

Structures on the Highway Policy

1. Introduction

Thame Town Council (The Council) has produced this policy to set acceptable standards for the placing of structures within the highways 20/30mph speed restriction boundary of Thame. The Council wishes to encourage the economic viability of the town but this has to be balanced against statutory legal obligations and equality of treatment to members of the public. However, it is recognised that some discretion is needed within the town centre with regards to business signage (e.g. "A Boards") displayed goods, objects and structures (including bins, planters, tables/chairs, musical instruments, temporary trading stands).

A separate more specific policy is defined with regard to Promotional Signs where the Town Council has delegated authority from the Highways Authority.

The term "highway" includes any carriageway, street furniture, bus stops, lamp post, seating, footway, cycle track, verge, lay-by or other land between the highway boundaries (usually marked by a ditch, hedge, wall or boundary marker). The term "road" means a highway or any other road to which the public has access.

The Town Council has no legal obligations relating to structures, but is often seen as the arbiter. This policy is therefore written on the basis of polite persuasion.

2. Business Signs, Displayed Goods and Other Items Outside Business Premises

Any interference with public passage is technically an illegal obstruction of the highway. The Highways Authority / Police are the legal enforcers. The Town Council will advise or enter into polite persuasion in situations where complaints are raised. The Town Council will use the following criteria when assessing any perceived obstruction by a structure.

- a) Does the resulting vibrancy / vitality of the town outweigh the disadvantage created
- b) A minimum width of passage of 1.2 metres should be retained for pedestrians
- c) The depth extending from the shop frontage should not exceed 1.2 metres
- d) Pedestrians must not be unduly forced into the road, either directly as a consequence of the structure or because of the number of pedestrians using this area of the highway.
- e) The actual footfall at any location may allow reduced criteria as it will vary according to timing
- f) Advertising boards / Displays must not cause a visual distraction to drivers of road vehicle or obstruct visibility e.g. close proximity to junctions.
- g) Structures shall not cause any damage to the highway, or impede surface water drainage or obstruct access to any premise.
- h) Structures should be easily detectable and noticeable to pedestrians who have visual impairments and situated in such a way that they can be negotiated with ease by users with mobility problems. Regular structures should always be positioned in the same place to assist visually impaired pedestrians to identify and avoid the obstacle.

- i) Structures will be the owner's responsibility when placed on the highway. The owner must hold Public Liability Insurance.
- j) Advertising boards must relate to the normal business of the premises and can only be displayed during trading hours.
- k) Structures must be adjacent to the business premises and confined to the width of the premises.
- l) Advertising boards being limited to one per business to be placed against the wall or boundary of the premises. They should be safe, having no sharp edges, and should not be liable to endanger the public by being susceptible to being blown over.
- m) The size of advertising boards must be modified in accordance with footpath width to achieve the maximum space for pedestrian access. (A board size maximum 1200mm high and 800mm wide).
- n) Existing authorised structures such as CCTV, lamp posts, bus shelters, fingerposts, bollards, benches, litter bins etc will have priority on the highway.

Structures should be removed or repositioned with immediate effect if requested by a member of the emergency services or an officer from the Highways Authority in the interest of access to the highway or to maintain the highway.

Various permissions may be required, including, but not limited to Planning Permission, Street Trading Licence, Pavement Licence, Premises Licence. In the event of an obstruction not being removed after polite persuasion, The Council may report the absence of appropriate permissions to the appropriate authority.

3. Enforcement

No action will be taken unless it is certain that the structure is situated within the limits of the public highway (i.e. on highway land).

On the first occasion of an offence and if the owner of the perceived obstruction is contactable they will be asked, via polite persuasion, to remove them forthwith.

If the owner fails to comply, or if the owner is unavailable or repeats the offence, The Council will report to the appropriate authority for their further action.

4. Modifications, alterations and amendments

The conditions, procedures and requirements specified within this policy may be modified, altered or amended at any time without notice as The Council deems appropriate.

Removal Procedure for: Perceived Obstructions

