

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Economy, Transport and Environment
<b>Date:</b>	16 July 2019
<b>Title:</b>	Use of Non-Prescribed Signs on Public Highways
<b>Report From:</b>	Director of Economy, Transport and Environment

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### Purpose of this Report

1. The purpose of this report is to advise the Executive Member for Economy, Transport and Environment of recent guidance from the Secretary of State for Transport, regarding the use of non-prescribed traffic signs on local authority roads. The report further seeks authority to remove reported non-prescribed traffic signs.

### Recommendation

2. That the Executive Member for Economy, Transport and Environment notes the recent guidance from the Secretary of State for Transport regarding the use of non-prescribed traffic signs on local authority roads, and authorises the Director of Economy, Transport and Environment to arrange removal of reported non-prescribed traffic signs in order to comply with legislation and safeguard the authority from litigation, and to avoid compromising enforcement which would be detrimental to road safety.

### Executive Summary

3. This paper seeks to set out the implications and responsibilities for Hampshire County Council in its role as the Highway Authority in regard to use of non-prescribed traffic signs on local authority roads.

### Contextual information

4. The Secretary of State for Transport has written to all local authorities regarding the use of non-prescribed traffic signs on local authority roads.
5. In his letter, the Secretary of State reminds local authorities of the need to comply with the legislation:

*'I would also like to remind you that as a traffic authority you are responsible for ensuring that traffic signs you erect on your road network comply with legislation. The use of non-prescribed signs on public highways without authorisation might be deemed unlawful, with authorities using them acting*

*beyond their powers. The erection of an unauthorised sign in the highway is an obstruction and the possible consequences of erecting or permitting the erection of obstructions can be severe.*

*'Those responsible could lay themselves open to a claim for damages, for example if an obstruction is the cause of an accident or an injury in a collision, or if it adversely affects a property adjacent to the road by blocking light or impairing visual amenity. Furthermore, the use of unlawful traffic signs might compromise enforcement of statutory provisions and be detrimental to road safety.'*

6. The County Council regularly receives requests from members of the public to erect signs that cannot be implemented because the request lies outside of the legislation. An example is the provision of 30mph speed limit repeater signs on street lit roads.
7. Signs can often be erected on the public highway by third parties without the County Council's permission. In most cases they do not comply with Traffic Signs Regulations or the prescribed use. Such non-prescribed and unauthorised traffic signs need to be removed.
8. For the reasons given by the Secretary of State, it is important that signs are used strictly in compliance with the legislation.
9. The Department for Transport prescribes the lawful use of signs in the Traffic Sign Regulations and General Directions, and in various volumes of the Traffic Signs Manual. Erecting signs on public roads outside of these uses requires specific authorisation by the Department for Transport. Such authorisation is rarely given as the legislation is intended to provide a nationally consistent signing regime and legally enforceable regulation.
10. Concern about sign clutter is anticipated to further limit the use of signs, emphasising the need to use signs sparingly and only where there is a clear justification. The County Council's traffic management policies, which have an emphasis on evidence-led road safety, are consistent with this aim. In addition, the County Council's traffic engineers take the opportunity to rationalise signs where possible when new highway schemes are designed and implemented.
11. In his letter, the Secretary of State reminds local authorities that distances shown on traffic signs must be in imperial units. Metric units are not permitted as a measurement of distance. Where signs are reported with metric units these will need to be replaced or amended to give the distance in imperial units.
12. Removing non-prescribed signs and correcting non-permitted variants e.g. use of metric units for distances, is an existing duty, but specific Executive Member authority for this action is appropriate as non-prescribed signs can be erected by other bodies at their cost and removing these may potentially lead to disputes. A policy decision also supports the management of requests for signs that are outside of their permitted use.

## **Finance**

13. The cost of removing, replacing or amending signs will be met from existing resources.

## **Consultation and Equalities**

14. In his letter, the Secretary of State reminds local authorities of the need to comply with the legislation. As this is a legal requirement for the authority there is no identified consultation or stakeholder engagement. Removing unlawful signs is an existing duty.

## **Conclusions**

15. The Department for Transport prescribes the lawful use of signs in the Traffic Sign Regulations and General Directions, and in various volumes of the Traffic Signs Manual. Signs that do not comply with the prescribed use need to be removed to comply with legislation and safeguard the authority from litigation, and to avoid compromising enforcement which would be detrimental to road safety.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

There is no change to policy and it is not anticipated that this decision will have a disproportionate impact on groups with protected characteristics.

The proposal is in response to a letter from the Secretary of State for Transport, regarding the use of non-prescribed traffic signs on local authority roads. The specific proposal is to remove reported non-prescribed traffic signs or amend to correct non-permitted variants