

**REGULATION OF 'A' BOARDS, TRADE DISPLAYS
AND PAVEMENT CAFES ON THE HIGHWAY 2018/2019 (1st May to 30th April)**

1.0 Purpose of the Policy

The aim of this policy is to allow Solihull Council to approve designated trade displays and other features on the public highway within the Borough of Solihull, whilst also allowing the impact of such features to be regulated, and their effects on the public minimised.

2.0 Background to the Policy

For many years, Solihull Council has recognised that many businesses seek to create business displays to boost their trade. The displays typically consist of the following main types:

- **Free-standing 'A' Board-type signs** - boards used for advertising goods & services offered by the business.
- **Trade Displays** - items such as cut flowers, fruit & vegetables, clothing or other wares.
- **Pavement Cafés** - areas for consumption of food & drink and usually consisting of tables and chairs.

In many cases, the displays have been located on the public highway and Solihull Council has previously issued guidelines to ensure that the displays are safe and appropriately placed.

Unfortunately, not all businesses have adhered to the previous guidelines and this has resulted in numerous complaints to Solihull Council from members of the public, which has led to the need to develop a formal licensing policy for all displays.

3.0 What the Licensing System Will Allow

The licensing system will allow all approved displays on the highway to be registered with Solihull Council and will ensure that they are safe, whilst not being a nuisance to the public.

4.0 Specific Conditions for Displays

The Specific Conditions for licensed displays are as follows and supplemented by General Conditions in Section 8.0.

4.1 'A' Boards

- 4.1.1 Each shop, business or any other premise should only display one 'A' Board and all advertisements should be professionally presented and relate to the normal business carried out on the premises. The 'A' Boards must have no attachments.
- 4.1.2 'A' Boards used must be of sound construction and, when extended, must not be higher than 1 metre and must not be wider than 600mm.
- 4.1.3 The content of any text or images on any board should not be considered by Solihull Council to be offensive, indecent or defamatory.
- 4.1.4 All 'A' Boards shall be positioned to the satisfaction of Solihull Council officers adjacent to the building line or the back of footway where an unobstructed footway width of 1.8 metres is desirable, but where this is not achievable a minimum width of 1.2 metres is to be maintained.
- 4.1.5 'A' Boards must not be placed out before 7.00am and must be removed by 8.00pm.
- 4.1.6 In no circumstances should any 'A' Boards interfere with required vision lines for traffic and pedestrians, nor prevent car doors from being opened.

4.2 Trade Displays

- 4.2.1 For all new trade displays a planning application must be made prior to the application made to the highway authority.

- 4.2.2 All Trade Displays must be stable, must not extend further than 1 metre from the shop frontage (unless Solihull Council grants an exception) and must not be more than 1 metre high.
- 4.2.3 All Trade Displays shall be positioned to the satisfaction of Solihull Council officers where an unobstructed footway width of 1.8 metres is desirable, but where this is not achievable a minimum width of 1.2 metres is to be maintained.
- 4.2.4 Any Trade Display must consist of goods and materials which are not liable to be moved by external forces, such as the effects of the wind or from being lightly knocked. The use of gazebos or flags will not be permitted.
- 4.2.5 Trade Displays must not be erected before 7.00am and must be removed by 8.00pm.
- 4.2.6 In no circumstances should any Trade Display interfere with required vision lines for traffic and pedestrians.

4.3 Pavement Cafés

- 4.3.1 Any areas which require a change of use of the Highway will require planning consent-details are enclosed at this link:

www.solihull.gov.uk/Resident/Planning/planningpermission.

For pavement cafes a planning application will need to be submitted to Solihull Council for a change of use and approved before completing and returning the attached form. This process will take up to eight weeks and includes a 28 day consultation period. The planning application should include a detailed scaled drawing of the proposed area so that the cost can be checked against the drawing, together with a cheque for the respective amount. Your Pavement Café approval notice reference should be included on your licence application which will take a further 28 days to process.

For licence renewals, a review of the previous year's complaint history will be taken into consideration before re-issuing a further annual licence. All licences are for a maximum 12 month period only. Applicants should allow up to 28 days for the application to be determined. The applicant is to agree acceptable operating hours with the Council's Planning and Highway departments and must ensure that all equipment is removed from the highway on or before these agreed times.

- 4.3.2 All Pavement Cafés shall be stable and positioned to the satisfaction of Solihull Council officers and, in all cases, at least 1.8 metres minimum of clear pedestrian passageway is to be maintained.
- 4.3.3 The designated area for a Pavement Café must be used solely for the purpose of consumption of refreshments.
- 4.3.4 Tables must be cleared as soon as possible after customers have left to avoid any litter on the highway. A scheme for the collection and disposal of litter shall be submitted to and approved in writing by the Highway Authority. Thereafter, litter shall be controlled in accordance with the approved scheme for the lifetime of the development.
- 4.3.5 The holder of a Pavement Café licence must as soon as possible wash down or remove any stains from spills of food or liquid.
- 4.3.6 No alcohol shall be sold or consumed within the designated Pavement Café area unless in compliance with any beverage licence and only as ancillary to a meal or to be consumed with food.
- 4.3.7 All furniture associated with any Pavement Café, including parasols, should be securely fastened to ensure that they are not liable to be moved by external forces, such as the effects of the wind or from being lightly knocked.
- 4.3.8 The licence holder is responsible for the control of all noise emanating from the Café seating area and the Council recommends that a Noise Management Plan is also submitted for consideration. No amplified speech or music shall be played within the outdoor seating area at any time.
- 4.3.9 In no circumstances should any Pavement Café interfere with required vision lines for traffic and pedestrians.

5.0 How the Licensing System will be Financed

Under the Highways Act 1980, Solihull Council is entitled to charge reasonable costs for the administration of the licensing system and so has set fees linked to the time expected to be spent on dealing with each type of display, including any anticipated problems which may arise.

The following annual costs apply to the displays and start 1st May 2017 and run until the end April of 2018.

Display	Cost per year
'A' Board	£181.00 discounted to £100 if paid within month of May
Trade Display	£234.00 for maximum 8m ² ; £28.00m ² thereafter
Pavement Café	£29.00 per m ² , with a minimum charge of £225

6.0 How Businesses will apply for a Licence

For 'A' Boards, businesses will need to complete and return the attached application form, together with a cheque for the respective amount. Their application will be considered and decided within eight weeks. If granted, the licence will be issued and must be displayed in the window of the applicant.

For Pavement Cafés and Trade Displays a planning application will need to be submitted to Solihull Council and approved before completing and returning the attached form also a detailed scaled drawing of the proposed area so that the cost can be checked against the drawing, together with a cheque for the respective amount. This will take up to eight weeks which will include a 28 day consultation period.

For licence renewals, no consultation period, is required although applicants should still allow up to 28 days for the licence to be granted.

Payments can now be made on line at our website www.solihull.gov.uk/epay click on Highway Licences and use the unique reference once the permit has been approved to make payment.

7.0 Further Information

For further information on this policy, please contact:

Highway Services
Managed Growth
Council House
Solihull B91 3QT

Tel: 0121 704 8004 Email: temporarytm@solihull.gov.uk

www.solihull.gov.uk/Business/Licences/roadandhighwaylicences/aboardstradedisplaysandpavementcafepermits

8.0 General Conditions

The following general conditions are common to the placing of 'A' Boards, Trade Displays and Pavement Cafés on the highway and must be met in all cases in addition to the specific conditions on each licence.

The holder of this licence:

- 8.1 Shall not exercise any privileges other than those granted by the licence.
- 8.2 Shall display this licence prominently in an external window facing the frontage, or have available on request from a Council Officer.
- 8.3 Shall return this licence to Solihull Council immediately on any revocation of this licence.
- 8.4 Shall not cause any unnecessary obstruction of the highway or endanger persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.

- 8.5 Shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
- 8.6 Shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises. This includes the use of gazebos and free standing flags.
- 8.7 Shall make no claim or charge against the Council in event of any 'A' Board, Trade Display or Pavement Café being lost, stolen or damaged in any way from whatever cause.
- 8.8 Shall not do or suffer anything to be done in or on the highway which in the opinion of Solihull Council may be or become a danger, nuisance or annoyance to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
- 8.9 Shall not assign, underlet or part with any interest or possession given by this licence or any part thereof, although the holder may surrender it at any time.
- 8.10 Shall observe and comply with any directions in relation to the use of the highway given by relevant officers of Solihull Council. In particular, access shall be provided at all times for highway works including public utility plant.
- 8.11 Shall remove all 'A' Boards, Trade Displays or Pavement Cafés placed on the highway in accordance with this licence at the expiry, surrender or revocation of the licence and at the end of each working day, and in the case of Solihull Town Centre, remove Pavement Café and Trade Displays during special events, these may include market days and Christmas market periods.
- 8.12 Shall indemnify Solihull Council against all liability which may at any time be taken, made or incurred in consequence of the use of 'A' Boards, Trade Displays or Pavement Cafés and for this purpose must take out a policy of insurance in the sum of between £1,000,000 and £5,000,000 depending on display. The holder must also produce to the Council, on request, current receipts for premium payments and confirmation of annual renewals of the policy.
- 8.13 The licence may be revoked by Solihull Council at any time and Solihull Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
- 8.14 The holder is advised of Section 115K Failure to Comply with Terms of Permission of the Highways Act 1980 which provides as follows:
 - (1) If it appears to the Council that a person to whom they have granted a permission (licence) under Section 115E of this Act, has committed any breach of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is specified.
 - (2) If a person on whom a notice is served under sub-section (1) above fails to comply with the notice the Council may take steps themselves.
 - (3) Where the Council have incurred expenses in the exercise of the power conferred on them by sub-section (2) above, those expenses, together with interest at such reasonable rates as the Council may determine from the date of service of a notice of demand for the expenses, may be recovered by the Council from the person on whom the notice under sub-section (1) above was served.
- 8.15 Failure to comply with any conditions of the licence will require Solihull Council to consider whether any subsequent permission should be granted to the holder of this licence.
- 8.16 Further action may be taken under Section 149 of the Highways Act 1980 to remove the obstruction from the highway after the licence has been revoked.
- 8.17 In exercising our powers under Section 115K Highways Act 1980 Solihull Council will enforce breaches of the licence conditions as follows:
 - 8.17.1 Verbally advise the person that they are in breach of their licence conditions and give 2 weeks to comply (that is to remedy).

- 8.17.2 If the breach of the conditions continues we will write to serve notice and give another 2 weeks to comply.
- 8.17.3 If then, the breach continues we will write to revoke the licence and the person will be required to remove the obstruction from the highway immediately.