

Appendix 2

London Borough of Barnet Advertising Policy

Background

As there are many different forms of advertising and the requirements, particularly in regard to legislation, are different for each, it is important to identify the proposed use of the different forms of advertising in the borough and to determine specific requirements related to specific sites.

This document seeks to provide clarity on future proposals in regard to advertising on Council land, including the criteria to be applied when granting consent for advertising on highway land. This policy covers the majority of advertisements on the highways, however it does not cover A-boards, which will continue to be dealt with under existing arrangements.

It is important to note that advertising is very well regulated by the Advertising Standards Board to ensure that all types of advertising material that may be displayed to the public is appropriate such that it will not be likely to cause upset or offend any individual. Advertisements also require planning consent and this policy does not cover the considerations which will be relevant to determine whether planning consent should be granted. The Council may enter into contractual arrangements with third parties for the purpose of provision of advertisement. Regardless of such arrangements, the Council will consider each application for highway consent on its merits and on a case by case basis.

This policy is concerned with the following forms of advertising:

1. Bus Shelter Advertising

The primary purpose of a Bus Shelter is to provide bus service users shelter, rest and a means to be informed of the timetabling of bus services. Most of the Borough's shelters include double sided advertising panels which are used to display important Council messaging and advertising. These structures therefore provide a useful service to residents and visitors to the Borough.

Bus shelters are located in the following areas within the borough:

1. Within designated Public Highway where London Borough of Barnet are the Highway Authority and own the sub-soil.
2. Within a designated Public Highway where Transport for London (TfL) are the Highway Authority. The ownership of the subsoil may not be known but is anticipated to be TfL ownership.

Current position with bus shelter advertising

There are 123 shelters, 88 of which currently have advertising panels attached. Therefore 35 do not have any form of advertising attached. Those that have advertising attached are generally located either on busy roads or within town centres or shopping parades and those without advertising are on bus routes in less busy areas. 17 of the 123 shelters are located on the Transport for London (TfL) network, which includes the A1, A41 and A406. TfL are responsible for granting consent on their own highway land and as such advertising on these shelters is outside of this policy.

The form of advertising panel is a standard six sheet size which is incorporated within the bus shelter structure. At present the panels are of the revolving back lit type and are double sided. One side is used primarily for Council messaging and the other side for advertising.

All existing shelters are not owned by the Council and at the end of the current agreement, all structures are to be removed by the Service Provider.

Proposed Future position with bus shelter advertising

As the existing agreement is due to expire within the next 14 months (November 2019) it is necessary to put in place a replacement agreement to ensure that the bus shelter provision is maintained.

It is proposed that when the existing bus shelters are replaced digital screens (likely to be double sided) will be introduced into some and maybe all new bus shelter structures to replace the current back lit style. There will be a continuing requirement for Council messaging to be displayed on these digital screens.

It is possible that the numbers of bus shelters may change when the existing agreement is renewed following a competitive process. This is due to the high cost of a replacement bus shelter structure and the cost effectiveness of retaining those that are in the less busy areas.

The Council will identify a minimum number of 90 bus shelters with a preference for all existing units (123 bus shelters) to be replaced if this proves to be viable.

When deciding whether to grant consent for advertising on the bus shelters, as new or existing structures, the following criteria will be taken into account:

1. There will be a presumption in favour of consent where advertising is to be placed on a bus shelter in the same location and in a similar configuration as under the previous arrangement.

2. There will be a presumption in favour of consent where the proportion of Council messaging on the advertising will form a significant proportion of advertising space or a significant proportion of weeks over a yearly period.
3. If the advertisement provides additional lighting to the bus shelter, this will generally be considered to add to the amenity value.
4. The extent to which the advertisement provides public information will be relevant. Public information will include information about local events, local businesses and information about local voluntary organisations.

The specific legislative requirements to be considered in respect to Bus Shelters

Section 115E of the Highway Act 1980 permits the Council, as highway authority, to grant permission to use objects or structures on, in or over a highway covered by this Part of the Act, for the purpose of advertising. Section 115F permits the Council to impose such conditions as it sees fit, including conditions requiring the payment to the Council of such reasonable charges as it may determine. On the basis, the Council owns the subsoil beneath the bus shelters, there is no restriction on the amount of the charge, subject to this being reasonable. Under section 115G, the Council must publish and serve statutory notices and consider any representations made, prior to deciding whether to grant permission.

2. Free Standing six sheet size advertising structures

These are structures that are installed for the dual purpose of providing important public service information and displaying advertisements.

Current position with Freestanding structures

These structures are all located in land that is designated public highway and where the Council is the highway authority. They are generally in busy town centres and shopping parade areas.

The structures are of different styles, some of them being rather ornate and providing an architecturally interesting feature in the areas that they are located (Town Centres).

The structures that exist are described as follows:

- 9 Ornate Columns (8 with advertising displays and 1 without)
- 52 Free standing Unit (FSU) (All with advertising incorporated)

These are all displaying a standard six sheet size of display and are of the revolving back lit type and double sided. One side is used primarily for Council messaging and the other side for advertising.

Proposed Future position with Free Standing structure provision and advertising

As the existing agreement is due to expire within the next 14 months (November 2019) it is therefore necessary to put in place a replacement agreement to ensure that the existing provision is maintained.

It is proposed that when the existing structures are replaced digital screens (likely to be double sided) will be introduced into some and maybe all of the new structures to replace the current back lit style. There will be a continuing requirement for Council messaging to be displayed on these digital screens.

It is possible that the numbers of Free Standing Structures may change when the existing agreement is renewed following a competitive process. This is due to the high cost of a replacement structure and the variable cost effectiveness of retaining all of them.

The Council will identify a minimum number of 40 free standing units with a preference for all existing units to be replaced if this proves to be viable.

It is likely that many of the existing locations will be retained, however there is the option to identify any other new locations where a financially viable structure could be installed for the benefit of providing Council messaging and advertising.

When deciding whether to grant consent, the Council, as highway authority, will firstly need to consider whether to grant consent for the structure to be erected and separately, whether to grant consent for advertising to be placed on the structure.

The following criteria will be taken into account when granting consent for a structure for the purpose of advertising:

1. There will be a presumption in favour of consent for the structure, where this is replacing an existing structure and the proposed structure is similar or a higher quality design than the previous structure
2. There will be a presumption in favour of consent for the structure, where it is in keeping with the built environment and does not detract from features of high amenity value
3. There will be a presumption in favour of consent for the structure, where the majority of the advertising space or advertising time will be devoted to Council messaging or other public information items
4. The extent to which the structure screens other structures or objects that detract from visual amenity
5. The extent to which the structure blocks other structures or objects that provide visual amenity
6. The extent to which the structure provides additional lighting and whether this provides enhanced visual amenity
7. The extent to which the structure could restrict use of the highway by pedestrians.

The following criteria will be taken into account when granting consent for advertising to be placed on an existing structure:

1. There will be a presumption in favour of consent where the proportion of Council messaging on the advertising will form a significant proportion of advertising space or a significant proportion of weeks over a yearly period.
2. If the advertisement provides additional lighting, the extent to which this provides enhanced visual amenity.
3. The extent to which the advertisement provides public information will be relevant. Public information will include information about local events, local businesses and local voluntary organisations.

The specific legislative requirements to be considered in respect to Free Standing Structures

Under Part VIIA (in particular section 115B(1)(b)) of the Highways Act 1980, the Council has the power to place objects or structures on, in or over certain types of highway for the purpose of enhancing the amenity of the highway and its immediate surroundings or of providing a service for the benefit of the public or a section of the public. The Council has to be satisfied that the structure or object being placed on the highway will enhance the amenity and this is the primary motivation for the decision to use its powers under this section. The Council is also able to grant permission to another person to do so (section 115E of the Act).

The powers set out in sections 115B and 115E only apply to highway where vehicular traffic is prohibited. If the purpose for placing the object will result in the production of income, certain types of highway are excluded, including footpaths, bridleways, restricted byways and footways where no pedestrian planning order or traffic order is in place.

Under s.115B and section 115E of the Act if the Council proposes to place an object on a highway for a purpose which will result in the production of income and intends to grant a third party permission to do this, it must first obtain the consent of the frontager with an interest. This consent must cover the placing of the object, the purpose for which it is placed and the proposed grant of permission.

In accordance with section 115F of the Act, the Council may grant permission on such conditions as it sees fit, including conditions requiring the payment of reasonable charges. As the Council is the owner of the subsoil of this site, there is no statutory restriction on the amount of the reasonable charge.

Under section 115G, before granting permission under section 115E the Council must first publish a notice giving detailed details of the proposal and a period of time to make representations. Any representations made must be considered prior to grant of permission.

3. Digital Advertising Displays

The digital form of advertising is becoming common now as it provides very good quality and vibrant displays and has the advantage of the content being changed remotely thereby increasing flexibility and reducing the cost of site visits/maintenance.

Essentially a digital display is very similar to a television/computer screen but is of a stronger construction, suitable for external use, and much larger in size. An example is shown below.

These displays are larger than the traditional six sheet size and are described as either 48-sheet or Mega Six which is the largest size.

They are commonly being introduced to replace traditional billboard advertising that has been around in many locations up and down the Country for many years.

Current position with Bill Board and Digital Advertising

There is currently one Digital advert and seven Bill Board advertising displays within the borough.

These agreements are renewable on a rolling annual basis and as such they can be renewed within the same timescales as the other advertising types described above.

The seven Bill Boards are positioned on the boundary of designated public highway but the structures are installed in non-highway land which is owned and maintained by the Council's Property Services Team.

The single Digital advertising structure is installed in designated public highway land where the Council is the highway authority and owns the sub soil.

Proposed future position with Bill Board and Digital Advertising

Other Councils and TfL have permitted highway and non-highway land to be utilised for digital advertising structures and these are appearing in many new locations especially alongside busy roads and in major Cities.

The Council proposes to adopt a two-fold approach to decide whether bill board and digital advertising should be permitted on its land:

- Proposal 1 – Highway Land

Regional Enterprise has made a commitment to the Council to introduce more digital advertising and so far identified ten specific sites where it is considered that Digital Advertising Displays would be appropriate.

Five of the initial ten locations will involve positioning the advertising structure on designated public highway where the Council is the Highway Authority and owns the

sub-soil and five of the locations are on land that is managed by Transport for London (TfL) and they are the highway authority.

It is likely that Regional Enterprise will identify further locations in the future, all of which will be on highway land, although some may be under the control of TfL.

There is an existing process within the Regional Enterprise contract that requires permission to be granted by the Council before any additional locations can be progressed.

- Proposal 2 – non-highway land

The Council has conducted a review of advertising on the basis that existing contracts are due to expire and that in order to maintain existing arrangements it will be necessary to put in place alternative agreements.

This review has been undertaken with wider considerations being taken into account. These have included reviewing what other authorities are doing or have already done, how best to utilise the Council's Public Realm and Land Assets, improving and maintaining service outcomes and how advertising and asset sponsorship could contribute towards funding front line services.

This has culminated in identifying that the Council has existing land assets that stand adjacent to a number of major traffic routes that pass through the borough, namely A1, A41, A406 and M1. These types of roads are considered to be prime sites for digital advertising as they attract a large volume of passing traffic and as such advertising messages can be relayed to a large audience in a short space of time. There are many sections of these roads where residential properties do not exist and as such the impact of placing an advertising display would not have a detrimental impact on residents which is clearly an important consideration.

Officers have thus far identified nine locations which all fall within land owned by the Council which is **not** designated public highway but is land that is managed and maintained by the Council's Street Scene team as Parks and Open Spaces.

For all sites to be progressed it will be necessary to seek planning approval and this will be a requirement of any potential service provider to undertake. Any sites where planning approval is not granted will not be progressed, whereas those where planning approval is granted will be progressed.

It is anticipated that additional sites will be identified in the future and it would be intended that these will be progressed in the same way.

It is also anticipated that the existing billboard sites and associated agreements will be renewed and in so doing these are most likely to change to digital advertising units.

The specific legislative requirements to be considered in respect to Digital Advertising

The sites proposed to be developed by Regional Enterprise on highway land:

When deciding whether to grant consent, the Council, as highway authority, will firstly need to consider whether to grant consent for the structure to be erected and separately, whether to grant consent for advertising to be placed on the structure.

The following criteria will be taken into account when granting consent for a structure for the purpose of bill board or digital advertising:

1. The extent to which the structure is in keeping with the built environment and does not detract from features of high amenity value
2. There will be a presumption in favour of consent for the structure, where the majority of the advertising space or advertising time will be devoted to Council messaging or other public information items
3. The extent to which the structure screens other structures or objects that detract from visual amenity
4. The extent to which the structure blocks other structures or objects that provide visual amenity
5. The extent to which the structure provides additional lighting and whether this provides enhanced visual amenity
6. The extent to which the structure could restrict use of the highway by pedestrians.

The following criteria will be taken into account when granting consent for advertising to be placed on an existing structure:

1. There will be a presumption in favour of consent where the proportion of Council messaging on the advertising will form a significant proportion of advertising space or a significant proportion of weeks over a yearly period.
2. If the advertisement provides additional lighting, the extent to which this provides enhanced visual amenity.
3. The extent to which the advertisement provides public information will be relevant. Public information will include information about local events, local businesses and local voluntary organisations.

The specific legislative requirements to be considered in respect to Bill Boards and Digital Advertising on highway land

Under Part VIIA (in particular section 115B(1)(b)) of the Highways Act 1980, the Council has the power to place objects or structures on, in or over certain types of highway for the purpose of enhancing the amenity of the highway and its immediate surroundings or of providing a service for the benefit of the public or a section of the

public. The Council has to be satisfied that the structure or object being placed on the highway will enhance the amenity and this is the primary motivation for the decision to use its powers under this section. The Council is also able to grant permission to another person to do so (section 115E of the Act).

The powers set out sections 115B and 115E only apply to highway where vehicular traffic is prohibited. If the purpose for placing the object will result in the production of income, certain types of highway are excluded, including footpaths, bridleways, restricted byways and footways where no pedestrian planning order or traffic order is in place.

Under s.115B and section 115E of the Act if the Council proposes to place an object on a highway for a purpose which will result in the production of income and intends to grant a third party permission to do this, it must first obtain the consent of the frontager with an interest. This consent must cover the placing of the object, the purpose for which it is placed and the proposed grant of permission.

In accordance with section 115F of the Act, the Council may grant permission on such conditions as it sees fit, including conditions requiring the payment of reasonable charges. As the Council is the owner of the subsoil of this site, there is no statutory restriction on the amount of the reasonable charge.

Under section 115G, before granting permission under section 115E the Council must first publish a notice giving detailed of the proposal and a period of time to make representations. Any representations made must be considered prior to grant of permission.

The sites proposed to be developed by the Council's Environment Commissioning Service on non-highway land

When deciding whether to grant consent, the Council, as land owner, will need to consider whether to agree for the structure to be erected for the purposes of advertising. There is no need for separate decisions to be made in relation to the structure and the advertising and as such there is one set of criteria.

The following criteria will be taken into account when deciding whether to issue a licence for the purpose of erecting a bill board or digital advertising structure:

1. There will be a presumption in favour of granting a licence, where the structure is in keeping with the built environment
2. The extent to which the bill board or digital advertising represents best value to the Council
3. The extent to which the structure screens other structures or objects that detract from visual amenity
4. The extent to which the structure blocks other structures or objects that provide visual amenity

5. The extent to which the structure provides additional lighting and whether this provides enhanced visual amenity

The specific legislative requirements to be considered in respect of Bill Boards and Digital Advertising on non-highway land

The legislative framework will depend on the category of land. If there are no statutory restrictions on use of the land, the Council will need to comply with its duties to secure best value and to secure best consideration when disposing of land. The relevant duties will depend on whether the Council is proposing to grant a licence or lease and the length of term for such arrangement.

4. Small Format Advertising

The review mentioned earlier also identified that there are other forms of advertising that in some instances have been progressed by the Council and in other cases they have not. However, the current arrangements are minimal and as such there is considerable scope to expand on these.

There are three main types of small format advertising and they are identified as follows:

- Roundabout Advertising/Sponsorship
- Gateway Signs Advertising/Sponsorship
- Lamp Post Banners

With regards to each:

Roundabout Advertising/Sponsorship

Current Arrangements:

The Council currently has an agreement in place that allows advertising on eight of the Council's roundabouts.

This includes a small advertising sign which is located on the roundabout that is positioned directly opposite each roundabout road junction. Therefore, the number of signs depends on the number of roads that intersect each of the roundabouts.

As a roundabout is part of the highway network the roundabout structure is included as part of the designated public highway, although in most cases it is not land where a highway user is expected to drive or walk.

All of the eight roundabouts are on public highway, where the Council are the highway authority and where the Council owns the sub-soil.

The current arrangement is an annual rolling contract which is due to be terminated and/or extended within the next six months.

Proposed future arrangements for Roundabouts:

It is considered that the Council are currently not making full use of all of the roundabouts that exist in the borough and it is therefore intended to identify additional roundabout sites where advertising/sponsorship could be considered. This is anticipated to increase the number from eight to circa 25 roundabouts.

All of the roundabout sites would be designated public highway where the Council is the highway authority and where the Council owns the sub-soil.

When deciding whether to grant consent, the Council, as highway authority, will take account of the following criteria when deciding whether to grant consent for a sponsorship sign on a roundabout:

1. There will be a presumption in favour of consent for the structure, where this is replacing an existing structure and the proposed structure is similar or a higher quality design than the previous structure
2. The sponsor should be providing a sum of money to the Council that represents the whole or a significant proportion of the cost of maintaining soft landscaping on the roundabout.
3. The sponsorship sign should not be dominant or detract from the soft landscaping on the roundabout.
4. The purpose of the sponsorship sign should primarily be to provide information to the public that the organisation being promoted has contributed to the cost of maintaining the soft landscaping on the roundabout.
5. Priority will be given to businesses operating within the immediate vicinity of the roundabout.

The specific legislative requirements to be considered in respect to Roundabouts

Under Part VIIA (in particular section 115B(1)(b)) of the Highways Act 1980, the Council has the power to place objects or structures on, in or over certain types of highway for the purpose of enhancing the amenity of the highway and its immediate surroundings or of providing a service for the benefit of the public or a section of the public. The Council has to be satisfied that the structure or object being placed on the highway will enhance the amenity and this is the primary motivation for the decision to use its powers under this section. The Council is also able to grant permission to another person to do so (section 115E of the Act).

The powers set out sections 115B and 115E only apply to highway where vehicular traffic is prohibited. If the purpose for placing the object will result in the production of income, certain types of highway are excluded, including footpaths, bridleways,

restricted byways and footways where no pedestrian planning order or traffic order is in place.

Under s.115B and section 115E of the Act if the Council proposes to place an object on a highway for a purpose which will result in the production of income and intends to grant a third party permission to do this, it must first obtain the consent of the frontager with an interest. This consent must cover the placing of the object, the purpose for which it is placed and the proposed grant of permission.

In accordance with section 115F of the Act, the Council may grant permission on such conditions as it sees fit, including conditions requiring the payment of reasonable charges. As the Council is the owner of the subsoil of this site, there is no statutory restriction on the amount of the reasonable charge.

Under section 115G, before granting permission under section 115E the Council must first publish a notice giving detailed of the proposal and a period of time to make representations. Any representations made must be considered prior to grant of permission.

Gateway Signs Advertising/Sponsorship

Current Arrangements:

The Council currently has an existing agreement in place for sponsorship of Gateway Signs throughout the borough.

A Gateway sign is a sign that identifies that a highway user has entered an area under the control of London Borough of Barnet. These are generally signs that are used as Welcome to Barnet messages.

The sponsorship involves the addition of the Sponsors name on the sign. Most of the signs in Barnet are simple in that they simply provide the message that Barnet is the home of the sponsor under the welcome to Barnet Council message.

Currently each of the borough boundary signs are configured in this way.

These signs are located on the highway network generally in a footpath or verge. Therefore, all are on public highway, where the Council are the highway authority and where the Council owns the sub-soil.

This current arrangement is due for review and renewal or termination.

Proposed future arrangements for Gateway Signs:

It is considered that the Council are currently not making full use of all of the gateway signs that exist in the borough and it is therefore intended to identify additional gateway sites where advertising/sponsorship could be considered. This is anticipated to increase the number of gateway signs as it would also include the

Welcome to Town Centre signs that exist at the entry to each town centre throughout the borough.

All of the gateway sign sites would be designated public highway where the Council is the highway authority and where the Council owns the sub-soil.

When deciding whether to grant consent, the Council, as highway authority, will take into account the following criteria when deciding whether granting consent for a structure for the purpose of advertising on a Gateway Sign:

1. There will be a presumption in favour of consent for the structure, where this is replacing an existing Gateway sign and the proposed sign is similar or a higher quality design than the previous structure
2. There will be a presumption in favour of consent for the structure, where the sign is at the entry to the Borough or a distinct area of the Borough, such as a local shopping centre.
3. The primary purpose of the Gateway Sign should be to provide public information on the area they are about to enter. Advertisement should be subsidiary to this purpose.
4. The extent to which the structure could restrict use of the highway by pedestrians.

The specific legislative requirements to be considered in respect to Free Standing Structures

Under Part VIIA (in particular section 115B(1)(b)) of the Highways Act 1980, the Council has the power to place objects or structures on, in or over certain types of highway for the purpose of enhancing the amenity of the highway and its immediate surroundings or of providing a service for the benefit of the public or a section of the public. The Council has to be satisfied that the structure or object being placed on the highway will enhance the amenity and this is the primary motivation for the decision to use its powers under this section. The Council is also able to grant permission to another person to do so (section 115E of the Act).

The powers set out sections 115B and 115E only apply to highway where vehicular traffic is prohibited. If the purpose for placing the object will result in the production of income, certain types of highway are excluded, including footpaths, bridleways, restricted byways and footways where no pedestrian planning order or traffic order is in place.

Under s.115B and section 115E of the Act if the Council proposes to place an object on a highway for a purpose which will result in the production of income and intends to grant a third party permission to do this, it must first obtain the consent of the frontager with an interest. This consent must cover the placing of the object, the purpose for which it is placed and the proposed grant of permission.

In accordance with section 115F of the Act, the Council may grant permission on such conditions as it sees fit, including conditions requiring the payment of reasonable charges. As the Council is the owner of the subsoil of this site, there is no statutory restriction on the amount of the reasonable charge.

Under section 115G, before granting permission under section 115E the Council must first publish a notice giving detailed of the proposal and a period of time to make representations. Any representations made must be considered prior to grant of permission.

Lamp Post Banners

Current arrangements:

Currently the only banners that are allowable are those that are specifically requested and can be demonstrated to not be for the purpose of commercial gain. Therefore, only community/charity events are allowable.

There is a currently a specific process to be followed by those wishing to apply for a banner to be attached to an existing lamp post asset. This includes completing an application form and submitting this to the Councils Street Lighting Private Finance Initiative (PFI) Service Provider who will consider it against agreed criteria which includes:

- Checking for Community/Charity status
- Checking the structural Integrity of the street lights to which banners are proposed to be installed
- Confirming specific details of the event to be publicised and the appropriateness of approving such an event – this often involves seeking client views/agreement or otherwise
- Confirming a cost to supply, install, maintain and remove and that the applicant is willing and able to pay such sums

Historically most requests are based on the attachment of a small number of banners for a short duration to publicise a local not for profit event. This would normally involve attaching banners to lamp posts that are situated within a Town Centre location.

Most of the lamp posts situated in Town Centres have been replaced in the last 10 years under the PFI contract and this means that they are appropriately designed so that they have suitable structural integrity to enable a banner to be attached without fear of adversely damaging the lamp post. In addition, the type of bracket arms that are used for the attachment of banners has been specifically designed to limit the impact of the banner on the lamp post structure. This is due to its ability to act as a sail and bend when a force such as strong wind is exerted on the banner. These are

important considerations to ensure the safety of the public and protect the life span of the lamp post structures.

Proposed Future arrangements:

It is proposed that the above current process is altered to include consideration of applications from other parties and this may include those that are driven by local businesses and hence may be for the purpose of commercial gain by those businesses.

It is intended that future priority is given to those applicants who are able to pay the reasonable charges. This will mean that community and charity events will only be accommodated if they are able to pay the same reasonable charge as other businesses or there is availability due to no other business advertising being in place. The durations and availability that may be agreed for such local community and charitable events may need to be curtailed if alternative advertisers are identified.

The impact of this change on the PFI Contract has been considered and although the PFI service provider is entitled to a profit share on any additional income derived from the use of the street lighting assets this only applies when the service provider proactively puts forward a business plan for such changes. In this case this change has been proposed by the Council and as such any additional income derived from it will not be associated with the profit sharing mechanism in the contract.

There are approximately 1,000 lamp posts positioned in Town Centres which could potentially be considered to be appropriate for banners to be attached and it is likely that it will take some time to identify interested parties and therefore separate agreements will need to be established as this opportunity rolls out.

It is anticipated that this and the other forms of small scale advertising identified above will be a well received additional opportunity for local businesses as currently local businesses are unlikely to be able to pay the rates demanded by digital advertising displays. This will allow local businesses to promote and signpost their businesses at a more affordable rate and hence help them to generate additional business/profit.

When deciding whether to grant consent for advertising on the lamp post, as new or existing structures, the following criteria will be taken into account:

1. The extent to which the advertiser is able to pay the reasonable charge for the advertising banner.
2. The extent to which the advertisement provides public information about local businesses and local events will be relevant.

The specific legislative requirements to be considered in respect of banner advertising

Section 115E of the Highway Act 1980 permits the Council, as highway authority, to grant permission to use objects or structures on, in or over a highway covered by this Part of the Act, for the purpose of advertising. Section 115F permits the Council to impose such conditions as it sees fit, including conditions requiring the payment to the Council of such reasonable charges as it may determine. On the basis, the Council owns the subsoil beneath the bus shelters, there is no restriction on the amount of the charge, subject to this being reasonable. Under section 115G, the Council must publish and serve statutory notices and consider any representations made, prior to deciding whether to grant permission.