Portable Advertising Boards Policy and Guidance

V.1 01/2019

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Cardiff Council



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Planning, Transport & Environment

Table of Contents

Foreword	1
Introduction	1
The Corporate Vision	1
Purpose of this policy and guidance	1
Who do Advertising Boards affect?	2
Engagement and Consultation	4
Street Surveys	4
Engagement with Equalities Groups and the CCAFG	5
Public Consultation	5
Obstructions	7
Keeping a clear pedestrian route	7
Fallen over A Boards	8
Fixtures	8
Size	8
Enforcement of obstructions	8
Positioning	9
Number of licences	9
Positioning in relation to the building line	9
Positioning in relation to the entrance of the property	10
Poor weather conditions	11
Damaged A Boards	12
Conservation Areas	12
"A Frame" Advertising Boards	13
Licences for A Frame boards	
Zero Tolerance Enforcement	14
What the Law Says	14
Who is responsible for an A Board	14
False applications	14
Why Enforce?	

Table of Contents

Zero Tolerance Approach	15	
Equalities Act 2010	15	
Seizure of A Boards	15	
Penalties	15	
Alternative advertising methods	16	
Raised Lamppost Banners	16	
Car Parks and parking meters	16	
Sponsorship opportunities	16	
Litter bins	16	
Guidance on the Welsh Language	17	
The Corporate Vision	17	
Current Language Use on Advertising Boards	17	
Why go Bilingual?	18	
What you can do	18	
Contact us!	19	

Pg. 01 Foreword

"How we treat the people most in need of support is the real test of the values of our city."



Foreword

Introduction

The Council as the highway authority is responsible for overseeing the safe operation of public roads and footways and has a duty to protect the rights of the public to enjoy using them. People's ability to move freely and confidently throughout public areas of Cardiff is extremely important to everyone living, working or visiting the city.

The Corporate Vision

How we treat the people most in need of support is the real test of the values of our city. As Cardiff grows, it is more important than ever that no one is left behind because of their circumstances, whatever they may be. With an ever-increasing population, the demand upon the highway is getting greater all the time, which creates its own unique problems in terms of managing the footway. The Council's vision is therefore to create a street scene that is vibrant, economically prosperous and safe through proper licencing that balances the needs of business and members of the public.

Purpose of this policy and guidance

The Council has consulted numerous parities and peoples to develop a policy on advertising boards that reflects the ever changing and growing pressures upon the highway from increased footfall and the complexities of diverse societal requirements. This document sets out the Council's policy on the licencing and use of Advertising Boards and details the results from engagement and consultation with businesses, equalities representatives and members of the public that have helped form this policy.

If there are any conflicts between this policy and the licencing terms and conditions, or any statutory act, regulation or bylaw, then the terms and conditions, act, regulation or bylaw shall take precedence.

Any reference to the "Council" in this document should be taken to mean Cardiff Council and any reference to "A board" or "Advertising board" should be taken to mean a portable advertising board. This Policy remains applicable in its current version until it is replaced or revoked.

Who do Advertising Boards affect?

The brief answer to this question is anyone and everyone who uses the footway or highway.

Over the past decade the city region of Cardiff has been the main source of new jobs in Wales and this has led to over a third of the city's workforce commuting each day from the surrounding areas¹. With the local development plan adding a further 41,000 houses and aiming to create up to 40,000 new jobs between 2006 and 2026², the strain on the city's highways and footways are set to increase dramatically. Not every area of the highway is suitable for an



advertising board to be placed, for example the pavement may be very narrow and placed next to a busy arterial traffic route which could force pedestrians from the pavement onto the carriageway and into possible harm's way. This is why the Highways Act 1980 requires that a licence must be obtained so that the placing of advertising boards can be closely controlled.

The effective management of advertising placed on the Highway can contribute to the following strands of Cardiff's liveable city vision³:

Cardiff is Clean and Sustainable – making sure that advertising does not negatively impact upon the city's street scene or pedestrian movements and do not become street clutter

Cardiff is Fair, Just and Inclusive – making sure that advertising does not provide barriers for disabled persons and other footway/highway users to go about their daily life

People in Cardiff are Safe and Feel Safe – making sure that disabled persons or other footway users who may be at a greater risk are not put in harm's way due to advertising boards

The 2011 Census

² The City of Cardiff Council – Cardiff's Parking Strategy 2016 ³ The City of Cardiff Council Corporate Plan, 2015-2017



However, there are some sections of society to whom advertising boards have a more significant impact upon than others. They particularly affect:

The Visually Impaired – advertising boards create a severe trip hazard to those with visual impairments and when placed inappropriately can cause an obstruction that can prove difficult to navigate

Those with Additional Mobility Requirements – This affects wide ranging sectors of society, from those that use mobility scooters, to parents with prams, from pregnant mothers to injured persons with crutches etc.

The Elderly and the Young – Advertising boards can cause a trip hazard to the elderly and can create a fall hazard on children who may not realise that their actions could cause the advertising board to collapse or tip over

For this reason the Council understands that the needs of businesses must be balanced against the need to make Cardiff a safe and inclusive city for all its citizens, residents and visitors.

Engagement and Consultation

Portable advertising boards, or "A Boards", have been a common part of the street scene furniture for years; however, they are prone to causing obstructions over the footways which can interfere with the footways legitimate use for pedestrian movement, particularly if not properly licenced or regulated.

Street Surveys

A series of street surveys were undertaken to help ascertain the situation before any consultation was undertaken. Two surveys of the city centre pedestrianised zones⁴ were undertaken on 2nd May 2018 and 14th May 2018 where 129 and 117 A boards were observed respectively. One survey was undertaken of other areas of the city on 17th May 2018. These areas were Albany Road, City Road, Cowbridge Road East, Crwys Road and Llandaff High Street. 62 A boards were observed. Several issues were noted that were of particular concern to the surveyors:

Cluttering— it was noted that in many places a number of A Boards were placed in an ad-hoc fashion close together causing a complete disruption to the natural flow of pedestrians and often related to a single business.

Random placements– most A Boards were not uniformly placed leading to pedestrians having to work their way around boards in a random fashion

Lack of footway space— many A Boards were placed where a clear footway space for pedestrians could not be maintained, with the potential to force pedestrians into the road or off the footway.

Fallen over – Advertising boards were observed to have fallen over which had not been corrected by the licence holders or business owners/member of staff responsible for ensuring that they were correctly displayed.

Damaged – Advertising boards were observed that were damaged in what could be considered a compromising fashion. The most common damage was that one or several of the "feet" of traditional A Frame boards were missing or broken. Any damage can reduce the stability of the board increasing the chance of it falling and/or causing injury.

⁴ St Marys Street, Queen Street, Caroline Street, The Hayes, St John Street, Church Street, High Street, Working Street, Victoria Place, Hills Street

Engagement with Equalities Groups and the CCAFG

The Cardiff Council Access Focus Group (CCAFG) is built up from individuals and organisations representing all the Protected Characteristic Groups, including those with a range of disabilities and additional requirements. Its role being to advise and critically appraise policy, schemes function and design to ensure that the needs of the community are met and legislative compliancy delivered.

Following engagement events with equalities groups, 85% of members questioned said that they had experienced an A Board that caused an obstruction to the footway or highway, of which 70% felt this obstruction had affected them personally and 55% felt that this had personally affected them due to a disability⁵.

From this key themes were identified;

- That A boards often cause an obstruction so that there is not enough space left on the footway or highway for anyone with a disability or mobility aid to safely pass
- That A Boards were often positioned randomly meaning that persons with disabilities and impairments, or those more disadvantaged, often had to "zig-zag" between them and those with visual impairments were at a greater risk of falling
- Traditional "four legged A Frame" boards could lead to trips and falls, particularly for those with visual impairments as walking aids could pass beneath the legs and snag
- That advertising boards were often placed on the footway or highway when weather conditions would cause them to fall over increasing the risk they posed to the public

For this reason the Council consulted businesses and the public on proposed changes to A Board licencing conditions between 07/08/2018 and 24/09/2018 in an effort to help redress the issues that had been identified.

Public Consultation⁶

The public consultation was open for 6 weeks and asked 7 key questions related to proposed changes to the terms and conditions that had been developed to assist in rectifying the key issues that were identified from the equalities groups.

⁶ Ask Cardiff Consultation 2018. 70 respondents. 44 public respondents / 26 business respondents.

⁵ Cardiff Council Access Focus Group questionnaire 2018. 30 respondents.

	Question	Total for	Total against	Support level Very high – 80% to 100% High – 60% to 79% Medium – 40% to 59% Low – 20% to 39% Very low –0% to 19%
1	Traditional four legged "A Frame" advertising boards can present a trip hazard to the blind and the disabled. Do you support the Council stopping the issuing of licences for traditional A Frame boards in favour of single footed advertising boards to help promote safety?	54%	46%	Medium
2	To allow people to know where would be best to walk on the footway of avoid obstructions, do you support us ensuring that all advertising boards must only be placed in a particular place on the highway?	83%	17%	Very high
3	It is proposed that all advertising boards are placed within 1 meter from the entrance to any business or street café as this would help people, especially the blind and the disabled, to know how to avoid them. Do you agree with this proposal?	66%	34%	High
4	It is proposed that all advertising boards are placed touching the business or street café as this would stop people needing to zig-zag around randomly placed advertising boards. Do you agree with this proposal?	74%	26%	High
5	The Council considers that it adverting boards should not be put out during extreme weather. Do you agree with this proposal?	86%	14%	Very high
6	Do you support a zero tolerance approach to the enforcement of obstructive, dangerous or illegal advertising boards?	76%	24%	High
7	The Council does not intend to ban advertising boards at this time; however there is a general trend in Council's looking at stopping issuing advertising board licences altogether. Do you support us monitoring this trend to see if a working model could be achieved for Cardiff?	61%	39%	High

Pg. 07 Obstructions

Obstructions

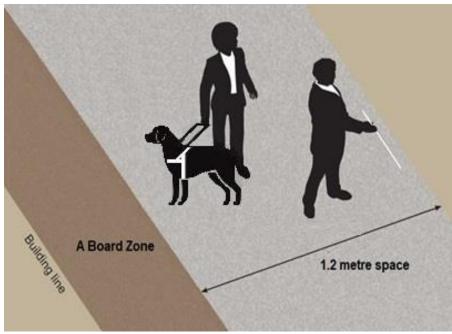
Over two thirds of members of the public questioned by the Council have felt they have observed an advertising board that could have been considered to have caused an obstruction to the highway.⁷ The law makes it a criminal offence to wilfully obstruct the highway without lawful authority or excuse⁸ as it is important that a clear path must be maintained along the highway (which includes footways and verges) for all highway users. The highway is defined as an area whereby the public has the right to pass and repass without hindrance nor licence⁹. Therefore areas of private land may still be classed as forming part of the highway and it is the responsibility of the licence user to be aware of the status of their land with regards to their licencing conditions.

Keeping a clear pedestrian route

At all times there must be a minimum of **1.2 metres** unobstructed space from the furthest limits of the advertising board. As A Boards cannot be placed on the carriageway then, in most cases, this will be the pavement kerb line. This distance allows for the free flow of highway users as well as providing enough

space for those with mobility assistance vehicles or those using walking aids or other items that require a larger amount of space such as buggies.

A Boards are not permitted to be placed on the carriageway or in parking bays or places or other areas specifically designed for use by vehicles. They must not be placed next to pedestrian crossings and must not be



placed on or near tactile paving. Tactile (bumpy) paving is there to guide the visually impaired to safe crossing points. Care should always be taken when placing an A Board that it also does not

⁷ Ask Cardiff Survey 2018 – (66%)

⁸ s137(1)The Highways Act 1980

⁹ House of Commons report – Business and Transport SN/BT/402 (18th October 2010)

Pg. 08 Obstructions

interfere with street furniture and that the clear pedestrian route is also maintained when street furniture is present.

Where exceptional circumstances apply written permission may be granted by the Council to deviate from this rule, where it is satisfied that the granting of such permission will not cause an obstruction or present difficulties to members of the public, especially those with disabilities of any kind.

Fallen over A Boards

A Boards must at all times remain fully upright and in good condition. A boards should therefore remain visible from inside of the building so that the licence user can ensure that this is the case. If an A Board has fallen over then the potential hazard it can cause increases significantly and any fallen over A Board will therefore be considered as a dangerous obstruction.

Fixtures

Under section 132 of the Highways Act 1980, no person shall affix to the highway and picture, letter, sign or other mark upon the surface of the highway or upon any tree, structure or works without express permission of the Council. The terms and conditions prohibit A Boards from being fixed in any permanent or semi-permanent way. Excavation of the highway of any kind undertaken to secure an A Board is strictly prohibited under any circumstance. Any person identified as breaching section 132 of the Highways Act may be liable to a Fixed Penalty Notice or prosecution in the magistrates' court.

Size

All A Boards in Cardiff must be between 550mm and 700mm wide and, from the base of the board, must be between 850mm and 1200mm high. A Boards that are too small may not be noticed by members of the public causing a trip hazard and A Boards that are too large can cause serious injury if they fall. For this reason any A Board observed that is either smaller or larger than the permitted sizes will be considered as a dangerous obstruction.

Enforcement of obstructions

The Highways Act 1980 s137(1) states that: "If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway they are guilty of an offence and liable to a fine not exceeding £1,000." If an obstruction for the purposes of the Highways Act is observed the Council may take enforcement action which may lead to prosecution in the Magistrates Court.

For the purposes of this policy, any obstruction will be considered to be dangerous and as a result may lead to the board being seized without notice.

Pg. 09 Positioning

Positioning

The correct positioning of an advertising board is essential to ensure that the natural flow of pedestrians along the highway is not impeded and to ensure that health, safety and

environmental priorities are promoted.

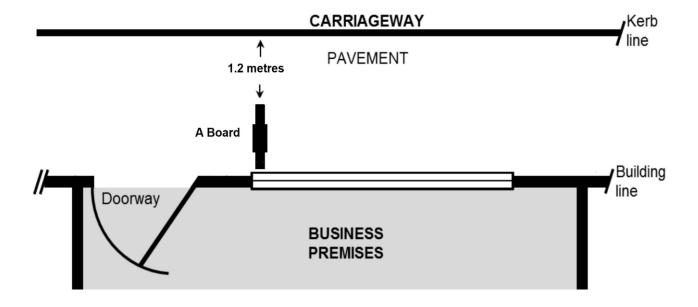
Number of licences

There is a maximum of one Advertising Board per premise. If more than one A Board is placed on the highway then this is a breach of the terms and conditions so any licences that have been obtained will be invalid. Licences are non-transferable.



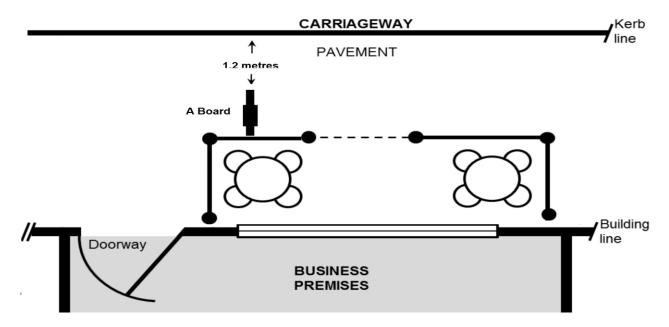
Positioning in relation to the building line

At all times an advertising board must be placed so that any part is touching the building line of the licence user's premises. The only exception to this is when a licenced street café is being used and where there is a clear physical separation of the street café from the remainder of the highway (e.g. licenced fencing). In this case the advertising board is permitted to be placed touching the street café's physical limits. Example positioning where a street café is not present:



Pg. 10 Positioning

Example positioning where a street café is present:



If the business has its own private forecourt adjacent to the highway the advertising board should be placed fully within the confines of the forecourt.

Where exceptional circumstances apply written permission may be granted by the Council to deviate from this rule, where it is satisfied that the granting of such permission will not cause an obstruction or present difficulties to members of the public, especially those with disabilities of any kind.

Positioning in relation to the entrance of the property

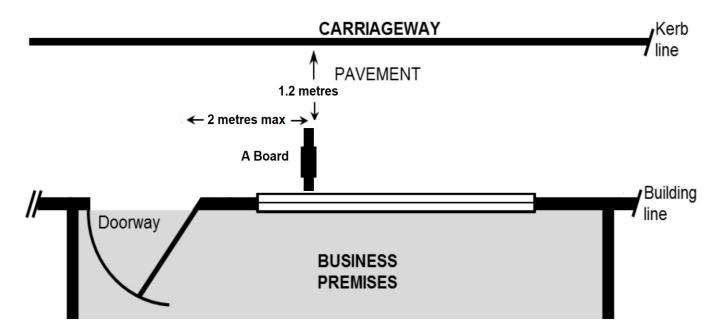
Advertising boards should be placed within **1 metre** of the entrance to the premise of the business or property to which they relate and should be visible from within the premises to ensure that if the A Board falls over or becomes damaged or causes an obstruction then this can be rectified. The placement should not cause an obstruction to those trying to access the premises.

In a case where a street café applies then the same distances apply, but from the entrance to the street café, provided that the positioning in relation to the building line rules above still are kept.

Where it would not be possible to place the A Board within 1 metre of the entrance to the property without causing an obstruction to the entrance to that property then this distance can be extended to **2 metres**. At all times the board should remain touching the building or street café line.

Example positioning in relation to the entrance of a property:

Pg. 11 Positioning



An A Board cannot be placed further than 2 metres from the entrance to the premises.

Where exceptional circumstances apply written permission may be granted by the Council to deviate from this rule, where it is satisfied that the granting of such permission will not cause an obstruction or present difficulties to members of the public, especially those with disabilities of any kind.

Poor weather conditions

It is inappropriate to place advertising boards on the highway in adverse weather conditions as this presents a hazard and increases the chance of them falling over or being blown away from the building line.

Weather Warnings:

Amber - There is an increased likelihood of impacts from severe weather. This means there is the possibility of travel delays, road and rail closures, power cuts and the potential risk to life and property.

Red - Dangerous weather is expected and action should be taken to keep people safe from the impact of the severe weather. It is very likely that there will be a risk to life, with substantial disruption to travel, energy supplies and possibly widespread damage to property and infrastructure.

A Boards are therefore not permitted to be placed out while an amber or red weather warning is in forced as released by the Met Office.

For further information on weather warnings and when weather warnings are in force you can visit: https://www.metoffice.gov.uk.

Pg. 12 Positioning

Any A Boards found on the highway when these weather warnings are in force will be deemed to be a hazard and will be immediately removed without notification. Further enforcement action may also be taken.

Damaged A Boards

A Boards must at all times be in good condition and repair. Damaged A boards have less structural integrity and represent a safety hazard so will be considered as dangerous and may be removed immediately. Before placing an A Board out on the highway it should always be thoroughly checked for defects or damages.

Conservation Areas

In sensitive conservation areas outside of the Local Development Plan, Central Shopping Area or Local / District Centres, each application will be considered on its own merits before being approved for a license.

"A Frame" Advertising Boards

There are many different A Board designs, the most common being the four legged "traditional" A Frame board. However, A Frame boards can cause a particular hazard to those with visual impairments as walking aids can pass underneath the feet providing no warning as to the location of the board before the person reaches the board.

It is also noted that often the feet of A Frame boards break so that the A Board becomes damaged and the integrity of their design is compromised, particularly when the board is made of wood.

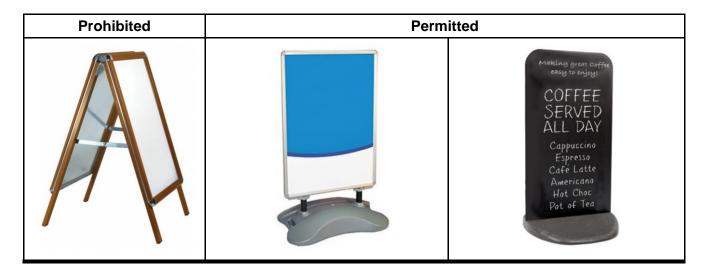
Licences for A Frame boards

After 01/04/2020 all A Frame advertising boards within Cardiff will be prohibited.

This means that, <u>from any direction of travel</u>, there must only be one single foot touching the pavement or highway with no space for a walking aid or object to pass underneath the board.

The materials that the board can be made of are not affected, for example boards could still be made out of wood or metal provided they have a single foot meeting the floor line and are sturdy and secure.

The below is used for illustrative purposes only:



Any A Frame boards placed on the highway after **01/04/2020** will be considered to be in breach of the terms and conditions and enforcement action against such boards will be taken which may include the board being removed by notice.

Zero Tolerance Enforcement

What the Law Says

Section 137(1) of the Highways Act 1980 states that:

"If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway they are guilty of an offence and liable to a fine not exceeding £1.000."

Lawful authority is granted by the Local Authority (in this case Cardiff Council) as the Highways Authority by means of a licence.





- "(1) If any thing is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited it there to remove it forthwith and if he fails to comply with the notice the authority may make a complaint to a magistrates' court for a removal and disposal order under this section.
- (2) 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."

Who is responsible for an A Board

It is the responsibility of the business owner in charge of the A Board to ensure that it is correctly licenced and is only being used lawfully and is safe. The only exception to this is when the company is a Ltd. company when in which case it would be the company secretary.

False applications

When applying for an A Board licence it is the responsibility of both the applicant and, where applicable, their representatives, to ensure that they make the application truthfully and to the best of their knowledge.

Strict enforcement action will be taken against any persons whereby it has been identified that their application for an A Board has contained false details, has been made fraudulently or has not been true to the best of the applicant's knowledge.

Why Enforce?

Enforcement plays a key part in promoting the safe and sensible use of advertising boards by ensuring compliance with the Highways Act and any stipulated licencing conditions. These licencing conditions are there to ensure a safe street scene environment.

Zero Tolerance Approach

Failure to adhere the terms and conditions of the licence that has been granted presents a safety hazard the Council and its authorised Officers will operate a zero tolerance approach to any breaches of the terms and conditions or legislative requirements. Any advertising boards observed in breach of the terms and conditions will be investigated and appropriate action taken.

Equalities Act 2010

All A boards must adhere to the Equalities Act 2010 and must not promote or contain material that may considered to be discriminatory, cause offence or promote harassment or victimisation. All A boards must not discriminate against any person on the basis of age, disability, gender reassignment, marriage or civil partnership status, race, religion or belief, sex or sexual orientation. This list is not exhaustive and the Council reserves the right to take action where any A Board could be considered to be in breach of the Equalities Act 2010 or can be considered to be inappropriate or may cause offence.

Seizure of A Boards

Where an authorised officer is of the opinion that an A Board is hazardous then the Council may immediately remove the A Board to be stored for **14 days** at the owner's expense. Failure to collect the board and pay the relevant fees within this timeframe will result in the board being destroyed.

In any other circumstance an authorised officer will give notice to the person appearing to be in charge of the A Board requiring the removal of the A Board from the highway. This notice must be complied with otherwise further enforcement action may be started or a court order sought to carry out the notices demands.

Penalties

As A Board offences are criminal rather than civil, prosecution is normally carried out through the Magistrates' Courts.

Alternative advertising methods

A boards are not the only way that businesses can promote themselves within Cardiff. The Council offers a wide range of alternative methods that don't have the same safety issues that A Boards can be prone to, nor have the negative public perception that this can lead to. Some of the most popular alternatives are detailed below:

Raised Lamppost Banners

There are over 200 highly visible, photographic quality banners located on commercial high streets, commuter routes and active neighbourhood locations throughout Cardiff. Raised lamppost banners offer an unrivalled opportunity to project a message to shoppers and have a 2.5 times better memory recall rate than the same advert at ground level. To advertise on our Raised Lamppost Banners in Cardiff please call 020 8343 2525 to speak to one of our experienced sales staff who will talk you through all requirements or contact directsales@baymedia.co.uk for more information

Car Parks and parking meters

The Council has 95 parking meters across Cardiff ad over 30,000 vehicles using Council car parks each week. Car users are likely to spend money on shopping, food and retail and promoting a business via car park and parking meter advertising can be a very effective way of reaching key audiences. Call 029 2233 0952 for all car park and parking meter advertising and sponsorship enquiries.

Sponsorship opportunities

Cardiff has over 350,000 residents and 21 million visitors each year. Sponsoring Council property is a cost effective way of reaching a large audience and showing support for the city. Examples of available sponsorship opportunities are boundary, totem, verge signs, uniforms, benches and planters. To discuss sponsorship opportunities please email Neighbourhoodservices-businesssupport@cardiff.gov.uk.

Litter bins

Using Cardiff's network of over 100 litter bin locations can provide a cost effective and targeted format to deliver a message to a large urban population. The advertisement is carried on photographic quality and high durability vinyl which is sized on a number of different litter bin designs. These litter bins are located in extremely high footfall and commercially active areas throughout the city. The format is perfect for upweighting the impact of other campaigns or as a standalone format to quickly gain brand awareness. To advertise on our selected litter bins in Cardiff please call 020 8343 2525 to speak to one of our experienced sales staff who will talk you through all requirements or contact directsales@baymedia.co.uk for more information

Guidance on the Welsh Language

The Corporate Vision

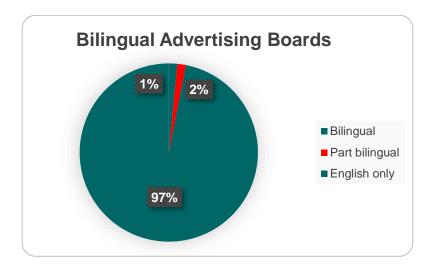
The Council wishes to develop a truly bilingual Cardiff and create a city where our citizens can live, work and play, as well as access services and support in Welsh and English equally through our bilingual strategy 2017-2022. A capital city where bilingualism is promoted as something completely natural, and where the Welsh language is protected and nurtured for future generations to use and enjoy! Among the priorities of the Council strategy is to:

- Increase the visibility of the Welsh language within the city to reflect a 'Bilingual Cardiff'
- Promote the Welsh language as a unique selling point for Cardiff as a capital and core city and promote the 'Bilingual Cardiff' brand
- Support the existing Welsh-language community and share good practice.

This therefore includes the promotion of the Welsh language by independent businesses and supporting its use on any advertising that they may place.

Current Language Use on Advertising Boards

Two walking surveys were undertaken¹⁰ by officers from the City of Cardiff Council to understand the current issues facing the use of the Welsh Language on advertising boards. The initial survey was conducted within the city centre pedestrian zone and all advertising boards were categorised into three main types; fully bilingual, part bilingual and not bilingual at.



¹⁰ Undertaken 15/05/2018 and 17/06/2018

Of the 129 advertising boards observed within the city centre pedestrian zone only 2 were fully bilingual, 2 were part bilingual and 125 were not bilingual at all. This means 97% of advertising boards within the main city centre zone contained no wording of Welsh. One of the part bilingual board only had translated "thank you/diolch".

A second survey was carried out on along Albany Road, Wellfield Road and High Street Llandaff. Of the 35 advertising boards observed along these roads, none were bilingual in any way.

Why go Bilingual?

Research clearly shows that the public values the provision of Welsh medium services by businesses and charities. This is especially true in terms of marketing and making direct contact¹¹. Approximately 19% of the population in Wales can read, speak or understand the Welsh Language¹². There is therefore a strong business case to use the language as there is more support than ever before to do that easily. To help the Welsh Government has a "Welsh for Business" scheme which provides support, resources and advice to businesses including free translation services. For further information please see http://cymraeg.gov.wales/business.

Having both the English and Welsh on your advertising boards could heighten customer satisfaction, increase your footfall and lead to increased sales for a change which may not be too difficult to accommodate.



What you can do

Always consider the benefits that the Welsh language may bring and ensure that any advertising that you are placing is truly bilingual. There are many online translation services which you may wish to consider using. These are easily accessible and some do not charge a fee for their use. You may even wish to enrol on a course to learn to speak Welsh yourself to provide a truly bilingual experience for your customers.

Welsh Language Commissioners Office – Using the Welsh language on social media a practical guide for businesses and charities
12 2011 Census

If it is applicable you may wish to speak to your head office about the benefits of going bilingual and ask that they provide this as an option to any stores or businesses that they may have in Wales.

When designing and displaying bilingual information, please ensure that the Welsh language is treated no less favourably, giving regards to:

- The visual presentation of material (for example in relation to the colour or font of any text)
- The size of the material
- The position and prominence of the material in any public area
- When and how the material is published, provided and exhibited
- The publication format of the material.

For further information, please contact bilingualcardiff@cardiff.gov.uk.

Contact us!

Think you have a good story to share about your experiences of promoting the Welsh language through advertising? Contact us! We would like to know how the Welsh language has helped you or your business and share as good practise.

Additionally you can always seek advice from the Council by calling Connect to Cardiff of 029 2087 2087 or visit www.cardiff.gov.uk where further information on the use of the Welsh language can be found.