

## **APPENDIX A**

### **A-Board Conditions**

1. The conditions attached to the A-Board permit may be varied and added to by the Council at any time.
2. The permit holder must always have a valid insurance policy for public liability for at least £5,000,000 covering the area subject to application.
3. No A-Boards should be placed on the highway before 0800 hours (for businesses with earlier opening hours a written request can be made).
4. The A-Board must be removed at the end of the daily trading.
5. The permit holder shall ensure that any equipment included in the permission is safe and presents no risk to members of the public and in particular:
  - that the A-Board is in good repair and stable at all times.
6. The permit holder must ensure adherence to any direction from the Council on livery, advertisements and logos.
7. The permit holder shall indemnify the Council against any claim in respect of injury, damage or loss arising out of the grant of the permit except where any claim in respect of such injury damage or loss is attributable to the negligence of the Council.
8. Any damage to Council property caused as a result of the permit holders activity will be repaired by the Council with all costs recharged to the business in question.
9. The permit must be available at the premises and the accompanying permission disc clearly displayed on the A-Board.
10. The permit holder agrees that the permit may be suspended if the Council is required to make the permitted area available for any event, works, or issues of public safety or any other reason it requires the area for.
11. The permit holder shall remove the A-Board for an identified period at the request of an authorised officer of the Council or a police constable.
12. All items placed on the highway shall be free-standing. No drilling or excavation of the highway shall be permitted.
13. The A-Board shall not exceed 1.25 metres in height and 0.66 metres in width.
14. The A-Board should not be fixed by any means to other items of street furniture (ie. lampposts, benches, directional signs etc).
15. The A-Board should not be placed on tactile paving, [raised textured paving areas to assist the visually impaired].

16. The A-Board should not be placed in such a way as to obstruct the visibility of motorists or pedestrians crossing the carriageway.
17. The Council may withdraw this permission at any time for any other reason than those stated above.

It must be emphasised that the Council in issuing permission cannot, and does not, seek to absolve anyone from any statutory risk which they may incur in placing or depositing any object on the highway.

The following is taken from the Highways Act 1980 in respect of failure to comply with the terms of the permission to place an A-Board on the highway:

*(1) If it appears to a council that a person to whom they have granted a permission under section 115E above has committed any breach of the terms 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 so specified.*

*(2) If a person on whom a notice is served under subsection (1) above fails to comply with the notice, the council may take the steps themselves.*

*(3) Where a council have incurred expenses in the exercise of the power conferred on them by subsection (2) above, those expenses, together with interest at such reasonable rate 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 subsection (1) above was served. (s115K).*