX G1 1 OF 1

LICENCES FOR PLANTING AND TUBS AND CONTAINERS NOTES FOR GUIDANCE FOR APPLICANTS

1. The type of planting shall be appropriate to the nature of the location and shall enhance the environment. In particular, trees and shrubs, should not be prickly, nor have poisonous foliage or fruits, and not be likely to cause problems by 'droppings'. In urban areas, space restrictions are likely to limit choice and fastigiated (upright) varieties are preferred. In rural areas, indigenous species are preferred.
2. The location should be such that there is no obstruction either physically or to visibility, nor obscuration of signs or streetlights.

There shall be no encroachment which reduces the clear footway width to less than an absolute minimum of 1.8 metres (6 feet) and possibly greater on busy streets. A clearance of 5.8 metres above the carriageway (extending 0.5 metres behind its edge) and 2.5 metres above verge of footway must be maintained at all times.

In general, freestanding objects such as tubs should not be more than 1 metre high. There shall be no interference with access to adjacent premises, or obstruction of light or other nuisance. Regard should be taken of the potential damage effect, caused by roots or otherwise, on adjacent structures, pavements and apparatus. Access to Statutory Undertakers apparatus and for the purposes of highway maintenance shall be available at all times.

3. Tubs and containers shall be sound and secure and such as to not fall or spill. Containers may be fixed to lighting columns except where columns carry a traffic sign (other than a waiting restriction or speed limit repeater sign). They must not be fixed to sign posts. Fixing brackets and fittings shall be non-ferrous, stainless steel or galvanised steel and a neoprene insert shall be fitted to prevent damage.
4. The planting should conform to the relevant British Standard (BS.4484) and good horticultural practice.
5. Licences to frontagers will be subject to an initial payment of £.....* and an annual payment of £.....* in respect of legal and other administrative expenses.

* Insert current fee.

APPENDIX G2 1 OF 2

STANDARD FORM OF LICENCE AND TERMS OF CONDITIONS FOR PLANTING IN THE HIGHWAY BY A FRONTAGER

LANCASHIRE COUNTY COUNCIL/....* COUNCIL

HIGHWAYS ACT 1980, SECTION 142

LICENCE TO PLANT AND MAINTAIN IN HIGHWAY

(BY FRONTAGER)

1. The Lancashire County Council/....* Council ('the Council') as/acting on behalf of* the Highway Authority for the highway mentioned below hereby grant, under Section 142 of the Highways Act 1980, to....*, as the occupier of* ('the Licensee'), a Licence to plant and maintain that part of the highway known as*, and delineated and edged red on the plan attached hereto ('the highway'), the trees, shrubs, plants or grass ('the planting') upon the terms and subject to the conditions detailed in Section 142 of the Act and the other provisions of the said Section 142 and the Licensee hereby accepts the Licence aforesaid upon and subject to the terms, conditions and provisions which follow.
2. No planting shall be carried out in the vicinity of Public Utilities apparatus without their prior approval and evidence of that approval having been provided by the Licensee to the Council.
3. No thorned plant or plant which is of a poisonous nature (whether by reason of fruit, flowers, leaves or howsoever) or is otherwise like to constitute a source of danger to persons or animals on the highway shall be planted under this Licence.
4. All the planting to which the Licence relates shall be properly cut, pruned and trimmed at all times during the continuance of this Licence and no planting shall be allowed to obstruct or interfere in any way with or become a source of danger to passage along the carriageway or any footway of the highway.
5. The Licensee shall keep the part of the highway to which this Licence relates in a trim and tidy condition.
6. If it appears to the Council at any time that any planting to which this Licence relates is, or is likely to, obstruct or interfere in any way with, or be a source of danger to, passage along the carriageway or any footway of the highway, or to overhand the premises of any person other than the Licensee, the Council may, without notice to the Licensee, take such action as they think fit, or to otherwise take direction action and any such action by the Council shall be without prejudice to their power under Section 142(6) of the Act to withdraw the Licence.
7. The Licensee shall not remove any soil from the part of the highway to which this Licence relates or otherwise do anything which would interfere with the support given to the rest of the highway.

APPENDIX G2 2 of 2

8. The Licence hereby granted shall not be assigned and shall remain in force until the Licensee ceases to occupy the premises detailed at paragraph 1 of this Licence unless the Licence is previously withdrawn by the Council under Section 142 of the Act or is surrendered to the Council by the Licensee.
9. Persons authorised by the Council or any Public Utilities or the Post Office, may at any time enter the part of the highway to which this Licence relates without notice to the Licensee in order to carry out works for the purpose of the highway, or the undertaking in question.
10. During the progress of any work in connection with the planting or maintenance thereof the Licensee shall have due regard for the safety and convenience of highway users and shall thereafter make good any damage to the highway resulting from the works.
11. The Licensee shall pay to the Council on the granting of this Licence the sum of £....* in respect of legal and other expenses incurred in connection with the grant of this Licence and shall pay the Council annually thereafter the sum of £....* for administering this Licence.

INDEMINITY

The Licensee agrees to indemnify and keep indemnified the County Council to a minimum limit of £2 million in accordance with the requirements of Section 142(8) of the Act and shall maintain at the Licensees own expense appropriate insurance in respect of this indemnity and produce evidence of such insurance to the Council if required to do so.

Dated the day of 199

.....
The County Surveyor/appropriate Officer of the District Council*

*Insert/delete as appropriate.

APPENDIX G3 1 of 1

STANDARD FORM OF CONSENT FOR PLANTING IN THE HIGHWAY BY A COUNCIL

PLANTING CONSENT

In accordance with Section 96(4) of the Highways Act 1980, Consent is hereby granted by the Lancashire County Council ('the County Council') as Highway Authority to* Council ('the Council') to plant in the following location and subject to the conditions set out below:-

Location: -*, as detailed on the attached plan.

Conditions: -

- (a) The trees shall be planted as far as possible from the edge of the carriageway and in no case where they are likely to cause obstruction to visibility or free passage. Subsequent maintenance by the Council shall ensure that any branches below a height of 5.7 metres shall be kept at least 0.5 metres back from the road edge with no branches being lower than 2.5 metres above.
- (b) The Council shall be responsible for ascertaining the location of any cables, pipes, mains or drains affecting the site of the planting, whether underground or overhead, and shall take such measures as may be deemed appropriate by the Statutory Undertakers or other Authorities for the protection of the apparatus.
- (c) The entire responsibility, financial or otherwise, for the planting and subsequent maintenance of the trees shall rest with the Council in perpetuity and in this respect your Council's attention is drawn to the obligations placed upon it by Sub-Sections 1, 6 and 7 of Section 96 of the Highways Act 1980.
- (d) The Council shall indemnify the County Council against all actions proceedings costs damages claims and demands whatsoever which may arise as a result of the planting maintenance and existence of the trees.

Signed:

Dated:

APPENDIX G4 1 of 2

STANDARD FORM OF CONSENT FOR PLATING IN TUBS AND CONTAINERS (INCLUDING HANGING BASKETS) ON THE HIGHWAY BY A COUNCIL

PLANTING IN TUBS AND CONTAINERS –FORM OF CONSENT

LANCASHIRE COUNTY COUNCIL/....* COUNCIL

In accordance with Section 96(4) of the Highways Act 1980 and Section 8 of the County of Lancashire Act 1984, Consent is hereby granted to*Council ('the Council') by/on behalf of* the Lancashire County Council ('the County Council') as Highway Authority, to carry out planting as described, and subject to the conditions stated below:-

Location: -*, as detailed on the attached plan.

Conditions: -

1. The container shall be located, and of a type as detailed and such as to not obstruct free passage of pedestrians, nor obstruct visibility, nor create an obstacle to maintenance operations including access to Public Utilities apparatus. The Council shall be responsible for all consultations in the latter respect.
2. In the case of containers attached to lampposts, the proposal shall not damage nor interfere with the prime purpose of the post to which the container is attached. The container shall be sound and secure, such as not to fall or spill onto road users nor interfere with the normal lateral and vertical clearances specified for highways

'Plant baskets must not be fixed to sign posts. Brackets on which baskets are to be hung may be fixed to lighting columns, except where lighting columns carry a traffic sign other than a waiting restriction plate.

Brackets must be fixed so that no part of the installation is within 0.5 metres of the kerb face at a height of less than 5.7 metres, and no part is at a height of less than 2.5 metres over a footway or verge.

Brackets and bolts shall be of non-ferrous material, stainless steel or galvanised steel. A neoprene insert shall be fitted between the bracket and column to prevent damage to the column or its protective coating.'

3. The Council shall indemnify the County Council against all actions proceedings costs, damages claims and demands whatsoever which may arise as a result of the placing existence and maintenance of the containers.
4. The Council shall retain the responsibility for the container and its contents and maintain it in a condition to the County Surveyor's satisfaction.
5. At the reasonable request of the County Surveyor the Council shall at its own expense remove the containers. This could apply when the presence of the containers interfered with maintenance work such as resurfacing or improvement works such as carriageway widening or with painting or renewal of lighting columns. Removal may also be required where repeated problems arise due to vandalism or where any of the aforementioned requirements are not met.

APPENDIX G4 2 of 2

6. This consent shall continue in force until terminated by either party on giving the other four weeks notice in writing or until removal of the containers in accordance with the provisions of paragraph (5) above.

Signed:

Date:

*Insert/delete as appropriate

APPENDIX H1 1 of 2

PROVISION OF ACCESS RAMPS FOR DISABLED PEOPLE: HIGHWAYS ACT 1980 NOTES FOR GUIDANCE FOR APPLICANTS

1. Applications may be considered for the provision of ramps within the highway to provide access for disabled people to all buildings open to the public, both public and commercial.
2. The provision should normally be outside the highway even though this may be more expensive than provision within the highway.

Possible alternative means of access outside the highway include:

- installing a ramp, or a vertical wheelchair lift, within the building
- moving an entrance to a new location where the footway is at a higher level
- building the ramp on a forecourt that lies within the ownership of the applicant.

For an applicant to demonstrate that a ramp within the highway is the only solution the District Council shall certify that internal access alternatives have been examined by their Access Officer or Building Control Officer who agrees that they are not possible.

3. Where the difference in level is small it may be possible to provide access by adjustment of the levels of the adjacent footway. In these circumstances the work will be arranged by the highway authority, or its agent, at the expense of the applicant. Where this solution requires the provision of a rail or barrier than it shall be subject to the provisions of the following paragraphs, including the need for a licence.
4. Where the difference in level is greater and can only be accommodated by a significant structure within the highway, the Council will need to consider the merits of the particular circumstances. A preliminary appraisal will seek to ensure: -
 - (a) That there is no obstruction to safe passage or access to other premises by pedestrians or authorised vehicles.

The ramp shall only take up such minimum space as is necessary for its proper function and a residual unobstructed footway width of at least 6 feet (1.8 metres) will normally be required except that on unclassified roads with low vehicle and pedestrian use a reduction to not less than 1.2 metres may be considered in exceptional circumstances where otherwise access could not be provided. A greater width will be necessary on busy footways, crossing points, etc;

- (b) Consideration of adjacent frontagers views will be necessary in order to ensure that there is no interference with their rights of access and to consider the possibility of a joint provision of ramped access;
- (c) Confirmation of the highway status of the land to be occupied by the ramp.

APPENDIX H1 2 of 2

5. Where, after a preliminary appraisal, it appears to the Council that a ramp within the highway is feasible and justified a more detailed procedure, as described below, may follow. Before embarking upon this and irrespective of the outcome, the applicant, namely the frontage owner, shall pay the Council the sum of £....* to cover its expenses incurred. (Highways Act 1980, Section 115F)
6. The Council will examine the proposal in more detail against the requirements of the County Council's Code of Practice on Mobility (incorporating standards abstracted from the Building Regulations 1991 Part M) and also the requirement to make satisfactory provision for dealing with surface water run-off.
7. The enabling legislation is Section 115 A-K of the Highways Act 1980, which may be applied by either the County Council or District Council (irrespective of the highway agency powers) and may be in respect of a Council proposal or on behalf of other persons. The circumstances are set out in detail in the Act.
8. When appropriate the Council will issue a licence in accordance with Section 115E and the example appended to these notes.
9. The issue of a licence will be subject to the prior satisfactory outcome of: -
 - (a) The preliminary and detailed appraisals (4 and 6 above);
 - (b) Consultations with the Council and Statutory undertakers and the Telecommunications Operators and the Sewerage Authority to ensure compliance with Section 115D;
 - (c) The publishing of notices by the Council as required by Section 115G and the consideration of all representations arising there from;
 - (d) Consultation with the Local Planning Authority and Highway Authority as required by Section 115H.

APPENDIX H2 1 of 1

STANDARD NOTICE FOR RAMP TO BE PROVIDED BY THE COUNCIL

LANCASHIRE COUNTY COUNCIL/....* COUNCIL

HIGHWAYS ACT 1980, SECTION 115G (AS AMENDED)

Notice is given that the Lancashire County Council in pursuance of the provisions of the Highways Act 1980 propose to exercise its powers under Section 115B (1)(b)(iii) of the Highways Act 1980 to place an access ramp on, in or over the highway known as (....*1....) for the purpose of providing a service for the benefit of the public or a section of the public.

The effect of which will be to (....*2....) as shown in red on the plan below.

This proposal is considered necessary to assist (....*3....).

A copy of the proposal and plan may be inspected free of charge at (....*4....) during normal office hours until the (....*5....).

Any person wishing to object or make representations on the proposal should do so in writing to the (....*6....) of (....*7....), quoting reference (....*8....), by no later than the (....*9....) and stating the grounds on which the objection or representation is made.

Date of Notice:

(Insert plan here)

KEY:

- *1 insert name of highway
- *2 insert details of proposal
- *3 insert details of the benefit to the public, (e.g. access for the disabled)
- *4 insert place of inspection
- *5 insert date (must be at least 28 days from the date of the notice)
- *6 insert name and title (e.g. Chief Executive/Clerk or County Surveyor)
- *7 insert address of person named at *6
- *8 insert file reference number
- *9 insert date as at *5

NOTE: District Councils issuing the notice in their own right should modify the notice as appropriate.

APPENDIX H3 1 of 1

**STANDARD NOTICE FOR RAMP WITH WORKS TO BE EXECUTED BY PERSONS
OTHER THAN THE COUNCIL**

LANCASHIRE COUNTY COUNCIL/....* COUNCIL

HIGHWAYS ACT 1980, SECTION 115G (AS AMENDED)

Notice is given that the Lancashire County Council ('the Council') in pursuance of the provisions of the Highways Act 1980 propose to grant to (....*1....) of (....*2....) permission under Section 115E (1)(a) of the Highways Act 1980 ('the Act') to place an access ramp on, in or over the highway known as (....*3....) for the purpose of providing a service for the benefit of the public or a section of it being something which the Council could do under Section 115B (1)(b)(iii) of the Act.

The effect of which will be to (....*4....) as shown in red on the plan below.

This proposal is considered necessary to assist (....*5....).

A copy of the proposal and plan may be inspected free of charge at (....*6....) during normal office hours until the (....*7....).

Any person wishing to object or make representations on the proposal should do so in writing to the (....*8....) of (....*9....), quoting reference (....*10....), by no later than the (....*11....) and stating the grounds on which the objection or representation is made.

Date of Notice:

(Insert plan here)

KEY:

- *1 insert name of person to carry out work
- *2 insert the address of the person named at *1
- *3 insert name of highway
- *4 insert details of proposal
- *5 insert details of the benefit to the public, (e.g. access for the disabled)
- *6 insert place of inspection
- *7 insert date (must be at least 28 days from the date of the notice)
- *8 insert name and title (e.g. Chief Executive/Clerk or County Surveyor)
- *9 insert address of person named at *8
- *10 insert file reference number
- *11 insert date as at *7

NOTE: District Councils issuing the notice in their own right should modify the notice as appropriate.

APPENDIX J1 1 of 5

NOTES FOR GUIDANCE OF APPLICATIONS FOR PERMISSION TO USE THE HIGHWAY FOR THE PURPOSES OF OPERATING A PAVEMENT CAFÉ

1. GENERAL

- 1.1 The applicant will be expected to demonstrate that the café will add to the street scene and, where appropriate, demonstrate his/her commitment to the refurbishment of the external appearance of the property, thus ensuring that the principle of a quality environment in the area is achieved.
- 1.2 Outside café areas must be well related to the unit from which it is intended to service the café, and applicants must be able to demonstrate the integration of the internal and external activities. Applications for external cafes not related to the main use of the premises will be refused.
- 1.3 Only well designed proposals will be considered, where quality and consideration of the environment and its surroundings has been demonstrated.
- 1.4 The shop front from which the café is to be operated must accord with the Council's shop front design guide and, if appropriate, the policy on shutters. If the proposal does not comply the application will be refused.
- 1.5 The proposal should not hinder reasonable use of the highway, cause nuisance to adjacent frontagers, or interfere with apparatus or access to apparatus in the highway. To this end the applicant shall comply with all statutory requirements and obtain all necessary permissions before the granting of permission.
- 1.6 No application will be considered if the remaining width of the pedestrian area will be less than 1.8 metres. A greater width may be required in more heavily trafficked areas.

2. APPLICATION FOR CONSENT

- 2.1 Applications for permission to use the highway for purposes of operating a street café must be made in writing with a detailed submission describing the proposals.
- 2.2 Four copies of the detailed submission should be submitted, together with full details in plan form of the layout, etc, of the proposals, in sufficient detail and scale to enable proper consideration of the proposals. The application should also be accompanied by four copies of a block plan to 1/1250 scale, showing sufficient area surrounding the application site to enable consideration of all highway matters.
- 2.3 The application should be accompanied by details of the furniture, chairs, tables, umbrellas, etc., to be used. (Manufacturers detailed brochures would be an advantage).
- 2.4 The application should be accompanied by a statement setting down full details of the proposal, its proposed use, including type of food to be served, method of operation, hour of operation, style of service to the outdoor areas.
- 2.5 Applicants are advised to consult the Planning Division of the Council before making an application. Under certain circumstances planning permission may be required.

APPENDIX J1 2 of 5

- 2.6 Applications involving the sale of beef burgers, hot dogs and similar hot food usually associated with a hot food takeaway will not normally be permitted.
- 2.7 No work must be commenced on site prior to the receipt of permission.

3. ADMINISTRATION

- 3.1 Due to the complex nature of application, all applications will be processed as if they were planning applications and the Director of Technical Services* will be authorised to determine applications in accordance with the conditions set out by the Council.
- 3.2 Trading on the highway in such a way requires the Council's permission by virtue of Section 115(E) of the Highways Act 1980 and the consent of the Highway Authority under Section 115(H). The Director of Technical Services* may be authorised to act for the Highway Authority in this respect, but otherwise will seek the consent of the Highway Authority.
- 3.3 The fee for applications is determined by the Council on an annual basis.

* Amend as appropriate to the proper Officer of the Council.

APPENDIX J1 3 of 5

CONDITIONS ATTACHED TO PERMISSIONS GRANTED TO OPERATE PAVEMENT CAFES UNDER SECTION 115© OF THE HIGHWAYS ACT 1980

1. GENERAL

- 1.1 The permission is granted for a period of twelve months.
- 1.2 Seven days notice in writing must be given prior to the commencement of any work on site.
- 1.3 All work on the highway shall be carried out at the operator's expense and thereafter maintained to the satisfaction of the Director of Technical Services *. All such work must comply with the Council's Code of Practice on Health and Safety and any statutory requirements in relation to the Health and Safety at Work legislation and Chapter 8 of the Traffic Signs Manual.
- 1.4 The Operator shall indemnify the Council and shall produce to the Council's Head of Legal Services for inspection a policy of insurance indemnifying himself and the Council against any injury or damage to any person or property and against any claim liability expense or demand arising by reason or in consequence of the permission granted. The policy shall provide cover of not less than £2,000,000 in respect of any one accident or series of accidents arising from one incident unlimited during the period of insurance.
- 1.5 The Council may revoke the permission by giving 30 days notice in writing to the Operator.
 - (i) where any condition attached to the permission is contravened by the Operator or
 - (ii) if there is any change in ownership or use of the premises to which the permission relates or
 - (iii) where the revocation is necessary for the purpose of exercising any of the Council's functions as/as Agent of ** the Highway Authority
- 1.6 All furniture shall be removed from the licensed area if any Statutory Undertaker or licensed telecommunications operator requires access to plant on, over or beneath the licensed area and shall not be replaced until works on the plant are completed and any necessary surface reinstatement completed.
- 1.7 All furniture shall be removed from the licensed area if the Council as/as Agent of ** the Highway Authority requires access to the licensed area to carry out any works whatsoever and shall not be replaced until the works are completed.
- 1.8 Notwithstanding the provisions contained in 1.6 above, where the Operator proposes to part with his interest in the premises to which the permission relates, a transfer of the permission will be considered by the Council provided that 30 days notice of proposed transfer is given in writing giving details of the intended transferee.

APPENDIX J 4 of 5

- 1.9 Upon expiry or revocation of the permission the Operator shall remove any structures from the highway and re-instate the highway to its former state and condition and in default thereof, the council will be empowered to carry out such work of re-instatement and recover the expense in so doing from the operator.

* Amend as appropriate to the proper Officer of the Council.

** Delete as appropriate.

2. PEDESTRIAN ACCESS AND SAFETY

- 2.1 Use of land designated as public highway and other areas where there is public access will normally be allowed provided there is at least 1.8 metres clear between the café and the kerb to allow pedestrians to pass by safely. In a pedestrianised area there should be at least 3.5 metres of unobstructed space in front of the café area. In certain busy streets a clear depth greater than 1.8 metres may be required between the café and kerb.
- 2.2 Where the use directly fronts the premises from which refreshments are served, there must be an unobstructed corridor to the shop entrance of 1.5 metres at all times.
- 2.3 Normal road safety considerations will apply; and, in certain circumstances, may override the provisions of paragraph 2.1. Access for emergency vehicles must be protected at all times.
- 2.4 Where tables and chairs are proposed directly outside a shop front, a well designed and constructed physical barrier of approximately 0.8 metres in height is required to designate the area and to guide persons with sight disability around the use. Such barriers must not be permanently fixed to the ground and must be of a style, design and type to be agreed by the Director of Technical Services*.

3. HEALTH AND AMENITY

- 3.1 Since at most locations, problems with pigeon or starling droppings are likely umbrellas or retractable canopies will need to be provided with the tables. Advice on canopy design should be sought from the Planning Officer prior to installation to ensure they meet the Council's requirements.
- 3.2 The design of chairs, tables, umbrellas, etc, shall be subject to the approval of the Director of Technical Services* and such street furniture together with associated outdoor and payment areas including an area of 1 metre around the permitted area must be regularly cleansed and floor debris and other waste immediately removed.
- 3.3 No amplified music or loudspeaker equipment shall be used.
- 3.4 There must be adequate provision made for the collection and containment of litter and, where directed, the operator must provide suitable litter bins.
- 3.5 The Operator shall at all times when the pavement café is in operation make available for customers toilets and hand washing facilities.

* Amend as appropriate to the proper Officer of the Council

APPENDIX J 5 of 5

4. MANAGEMENT

- 4.1 All persons consuming food or drink within the permitted area must be seated at an approved place within the area and must not take refreshment outside the permitted area.
- 4.2 All transfers of food and/or drink to the permitted area must be by water/waitress service and all food and drink shall be served on or in non-disposable crockery and with non-disposable cutlery.
- 4.3 All equipment and structures placed on a public highway must be removed from the highway upon the cessation of the days trading and the area cleansed to the satisfaction of the Director of Technical Services*.

* Amend as appropriate to the proper Officer of the Council

APPENDIX J2 1 of 1

CONDITIONS AND CRITERIA FOR MOBILE CAFES IN LAYBYS

1. Before designating as a licence street (i.e. a street in which street trading is prohibited without a licence granted by the District Council) any street maintained by the Highway Authority, Districts will consult the Highway Authority.
2. Consent will only be granted in respect of a lay-by if the Highway Authority is satisfied that the siting there of a mobile café will not prejudice road safety and that its operation will not lead to obstruction of the carriageway.
3. Advertising signs on the adjacent highway indicating the presence of the mobile café will not be permitted.
4. The mobile café shall be removed from the licensed position if any Statutory Undertaker or licensed telecommunications operator requires access to any plant on, over or beneath the licensed position and shall not be replaced until the works on the plan are completed and any necessary surface reinstatement completed.
5. The mobile café shall be removed if the Highway Authority or its Agent requires access to the licensed position to carry out any works whatsoever and shall not be replaced until the works are completed.
6. The Operator shall indemnify and keep indemnified the Highway Authority to a minimum value of £2 million against any claim whatsoever which may arise as a result of or in connection with the place and/or operation of the mobile café.

The District Council issuing the street trading Licence shall seek evidence of appropriate insurance cover to provide this indemnity.

APPENDIX J3 1 of 1

CONDITIONS AND CRITERIA FOR ADVERTISING ROTUNDAS/KIOSKS AND SIGNS IN THE HIGHWAY.

Consent may be granted by the County Council as Highway Authority to the provision of freestanding rotundas/kiosks for the purpose of advertising, and to the fixing of advertising signs to existing light columns, subject to the following:

1. Rotundas/kiosks shall be appropriate designs such that they can themselves be regarded as enhancing the amenity of the highway.
2. The units shall be on the pedestrian area, and consent will only be granted for advertising within fully pedestrianised streets, or within the footway of unclassified streets within limited low speed vehicle access.
3. The siting of the units shall be such as to leave a residual unobstructed footway width of at least 1.8 metres, and minimum distance from any carriageway of 0.5 metres.
4. Rotundas/kiosks may be illuminated, subject to the illumination not being considered by the Highway Authority to be a danger to safety.
5. Advertising signs fixed to existing lighting columns shall not be illuminated.
6. Brackets holding advertising signs to lighting columns shall be of non-ferrous material, stainless steel, or galvanised steel. A neoprene insert shall be fitted between the bracket and column to prevent damage to the column or its protective coating.
7. The maximum area of an advertising sign fixed to a standard lighting column shall be 1.0m², and no advertising sign shall be fixed to a lighting column carrying a traffic sign other than a waiting restriction plate.

Consideration may be given to larger signs where the columns are specifically designed to carry such signs, the supports are designed and manufactured as an integral part of the column design and the Operator bears the complete cost of the manufacture and installation of such columns. The designs will be subject to the approval of the County Surveyor.

8. Highway Authority reserves the right to remove any unit in an emergency to safeguard the public.
9. The Operator shall indemnify and keep indemnified the County Council against all actions, proceedings, etc, arising from the presence of rotundas/kiosks or signs on the highway and shall have appropriate insurance for the purpose of this indemnity.

APPENDIX J4 1 of 3

STANDARD FORM OF LICENCE FOR AMENITIES ON THE HIGHWAY

LANCASHIRE COUNTY COUNCIL/.... COUNCIL*

HIGHWAYS ACT 1980 VIII A

In accordance with the Highways Act 1980 Section 115(E)1 (a)/(b)* the Council ('the Council') grants permission to

to

provide maintain and operate facilities for recreation or refreshments ('the facilities;)/

carry out works ('the works')/

place the object(s) or structure(s) ('the object or structure'*)/

to use the object(s) or structure(s) ('the object or structure'*)*

in/on/or over* the highway known as ('the highway') being a

/for the purpose of* as shown on the attached drawing(s), subject to the following conditions:

1. This permission is personal to the Licensee.
2. The Licensee shall have confirmed compliance with all statutory requirements and obtained all necessary permissions and consents before the granting of this Licence.
3. The Licensee shall give the Council 7 days notice in writing before commencing any work on the highway, which shall not in any event be prior to the issue of this Licence.
4. The licensee shall at its own expense and risk provide and operate the facilities/carry out the works/place the object or structure/use the object or structure* and thereafter maintain in a good condition. (The term maintain shall include any repair or replacement if damaged by whatsoever cause). When so doing the Licensee shall: -
 - (a) Exercise all due care and diligence
 - (b) Comply with the Council's Code of Practice on Health and Safety and its Code of Practice on Works on the Highway, and with its Code of Practice on Mobility*.
 - (c) Comply with all statutory requirements including in particular the Health and Safety at Work etc Act 1974 and Regulations made under the Act any applicable EC Directive and Regulations giving effect to the same.
 - (d) Obtain the Council's approval in writing to all construction drawings and specifications which may be necessary.
 - (e) Comply with any conditions arising from the Council's consultations with Statutory Undertakers, Telecommunications operators, Sewerage Authority, Local Planning Authority and Highway Authority as applicable, and from statutory notices, all as appended hereto.
5. The Licensee shall comply with the terms and conditions detailed in the Appendix to this licence.

APPENDIX J4 2 of 3

6. The Licensee shall indemnify the Council against all actions proceedings, claims, demands, liabilities and expenses whatsoever which may at any time arise from or in connection with or incidental to the construction condition maintenance use provision or operation of the facilities/the works/the object or structure* to which this Licence applies and at the Licensees own expense to maintain and produce on demand evidence of appropriate insurance in respect of the facilities/the works/the object or structure& and for the purpose of this indemnity
7. The Council may determine the Licence by notice in writing ('the Notice') and the licence shall expire:
 - (a) not less than 30 days from the date of service of the Notice on the Licensee where: -
 - (i) any term or condition of this Licence is contravened by the Licensee or if there is any change in ownership of the facilities/the works/the object or structure& or the Licensee parts with his interest in the use of the object or structure*

where there is a change in ownership of the facilities/the works/the object or structure* a transfer of the Licence will be considered provided that the Licensee shall before doing so give 60 days notice in writing to the Council stating to whom the benefit of the Licence is to be transferred.
 - (ii) determination of the Licence is necessary for the purpose of the exercise of the Council's functions as/on behalf of * the Highway Authority.
8. The licensee may determine the Licence by 30 days notice in writing to the Council.
9. The Licensee upon the expiry or determination of the Licence shall remove the facilities/the works/the object or structure* and do all things necessary to be done and within such period as the County Surveyor/....* may specify to restore the object or structure/highway* to its former state and condition to the satisfaction of the County Surveyor/....*
10. Subject to Conditions 7 and 8 above this Licence shall continue in force until the* day of* 199* (and then from year to year).
11. The Council may recover in default from the Licensee any expenses they reasonably incur in carrying out the cost of restoring the object or structure/highway* to its former state and conditions themselves.
12. The Licensee shall pay to the Council on the grant of this Licence the sum of £.... of which £... is the cost of providing the object or structure&/the facilities* and £.... Is the cost of the Council's legal and other expenses incurred in connection with the grant of this Licence.

APPENDIX J4 3 of 3

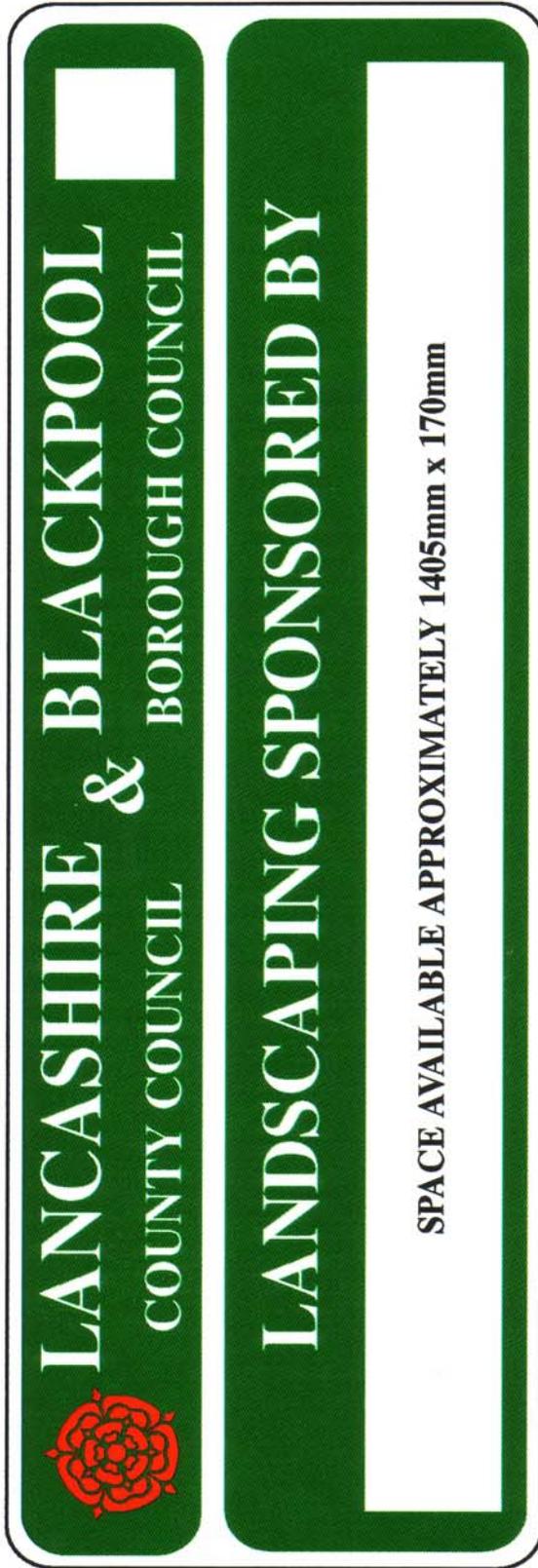
The Licensee's attention is drawn to the Highways Act 1980, Section 115K (failure to comply with the terms of permission).

Signed:

Dated:

* delete as appropriate

APPENDIX J5 1 of 1



| | | | |
|----------------|-----------|--------|----------|
| Sign Reference | 2 | Width | 1485mm |
| 'x' – Height | 37.5 | Height | 535mm |
| Letter Colour | WHITE | Area | 0.79sq.m |
| Background | GREEN | | |
| Border | WHITE | | |
| Material | CLASS – 1 | | |

NOTES

COUNTY COUNCIL & BOROUGH COUNCIL LEGENDS are at 25mm x Ht.

The legend "Landscaping sponsored by" could be changed to "Artwork sponsored by" as appropriate.

APPENDIX K 1 of 4

**STANDARD FORM OF LICENCE AND TERMS AND CONDITIONS FOR APPARATUS
OVER THE HIGHWAY**

LANCASHIRE COUNTY COUNCIL/.... COUNCIL*

HIGHWAYS ACT 1980, SECTION 178

WHEREAS

1. Purpose of Overhead*

....* of* has applied to the Lancashire County Council/* Council ('the Council') as/acting on behalf of * the local Highway Authority to erect* over the highway known as* at* in connection with*

2. Consent Required.

A consent under Section 178 of the Highways Act 1980 ('the Act') is necessary for* across highways subject to such reasonable terms and conditions as the Highway Authority considers necessary NOW in pursuance of the provisions of Section 178 of the Act the Council as the/acting on behalf of the* Highway Authority for the highway names at Clause 1 above (hereinafter called the 'highway') consent to* fixing and placing over along and across the highway* (hereinafter called 'the*') on the terms and conditions stated below.

If the* is aggrieved by any of those terms and conditions it may appeal to the Magistrates Court sitting at* within twenty-one days from the date of service of this notice on*

APPENDIX K 2 of 4

TERMS AND CONDITIONS

- 1. Erection of***
The* erected shall conform with all reasonable requirements of the County Surveyor of the Council ('the County Surveyor')/the* of the Council ('the*') at such height as the County Surveyor/....* shall reasonably require and shall continue across the highway for such distance and in such position or positions as the County Surveyor/....* shall reasonable require.
- 2. Supports**
The* shall be sufficiently supported to any building or erection to which it is attached by a device approved in writing by the County Surveyor/....*
- 3. Maintenance**
The* (which term shall for the avoidance of doubt include any necessary supports in accordance with Clause 2 above) shall be maintained and kept in good repair and condition so as not to be a nuisance or annoyance to owners or occupiers of neighbouring property or to persons using the highway and for this purpose the* shall be inspected by the* at intervals of not more than*
- 4. Nuisance**
If any part of the* erected reasonably causes or reasonably becomes a nuisance or annoyance to any person the* shall remove or if practical at the option of the* abate such nuisance or annoyance on receipt of a written notice from the Council and in default of such removal or abatement within a reasonable time after receipt of such notice the Council may itself carry out such removal or abatement and recover their reasonable costs in so doing from the*
- 5. Private Consents**
Nothing in this consent shall be construed as giving the* any right or privilege to attach the* to premises for which permission shall be required by the* from the owner or occupier of them for the time being and nothing in this consent shall be presumed to give to the* the right to erect any structure other than the* on any part of the highway or any other highway.
- 6. Indemnity**
The* shall indemnify and keep indemnified the Council against all actions proceedings costs claims demands liability and expenses whatsoever which may arise at whatever time in connection with or incidental to the erection maintenance or use of the* and for this purpose shall maintain full and appropriate insurance cover for the purposes of this indemnity and produce evidence of such cover on demand.
- 7. Byelaws**
The* shall observe and perform all legal requirements and obtain all necessary consents and way leaves over private property.

APPENDIX K 3 of 4

8. Damage to the highway

If any damage or injury shall happen to the highway or any part thereof by reason of the* or of any accidents to the* or any defect or want of repair in the* such damage or injury shall as soon as practicable be made good by the Council and the reasonable cost and expense of such making good shall be paid by the* to the Council within Fourteen days of the amount being ascertained. Such amount shall be assessed by the County Surveyor/* and in the event of the* objecting to the amount of such assessment shall be determined by a single arbitrator at the request of either party in pursuance of the Arbitration Acts 1950-1979 or any statutory modification or re-enactment at the time being in force.

9. Reinstatement

After the* is no longer required the* shall remove the same within a period of* months at its own expense and in default of so doing the Council shall remove the same and reinstate the highway at the expense of the* and the* shall on demand pay to the Council the reasonable cost of such removal as certified by the County Surveyor/....*

10. Improvement of the highway and safety of users of the highway

If at any time the Council reasonably considers that the removal or alterations of the* is necessary or desirable in connection with the carrying out of improvements or other necessary works to the highway or for the safety or protection of persons or vehicles using the highway the* at its own expense shall remove the* or alter it in such a manner and within such period as the County Surveyor/....* may reasonably require.

11. Use of the*

The* shall at all times be used solely for the purpose for which it has been designed and erect.

12. Advertisements

The* shall not place in or attach or suffer to be placed on or attached to the* any advertisement placard bill or poster whatsoever without the prior consent in writing of the Council such consent not be unreasonably withheld or delayed.

13. Period of Consent

Subject as above this consent shall be deemed to have been given on the date hereof and shall continue in force until the* day of* 199* and thereafter from year to year until determined by either party giving to the other written notice of not less than* months PROVIDED ALWAYS that if there shall be a breach of the terms and conditions in this consent the Council may give written notice to the* to determine this consent forthwith.

APPENDIX K 4 of 4

14. Notice of Notices

Any notice requiring to be served on the Council shall be in writing and shall be sufficiently given or served upon the Council if delivered to the County Surveyor at Guild House, Cross Street, Preston/* at* or posted to such address by recorded delivery post and any notice requiring to be served on the* shall be in writing and shall be sufficiently given or served upon the* if delivered to the* at* or posted to such address by recorded delivery post.

Date the day of 199

SIGNED by)
For an on behalf of)
Council)

* delete as appropriate