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Clerk to Marston Parish Council
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County Engineer's Department
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David Hook CEng, MICE, MIHT, DipTE
County Engineer

My reference

Your reference

Date

DHH/CVH/12.10.1
This matter is being dealt with by

8 November 1993
Direct line: (0865)

David Hook

810459

Dear Sir/Madam

Removal of Unauthorised Signs on the Highway

Your Local Council was recently granted the agency powers to remove unauthorised signs on the highway.

Further to a recent decision of the Traffic and Works Sub-Committee to agree to the extension of the powers to utilise Section 149 of the Highways Act, revised guidelines have been drawn up and these are attached. This will now enable your Council to take action against free-standing signs as described in the Guidelines.

Yours faithfully



David Hook
County Engineer

Enc

cc Area Engineer
District Council
Public Relations Officer
LRR

JHF

MSR



OXFORDSHIRE COUNTY COUNCIL
COUNTY ENGINEER'S DEPARTMENT

UNAUTHORISED SIGNS ON THE HIGHWAY
Guidelines for Removal

(Issue No 2 - 1 November 1993)

Introduction

1. On 10 June 1992 Oxfordshire County Council's Environmental Committee resolved to agree the discharge, by local councils from whom a request might be received, of the County Council's powers for the removal of unauthorised signs affixed to street furniture and the like in accordance with the provisions of Section 132 of the Highways Act 1980 (the Act).
2. Following a review of the effectiveness of the delegation arrangements, the Council's Traffic and Works Sub-Committee resolved on 24 May 1993 to extend the arrangements to include removal of freestanding signs in accordance with the provisions of Section 149 of the Act.
3. The specific agencies granted under these two resolutions are at the discretion of the County Engineer, including any procedural requirements as he may think fit, and to subsequent review and reconsideration if circumstances change. The powers are to be discharged by local councils at no cost to the County Council.
4. This guidance note summarises the legal provisions and sets out how the delegation arrangements should be interpreted in acting as the County Council's agent.

Legal Provisions

5. Section 132 of the Act states in Sub-section (2) that "the highway authority for a highway may remove any picture, letter, sign or other mark which has, without either the consent of the authority or an authorisation given by or under an enactment, been painted or otherwise inscribed or affixed upon the surface of the highway or upon any tree, structure or works on or in the highway".
6. The Act also states in Section 149, Sub-section (2) that "if the highway authority for any highway have reasonable grounds for considering -
 - (a) that any thing unlawfully deposited on the highway constitutes a danger (including a danger caused by obstructing the view) to users of the highway, and
 - (b) that the thing in question ought to be removed without the delay involved in giving notice or obtaining a removal and disposal order from a magistrates' court under this section,

the authority may remove the thing forthwith".

Interpretation and Action

7. Expressed in fairly simple terms, the provision in Section 132 which is to be delegated means that some signs can be removed immediately without notice. In particular, the signs are those which are fixed to trees, lamp columns, traffic signs, other street furniture or structures within the highway. The term 'signs' can include posters attached with paste or tape, more substantial signs mounted on hardboard or similar (often fixed with string, wire or metal tape), and other advertising material.

8. Typical signs are those advertising house-building or other development, antiques fairs, leather and furniture sales, car boot sales etc.
9. Under Section 132 of the Act, action may not be taken against freestanding or pole mounted signs. For example, 'A' type boards standing on the footway outside shops and board mounted signs placed in verges on their own posts cannot be removed using this power. It is necessary to resort to Section 149 of the Act when removing such signs. The key question to answer is "does the sign constitute a danger to users of the highway?"
10. As general guidance, it is considered that any freestanding sign does pose a potential hazard if it obscures visibility at or close to a road junction, or if the wording (including size, illegibility etc) is such that it is likely to distract the driver of a vehicle.
11. It is more difficult to claim that 'A' boards outside shops in urban areas constitute a danger to users of the highway. However, any obstruction of a public footway could endanger pedestrians, especially the elderly and visually impaired. In these circumstances it is recommended that the owner of the premises be asked to remove the offending sign and told that if it is placed again on the highway it could be removed.
12. Any signs and other objects (except paper posters etc) removed under Sections 132 and 149 should be taken to an appropriate store and retained for at least 28 days in case the owner wishes to collect them. In the event such boards are not claimed they may then be destroyed.

Signs Off the Highway

13. Where signs are not fixed to trees, posts etc within the public highway and are clearly on private land, the provisions of this Act do not apply. The appropriate District Council for the area can only take action on these as local planning authority.

Local Discretion

14. The County Council's Officers operating these procedures have sometimes found it necessary to exercise some discretion in action taken. For example, where a local community is organising a charity event, village fete etc some carefully placed and well-designed temporary signing might be appropriate provided this is erected just prior to the event and removed quickly afterwards. Local Councils need, however, to guard against the possibility of accusations of 'one rule for them and another for us'.

Granting of Agencies and Subsequent Review

15. There is no blanket authorisation for these specific agency arrangements. Agencies can only be granted by means of an individual letter of authorisation signed by the County Engineer.
16. Once agencies have been granted they will be kept under review and may be terminated at any time at the discretion of the County Engineer. Local Councils are encouraged to contact the local Area Engineer if there is any problem of interpretation of these delegated powers.

David Hook
County Engineer

DHH/CVH/ce/docs/cse/gen/cDHHunsign
1 November 1993

Engineering

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**OXFORD
CITY
COUNCIL**

Mr L M Garner FRVA
Clerk to Marston Parish Council
31 Oxford Road
Marston
Oxford OX3 0PQ

Date	1 July 1994
Your ref	
My ref	JK/efg/T5/1
Please ask for	John Keen
Extension	2404
Direct Dial	252404

Dear Mr Garner

Unauthorised Sign to the Bricklayers Arms

Thank you for your letter dated 20 June 1994. Your original letter was directed to my planning colleagues whose enforcement staff have returned the sign to the Landlord and informed him of the legal position.

No permission has been given to the Landlord to erect the sign on the highway.

The powers delegated by the County Council to Parish Councils to remove unauthorised signs are still extant.

Yours sincerely

✓ Chief Assistant Engineer,
Highways & Traffic

L.M. GARNER F.R.V.A.
CLERK
TELEPHONE
HOME OXFORD 241888

MARSTON PARISH COUNCIL

31 OXFORD ROAD
MARSTON OXFORD OX3 0PQ

20.4.94

Dear

Removal of unauthorised Signs on the Highway

The above activity has been delegated, on an agency basis, to the Parish Council by the Oxfordshire County Council.

The Parish Council has instructed me to ensure the removal of any such signs & to deliver them to the County Council depot. It is noted that your establishment has a sign or signs contravening the regulations & I would ask that they are removed so as to avoid the action outlined above.

Yours faithfully

Clerk.

DEVELOPERS ROAD SIGNS

Temporary Signage to Housing Developments

Thank you for your letter ofrequesting authorisation for the erection of temporary signage to the above development.

The signs are not intended as an advertisement to attract passing traffic, but rather to guide drivers actively looking for the site. Therefore no developer's name or logo will be allowed to be displayed on the sign.

A development must be planned to include a minimum of 30 bedrooms before signs should be permitted.

Signing within urban areas should commence no more than half-mile radius or two junctions away from the development though much will depend on the local road network. In rural areas there may be instances where additional signage is required as may be the case for an exceptionally large development.

The lorry symbol may be added to the sign to indicate that heavy construction and delivery traffic should, for environmental reasons, follow a route that may not necessarily be the most direct.

Signs may be erected when work commences and taken down 3 months after the sale of 80% of the properties.

The use of the signs should have a nil net cost and manpower implication to Oxfordshire Council as the highway authority. The full cost of the signing, including administrative costs and removal, should be met by the developers.

Should the above criteria be met, then Oxfordshire County Council will have no objection to the temporary signs being erected at suitable locations other than on traffic signals or regulatory signs.

Yours sincerely

Paul Wilson

Area Traffic Engineer