

Guidance for Burnham-on-Sea Town Centre Businesses

Traders and residents often comment to me that the situation regarding A-boards, tables & chairs and displays is confusing. I undertook to research what the obligations and rules are for businesses in Burnham-on-Sea town centre (as defined by Sedgemoor District Council in the Local Development Framework Core Strategy 12.2 Retail Policies: Burnham Town Centre Retail Policy May 2013).

1 Overview

The town centre is split into three sections.

Section A

Numbers 1 to 37 High Street – East side	Morrisons, Pier Street	13 to 29 Victoria Street
1 – 5 Pier Street	College Court shops and those on the North side of College Street	Princess Street: Princess Theatre, Library & Somerset Skills & Learning
Properties on Manor Road which have driveways		

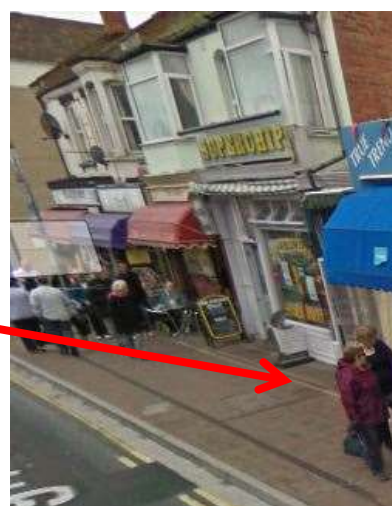


These properties have what is known as a curtilage in front of the buildings. The area within these curtilage belong to these properties, they can display goods, advertising and chairs & seats outside of their premises without the need for additional permissions. This edge of this curtilage can be seen by the thin concrete strip that runs parallel to these properties (shown in the image below by the red arrow).

Section B

Numbers 2 and 4a to 8 High Street. West side

These properties have what is known as curtilage in front of the buildings. The curtilage area in front of these properties is very narrow. Whilst the pavement within these areas belongs to these properties, any displays of goods, advertising and chairs & seats outside of their premises needs to be undertaken with consideration for passing pedestrians and not encroach onto the pavement area.



Section C

All remaining Numbers on the High Street	1 to 9 (East side), 6 upwards (West side) and 33 upwards (East side) Victoria Street	All of Regent Street
All properties Abingdon Street	All of Vicarage Street	All remaining properties on Princess Street
All properties Adam Street	All properties Cross Street	All properties on Oxford Street
All properties on the South side of College Street		

These properties do not have curtilage. This means that tables, chairs cannot be outside your premises unless you have applied for permission.

The application for permission is a lengthy process and so to help you work out if this is right course of action for you I have agreed the following standards with Planning and Highways. This is based on work done by the Chamber of Trade and the Town Council over the years.

There is no process for permission for displays or goods. 'A' boards and goods on display are deemed to be obstruction if placed on a highway (footway) and no business has any right to place them on a highway (footway). However, if the established guidelines are adhered to, Highways will not request their removal.

2 A-Boards & Displays

Highways have agreed to relax the enforcement against 'A' Boards outside shops in order to assist traders, so long as the guidelines are met. This does not give you permission or a right and by abiding by the guidelines you do not negate your responsibilities in any civil action by an aggrieved (or injured) pedestrian.

The local agreement is for 2 (TWO) A-Boards immediately outside of your premises.

Where there is a convenient and logical location within VERY close proximity that may be used. An example of where this is permissible is the A-board used by Flowers & Things next to the lamppost outside their shop.



A trader may display goods instead of an A-Board. Any combination is permissible but the total number of displays or A-Boards should not exceed 2.

Pedestrians should be afforded a clear 1.8m gap between the A-board, or display and the pavement edge. Where traders would struggle to display an A-Board at 90° and maintain the minimum clearance then the board should be placed flat against their premises.



The maximum dimension for any A-board is 500mm width and 1m in height.

The same conditions apply to businesses off the High Street, so that 'A' Boards promoting those businesses will only be permitted directly outside the business premises to which they relate, and not in the High Street (or at the junction of the High Street and side streets).

For further details please see the *Information Sheet* from Somerset County Council at the end of this summary. Note: Traders within Burnham on Sea Town Centre are allowed [but do not have a right to] 2 a-boards, not 1 as stated in this information sheet.

3 Fly posting and additional advertising

This guidance is from Nick Garnett, Sedgemoor District Council's Enforcement Officer. The Town Council is aware that Nick is currently consulting on a revised set of guidance for this topic area – we will update this document as and when it comes into force.

It is an absolute offence to stick or otherwise attach posters, banners, advertising boards etc. to any item of street furniture such as road signs, lamp posts, telegraph poles, barriers etc. The only exception to the rule are notices or signs which have the specific permission of the Highways Authority.

I have reminded organisers of events within our area that such advertising is illegal. The Town Council has installed 7 new noticeboards in the town to provide a clean, tidy and coordinated way of displaying event posters.

Other forms of advertising, such as attaching posters, banners, advertising boards etc. to walls are permissible under deemed planning consent provided the following basic criteria are met -

1. The event advertised must be of a local nature, and be of a religious, educational, cultural, political, social or recreational character, not being an event or activity carried on for commercial purposes
2. The notice or sign must not exceed 0.6m² in area

3. The notice or sign may not be illuminated

4. There are no exceptions to this ruling.

Enforcement would also not expect the advertisement to be displayed more than 28 days prior to the event, and removed within 14 days after the event [the Town Council advises that items should be removed within 2 days], and such consent would not be given to events of an ongoing or regular (e.g. weekly) nature. Additionally, of course, the permission of the owner of the item to which the sign is affixed should be obtained.

For banners or notices larger than 0.6m², or advertisements for events of an ongoing nature, or regular users of village halls etc. such as play groups, planning permission should be applied for in the same way as any other business is required to.

4 How to apply for permission to have table and chairs outside your premises

Any application for a license to put out tables and chairs on a public highway (footway) should be made in writing to;

Somerset County Council, Roads Records & Licensing, County Hall, Taunton, TA1 4DY

The full application requirements and fees will be explained in detail at that time. Note: two cafes in Burnham-on-Sea High Street have been refused a license in recent years. I have been advised that unfortunately, the footways in the High Street are not wide enough to obtain this approval.

5 How to apply for permission for a-boards

There is no application process for 'A' Boards. The agreed guidelines (outlined above and reproduced in detail below) should be followed in this respect.

It is in the traders' interests to follow these guidelines as by creating illegal obstructions you could put yourself at risk from public liability claims outside of your normal insurance risks. Where traders have acted against the advice or order of Highways it would be normal for insurers to not cover these activities or actions.

6 Contacts

Beverley Milner Simonds – Town Centre Manager bostowncentremanager@gmail.com

Nick Garnett - Sedgemoor District Council Enforcement Officer (Fly Posting etc.)
nicholas.garnett@sedgemoor.gov.uk

Chris Gomm - Sedgemoor District Council Planning Officer (Application for advertising consent)
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Somerset County Council Highways are the advise and enforcement agents for A-Boards, displays, tables and chairs, but queries should be directed to the Town Council in the first instance.



INFORMATION SHEET

UNAUTHORISED SIGNS AND GOODS DISPLAYED ON THE HIGHWAY

Introduction:

The display of goods and advertising 'A' frames outside businesses can be a hazard to people using the pavement, particularly the partially sighted or disabled.

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

This information sheet explains how the County Council proposes to control unauthorised signs, goods and other items on the highway.

The Problem:

The display of goods and advertising 'A' frames outside businesses prevents wheelchair users from using some pavements and are a danger, particularly to the partially sighted or disabled.

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

Such obstacles are an illegal obstruction. The High Court has ruled that the display of goods outside a shop can break the law and there is an increasing pressure on highway authorities to take action.



The Council's Standard:

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

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

Guidelines below will assist traders:-

- Signs (maximum width of 500mm) or displays should be adjacent to and not protrude more than 500mm from the premises and not exceed 1m in height. Swinging or revolving signs will not be allowed.
- They should not be a hazard to pedestrians, particularly those with a sight disability or located within 2.0metres of a crossing point.
- They should not interfere with the visibility of motorists.
- There should normally be a minimum width of 1.8 metres of unobstructed footpath to allow people to pass. This may be reduced to a minimum of 1.2 metres where appropriate conditions prevail and following consultations with the Highway Authority.
- Pedestrians should not be forced into the road at any location.
- Only one "A Board" per premises and placed within the frontage of the premises.
- The Owner/Trader must indemnify the County Council by Public Liability Insurance to the value of 5 Million pounds.

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

The Procedure:

When unauthorised signs, goods or other items are placed on the highway outside premises and constitute a danger, the person responsible will be contacted (where possible) and given written notice that the offending object should be removed immediately. Where the location is considered extremely dangerous the sign/goods will be removed immediately, without notice.



If the notice is not complied with, the Highway Authority will remove the offending items to a suitable depot to await collection by the owner. The Highways Act allows the council to recover the costs of removal and a minimum charge of £50 will be made, plus £10 for each item removed. Items will not be released to the owner until the Highway Authority has been appropriately reimbursed. Any items not claimed within two months will be disposed of.

If necessary legal proceedings will be initiated to recover the removal costs. When persistent offending takes place signs will be removed and destroyed.

It is in the traders' interests as by creating illegal obstructions they could put themselves at risk from public liability claims outside their normal insurance risks.

For more details contact Somerset County Council on 0845 345 9155 or e-mail RoadsandTransportSD@somerset.gov.uk



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