



**Brighton & Hove
City Council**

**Application for permission to place an Advertising Board upon the Public Highway
(Highways Act 1980) and
The Local Government (Miscellaneous Provisions) Act 1982)
Permission valid until 30th April 2014**

Name of Applicant (in full):

Mr / Ms / Mrs / Miss *(please delete as appropriate)*.....

Name of business for which permission is required

Address: (This is the address to which all correspondence will be sent unless otherwise indicated by the applicant.)

.....

Post Code Tel. No.....

Email

Correspondence address if different from above:

.....

Post Code Tel. No.

Please describe and sketch the proposed placement. (Use a separate sheet of paper if necessary).

Incomplete or inaccurate applications cannot be processed.
Please note that payment must accompany this application

I hereby apply for a licence to place an Advertising Board upon the Public Highway as detailed above. I confirm that I have read, understand and agree to abide by the conditions on pages 2-4 and any other special conditions. Payment for the approval and issuing processes is enclosed.

Name (block capitals).....

Position (block capitals):

Signed:

Date:

Licence Conditions 2013-2014

The following conditions will be introduced to apply to all highway licences issued.

1. Terms:

- 1.1 The term "licence" used below refers to any Highway Permission issued by the Highway Enforcement Team.
- 1.2 A "licensee" is deemed to be the body or individual to whom the licence has been issued.
- 1.3 A "licensed area" is that area of public highway covered by the licence.

2. Legal Issues:

- 2.1 This licence is not transferable.
- 2.2 Sub-letting of the highway is forbidden. A frontager who is a licensee may, with the advance written permission of the council, permit a suitable third party (i.e. a party the council would consider to be an appropriate licensee themselves) to display items within a relevant licensed area, but there should be no financial transaction associated with such an arrangement. Any third party must meet and comply with all licence conditions, including the holding of Public Liability Insurance (see below). Responsibility for breaches of licence conditions will lie with the licensee.
- 2.3 The licensee agrees to indemnify the council against any claims in respect of injury, damage or loss arising out of the grant of the licence. Public Liability Insurance cover of at least one million pounds must be carried for the duration of the licence. Evidence for this cover must be produced on demand.
- 2.4 The licence may be suspended or revoked and/or the licensee required to temporarily remove the objects by the council for any legally defensible reason. The licensee shall not be entitled to any compensation for loss of trade or business as a result.
- 2.5 If deemed necessary the council may alter licence conditions at any time. The licensee shall not be entitled to any compensation for loss of trade or business as a result.
- 2.6 Where necessary, the council may place time limits to restrict the use of licensed areas to permitted hours. In general, these restrictions will apply to premises with alcohol licences and will not exceed the hours set by the terms of such licences.
- 2.7 Licences are valid for a maximum of 12 months and expire at 24:00 hrs. on the first 30th April following the date of issue. Licences are subject to an annual review. Payment of licence fees is a condition of the licence.
- 2.8 Licences only relate to the placing of objects upon the highway. It is the responsibility of the licensee to obtain all other consents required in connection with the proposed extension of their business onto the highway including, where appropriate, any amendment to their existing liquor licence.
- 2.9 It is a condition of Highway Licences that all consents and permissions and all health & safety, environmental health or other legal provisions or measures required by Brighton & Hove City Council or other legal authorities are obtained and adhered to. Proven failure to comply with legislation and/or the reasonable and legitimate instructions of an authorised officer of the Council, Her Majesty's Health & Safety Executive or the Police may be considered a breach of the conditions governing the licence.

3. Advertising boards:

- 3.1 **No more than one advertising board per licensed premises may be permitted on the Public Highway.** The total surface areas of all advertising boards whether on the highway or on private land or decking or on any combination of the same may not at any time exceed the limits for such advertising under Planning Regulations (a total area of 4.6 square metres).
- 3.2 Licensed advertising boards shall be between 0.75m and 1.2m high and between 0.5m and 1.1m wide only. Larger or smaller boards will not be permitted.

4. General:

- 4.1 The licensee must clearly display on site a Display Licence provided by the council. This should be placed in a window, glass door or menu stand of the licensed premises clearly be visible and legible from the highway.

- 4.2 Anything left upon the highway outside business hours or the hours stated in the licence conditions, or any item found chained or tied to any other object, street furniture or building without prior written permission, may be removed and impounded without further warning.
- 4.3 The improper parking of vehicles by staff or persons associated with the licensed site (including delivery vehicles) will be considered a breach of the licence. This is of particular importance within those areas where vehicle access is restricted and in streets that are periodically pedestrianised. In certain parts of the city licensees may be required to agree to restrictions on delivery times.
- 4.4 To promote the work of the Brighton & Hove Drug and Alcohol Action Team and support the operations of the Council's Trading Standards Team, licensed sites involved in the sale of cigarettes or of alcohol for off-premises consumption shall be required to display, at all times, such notices relating to illegal sales to or illegal purchase on behalf of minors.
- 4.5 Note that the following general rules will be applied to all officer-approved applications/sites within the city:
- A) That no licensed traders' items will be permitted to reduce the width of a footway to less than 1.3 metres except where:
1. a formal pedestrian zone has been established in a road by Traffic Order and the whole of the carriageway is kept clear for pedestrian use
 2. a road is closed to vehicular traffic by virtue of a temporary Traffic Order and the whole of the carriageway is kept clear for pedestrian use
 3. a road is considered to be "shared space" and the whole carriageway is generally available for pedestrian use
 4. discretion to allow this has been exercised by Elected Members in Committee or Cabinet, due to special circumstances.
- B) That where a footway is reduced to a width of 1.3 metres (or less) by objects (whether these objects be licensable traders' items or fixed street furniture such as lamp posts, bins etc.) "turning circles" for manual wheelchair users and guide dogs must be established at regular intervals. These "turning circles" shall not be less than 1.6m in length and must be maintained at least every 6 metres along the length of a restricted footway.**
- C) That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than five metres from the licensed premises or out of sight from a window or door of said premises.**

In certain circumstances, refusal by an officer of the licence application because of the above criteria may be challenged by means of Formal Appeal to Committee or Cabinet. Note however that no activities can take place at a site until such a decision is reached.

6. Enforcement Procedure (removals):

The following enforcement procedure shall be applied as standard for all items placed on the Public Highway in breach of the DfT guidelines and the rules and conditions of the Highway Licensing System as detailed above:

- That on the discovery of a breach of the guidelines, rules and conditions, a written warning shall be issued to the relevant business/person, warning and advising them of their need to abide by the prevailing regulations.
- That on the discovery of a second such breach within eight weeks of the first, a second warning notice be served.
- That on the discovery of a third such breach within eight weeks of the second warning a third warning shall be served.

If the recipient of a third warning is a holder of a Highway Licence, then this licence shall be temporarily suspended by virtue of said notice pending consideration of the case by the Senior Highway Enforcement Officer. The period of suspension will be dependent on the seriousness of the breach and the measures taken by the licensee to ensure future compliance with the regulations. Further breaches may result in the rescinding of the licence.

Any unauthorised items found on any site following a third warning or suspension/rescinding of a licence may be removed from the Public Highway and impounded without a further warning being served. Owners of objects so impounded will be given the opportunity to recover their property. Where appropriate a charge may be made by the Council for the costs of removal and storage.

The Council reserves the right to proceed with removal of offending items or prosecution under the Highways Act 1980 at any stage of the above procedure in any case involving gross or regular breaches of legislation.

For Council Office use only – please do not write in the space below

BRIGHTON AND HOVE CITY COUNCIL acting by their Head of Transport, in pursuance of the above enactments hereby grant permission for the placing of objects, namely, tables, chairs, litter bins, displays and/or a prescribed number of A-Boards on part of the paved Public Highway outside the premises as described above or attached.

Signed: **Name:**
For the Head of Transport
Brighton & Hove City Council

Date

Special Conditions:

- **Advertising boards only (one board per site):**

1. New Applications: £87.00 for the first year.
2. Renewals £61 per year.

*Please make cheques payable to: Brighton & Hove City Council
Please write the reference number EVH031/LG132 together with the name of the business
on the back of the cheque*

We can also accept payments by Debit/Credit Card - Please telephone 01273 292071

or via our website

www.brighton-hove.gov.uk

and enter the NAME OF YOUR BUSINESS in the “reference” box

Don't forget to send the form in if paying by either of these 2 methods

Please return to:

The Highway Enforcement Manager, Room 500, Hove Town Hall, Norton Road, Hove, BN3 3BQ