

## The Control of Advertising Boards (A-Boards) and Similar Structures – Results of Trial

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### Executive of the Council

23 May 2006

### Executive of the Council – 14 March 2006

- 1 The Executive of the Council had considered a report by the Director of City Development seeking approval to formalise the control of advertising boards by the issue of consents under the Roads (Scotland) Act 1984. A previously approved trial had been limited to a pilot area within the city centre. It was proposed that this now be extended to the whole of the City and rolled out over the coming year.
- 2 The Executive had agreed:
  - (a) To note the success of the trial in reducing the number of advertising boards by around 40 per cent.
  - (b) To formalise the control of advertising boards by the issue of consents under the Roads (Scotland) Act 1984 throughout the whole of the City.
  - (c) To note that implementation and enforcement of the consent system would be prioritised along with other demands on resources.
  - (d) To note that the conditions of consent did not apply to decorative objects or goods for sale and that these matters would be acted upon as deemed appropriate under Section 129 of the Roads (Scotland) Act 1984.
  - (e) To note that consents would only be granted to traders who had either a frontage on a particular street or held a Street Traders Licence within that street. The only exceptions would be premises within a close leading to a street or premises on a side street leading on to a main street who may apply for a communal board.

A consent would not be required if an individual held planning consent for a "permanent" advertising structure within the road boundary.

### **Development of the City Scrutiny Panel – 3 May 2006**

- 3 The Executive's decision was called in to the Development of the City Scrutiny Panel for detailed consideration of the proposed scheme.
- 4 Councillor Jackson was heard as lead contact for the call-in. In addition, the Panel heard from Tom Clark (City Network Manager, Department of City Development) and Thom McCarthy (Old Town Traders' Association).

### **Scrutiny Panel Decision**

- 5 To let the decision of the Executive of the Council of 14 March 2006 to formalise the control of advertising boards be implemented subject to the Executive being asked to:
  - (a) **re-assess the requirement to provide a clear footway width for pedestrians of 4 metres on footways serving local shops, and**
  - (b) **request the Director of City Development, in consultation with the Council Solicitor, to investigate any possible implications arising from the introduction of controls on Advertising Boards (A-Boards) and similar structures for political parties during election periods.**

**Councillor Andrew Scobbie**  
Convener, Development of the City Scrutiny Panel

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<b>Appendix 1</b>	Report No E/453/05-06/CD by the Director of City Development
<b>Contact/tel</b>	Gavin King Tel: 0131 529 4239 e-mail: <a href="mailto:gavin.king@edinburgh.gov.uk">gavin.king@edinburgh.gov.uk</a>
<b>Wards affected</b>	City Wide.
<b>Background Papers</b>	Executive of the Council of 14 March 2006 (minute item 28).

## **The Control of Advertising Boards (A-Boards) and Similar Structures – Results of Trial**

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### **Executive of the Council**

14 March 2006

#### **Purpose of report**

- 1 To obtain the approval of the Executive to formalise the control of advertising boards by the issue of Consents under the Roads (Scotland) Act 1984. The previously approved trial was limited to a pilot area within the City Centre. It is proposed that this now be extended to the whole of the City and rolled out over the forthcoming year.

#### **Background**

- 2 In May 2000 the Planning Committee approved the implementation of guidelines for the control of A-Boards.
- 3 In January 2001 the Planning Committee approved proposals to adopt the guidelines as best practice and also to circulate the guidelines to local traders and businesses through the relevant associations.
- 4 In April 2003 the Planning Committee approved proposals to introduce a permit system in a pilot area of the City Centre for the display of A-Boards, endorsing the continued use of the existing guidelines. The Committee also agreed that the system be reviewed and reported back to Committee after one year.
- 5 In February 2004 the Council Executive approved proposals to undertake a trial permit system in a pilot area of the City Centre.
- 6 Surveys of the number of A-boards and similar structures in the Royal Mile have been carried out over the last few years. The results of these surveys indicated an increasing trend in retailers using this method of advertising with a growth rate of around 40% up to November 2003. However a survey carried out in September 2004 indicated a reduction of the number of boards to around that surveyed in 2001. Survey details are included in Appendix 2

## **Main Report**

- 7 The Roads (Scotland) Act 1984 gives the City of Edinburgh Council as Roads Authority the legal power to control potential obstructions placed on the road.

Road space is clearly limited and Council Policy gives preference to the needs of pedestrians, cyclists and public transport users in the allocation of road space. Where adequate road space is present consideration can be given by the Council to consent to a fixed term location of an A-board (or other similar structure) on a public footway under Section 59 of the Roads (Scotland) Act 1984.

- 8 A number of traders currently place decorative objects such as barrels and planters, which do not directly advertise their premises, on the frontage of their businesses. It is not proposed that these decorative objects be covered by these Conditions of Consent. Any traders noted to be causing an excessive obstruction by their placing of decorative objects on the footway could be approached and asked to remove the obstruction. Failure to comply may result in the objects being uplifted by the Council and the trader charged for all associated costs.
- 9 A number of traders currently display goods for sale on or over the footway outside their premises. This will be the subject of a separate report to the Executive.

Meanwhile, any traders noted to be causing an excessive obstruction by the presentation of goods for sale would be approached and asked to remove the obstruction.

### **Pilot Area Trial**

- 10 Implementation of the trial commenced in April 2004. Traders in the pilot area were notified of the consent system by letter and invited to apply for a permit for their advertising boards. Most traders complied however it was found necessary to give reminders in the form of personal visits and in some cases warning letters.
- 11 In some cases where instructions were repeatedly ignored or where public safety was compromised enforcement action was taken. A total of 12 boards were removed from the pilot area by Council staff.
- 12 In July 2004 a legal challenge was made to the Consent system. This matter was considered by Legal Services, however the challenge was not upheld.
- 13 A survey was undertaken in September 2004. A total of 79 boards were noted to be on site whilst a total of 78 consents had been issued. A similar survey had been undertaken in November of the previous year. At this time 133 boards were noted to be on site. This indicates a reduction in the number of boards in the pilot area of around 40% over the trial period.

### **Revisions to Conditions of Consent**

- 14 Implementation of the trial also highlighted some conditions of consent that could be modified or improved. Appendix 1 contains full details of the revised Conditions of Consent.
- 15 Details of the changes to those previously approved are as follows:
  - a Only one A-board per frontage is permitted. In cases where there is more than one trader operating from one frontage consideration will be given to permitting more than one board. This will depend on individual site conditions and will be at the Departments discretion. Otherwise a communal board will be required.
  - b Boards are not permitted beyond the frontage of the premises being advertised. Exceptionally closes off the High Street etc may be permitted one communal board outside the entrance to the close. Similarly communal boards at junctions with side streets may be considered depending on individual site conditions. Permission will be granted at the discretion of the Department.
  - c Consents for boards outside a particular frontage will only be permitted to advertise business from that frontage.

### **Financial Implications**

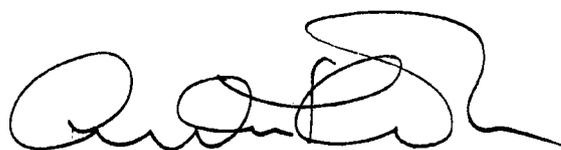
- 16 It is anticipated that the management of the system can be incorporated within existing procedures for the control of works and obstructions within the City, which is funded from the Revenue Budget however, implementation and enforcement will require to be prioritised along with other demands on resources. A charge of £25 per Consent issued will be made as the estimated cost of inspection time per application. It is anticipated, that once the consent system has been fully established, the annual income could be of the order of £10,000.

### **Recommendations**

- 17 To note the success of the trial in reducing the number of advertising boards by around 40 percent.
- 18 To approve the proposal to formalise the control of advertising boards by the issue of Consents under the Roads (Scotland) Act 1984 throughout the whole of the City.
- 19 To note that implementation and enforcement of the Consent system will be prioritised along with other demands on resources.
- 20 To note that the Conditions of consent do not apply to decorative objects or goods for sale and that these matters will be acted upon as deemed appropriate as per Section 129 of the Roads (Scotland) Act 1984.

- 21 To note that Consents will only be granted to traders who have either a frontage on a particular street or hold a street traders licence within that street. The only exceptions will be premises within a close leading to a street or premises on a side street leading on to a main street who may apply for a communal board.

A Consent will not be required if an individual holds Planning Consent for a 'permanent' advertising structure within the road boundary.



**Andrew Holmes**  
Director of City Development

3.3.08

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<b>Appendices</b>	Appendix 1 - Notes for Guidance and Conditions of Consent Appendix 2 – Surveys of number of advertising boards
<b>Contact/tel</b>	George Kennedy – 0131 529 3792
<b>Wards affected</b>	All
<b>Background Papers</b>	Planning reports dated 11 May 2000, 30 January 2001, and 3 April 2003. Executive report dated 10 February 2004.

## APPENDIX 1

### The Control of Advertising Boards (A-boards) and Other Similar Structures

#### General

The Roads (Scotland) Act 1984 gives the City of Edinburgh Council as Roads Authority the legal power to control obstructions placed on the road.

Road space is clearly limited and Council Policy gives preference to the needs of pedestrian, cyclists and public transport users in the allocation of road space.

Where adequate road space is present consideration will be given by the Council to consent to a fixed term location of an A-board (or other similar erection) on a public footway under Section 59 of the Roads (Scotland) Act 1984.

#### Definitions

1 For the purposes of these notes for guidance 'road' means a footway, carriageway, verge, bridge, underpass or tunnel over or through which there is a public right of passage.

2 An A-Board typically is an A-framed timber board, which advertises the operations or contents of business premises by being placed on the footway outside the premises. Other structures such as 'barrels' or similar objects, which serve the same purpose as the above, are included in the assessment for formal consent and the associated enforcement. Decorative objects, which do not advertise the premises, are not covered by these Conditions of Consent.

**NOTE:** Section 129(9) of the Roads (Scotland) Act states: ' A person who displays goods for sale by placing them in, or hanging them over, a footway or footpath commits an offence.....'

Exceptions include the offer or exposure for sale of newspapers; the display of goods under a street trading licence or a market operator's licence and any activity certified under the Pedlars Act 1871.

Any traders noted to be causing an excessive obstruction by their presentation of goods for sale would be approached and asked to remove the obstruction. Failure to comply may result in the matter being reported to Lothian and Borders Police or the goods may be uplifted by the Council and the trader charged for all associated costs.

Any traders noted to be causing an excessive obstruction by their placing of decorative objects on the footway would be approached and asked to remove the obstruction. Failure to comply may result in the objects being uplifted by the Council and the trader charged for all associated costs.

#### Notes for Guidance and Conditions of Consent

1 Where consent for an A-board or similar erection is given the consent holder is required to indemnify the City of Edinburgh Council as Roads Authority for and against all actions, claims, demands, costs, charges, losses and expenses of whatsoever kind or nature which may be brought or made against them or incurred by them in respect of the negligence, omission or default of the holder of the Consent.

2 Applicants are advised to ensure that they hold adequate Public Liability insurance in respect of their proposal to place an obstruction on a public footway.

3 Only one A-board per frontage is permitted. Shared frontages may apply for a communal A-board. (Exceptions may be considered depending on site conditions) Corner premises or premises with long frontages will only be permitted one A-board.

4 No advance advertising is permitted i.e. boards are not permitted beyond the frontage of the premises being advertised. In addition to this consent will only be given for a board that advertises a business within the frontage it serves.

Exceptions are closes off the Royal Mile etc where a single communal board may be permitted opposite the entrance to the close - should site conditions permit.

Note : Communal boards for side streets may also be considered however approval is unlikely should there be any potential problem with sight lines or desire lines. In addition to this applicants will require to demonstrate a 'management' system for control and responsibility for the communal board.

5 A-boards should be positioned on footways, outside the premises being advertised facing pedestrian flow, adjacent to the kerb with a general set back from the kerb of 0.45m. In the case of street traders the A-board should be sited on the frontage of their pitch.

Generally if a footway cannot accommodate an A-board and retain a minimum 1.4m clear width for pedestrians then an application will be refused.

NOTE: i Minimum required footway width for a 0.75m wide A-board with 0.45m setback is therefore 2.6m.

ii Applications for A-boards on footways narrower than 2.6m will therefore be refused unless there is scope to reduce the width of the A-board ( without making it unstable) or the set back ( e.g. if guard rail bounds the footway or if there is a double step arrangement)

The resultant clear footway width is increased in the following circumstances:

- Footways with low/ medium pedestrian usage – 1.4m
- Footways with medium/ major pedestrian usage – 2.0m
- Footways serving local shops – 4.0m
- Footways serving major shops – 5.0m

NOTE: A-boards will not be permitted on footways serving major shops and precincts where pedestrian usage is high (e.g. Princes Street and George Street)

iii Permission will not be given for the siting of A-boards in carriageways or on bus boarders. Similarly where proposed sites are near schools, libraries, museums, churches, hospitals and clinics, where the location is at a junction, adjacent to a pedestrian crossing point, at a bus stop or where there is a potential conflict with a pedestrian desire line, consent is unlikely to be given.

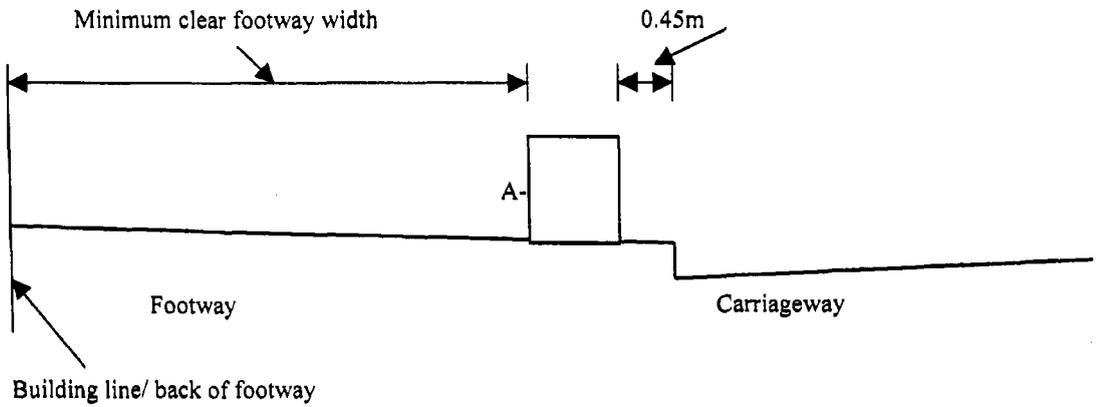
iv A-boards will not be permitted in the high amenity areas of St Andrew Square or Charlotte Square.

6 Board sizes should generally not exceed 1.0m in height and 0.75m in width. Special provision may be made for larger A-boards where footway widths permit.

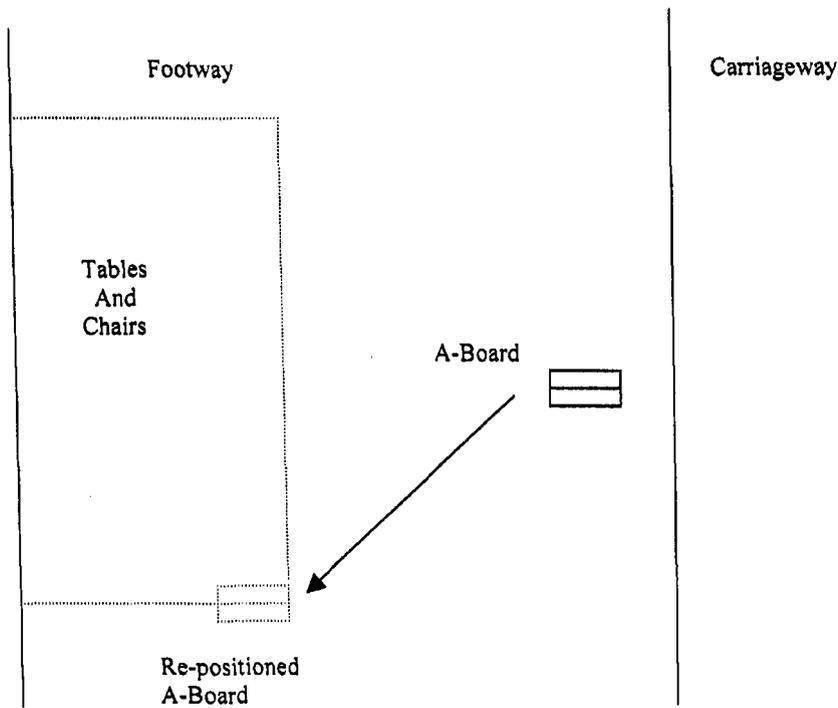
7 When an application for consent for an A-board coincides with a consent for tables and chairs the A-board is to be positioned on the boundary of the tables and chairs area so that it does not reduce the effective width of the footway any further.

See sketch plans for details of set back and resultant minimum footway widths.

**Layout – Typical Section**



**Layout – Typical Plan (Tables and Chairs)**



**8 A-boards should be designed so as to be visible to the partially sighted.**

**They should not be sited during the hours of darkness, when visibility is poor due to inclement weather, or during windy weather conditions (unless suitably weighted).**

**9 A-boards should be kept clear of service ducts and access chambers. They should not in any circumstances be attached to items of street furniture or to the surface of the footway.**

**10 The application for consent must include a sketch plan with dimensions showing the exact location and the extent of the occupation applied for. The sketch should also show the positions of exposed apparatus such as manholes etc, street furniture, lighting columns and signage, areas occupied by tables and chairs and street trading stances that may be in the vicinity of the proposed site.**

**11 The issue of formal consents will be subject to the levy of inspection fees. This will be initially by a sum based on anticipated inspection costs charged when the application is approved. It will also include an anticipated element for on site checking of submitted sketch plans.**

**If a particular site requires repeat inspections then additional charges will be levied against the Consent holder. These charges will be based on actual inspection costs incurred by the Council.**

**12 Applicants should note that the Council as Roads Authority may withdraw the Consent at any time should circumstances change or if the Conditions of Consent are not being met. Accordingly the applicant will be required to remove the A-board forthwith. Failure to do so will result in the Council uplifting the A-board and charging the applicant the costs of doing so.**

**13 Applicants should note that the duration of the consent is for a maximum period of one calendar year. Renewal of applications should be made at least two weeks prior to an existing consent expiring.**

**14 Applicants should note that an issued consent is not re-assignable without the written approval of the Council.**

**15 Consent for communal A-boards is conditional on one trader obtaining agreement from all others within the close on the design, size responsibility, storage and location of the A-board (i.e. an approved management system) Consent may be refused or withdrawn if full agreement has not been reached.**

**APPENDIX 2**

**Surveys of Numbers of A-Boards**

**Survey Details**

Total boards and similar objects  
(Not including goods for sale or flush boards)

Nov-01	75
Nov-02	94
Nov-03	133
Sep-04	79

**Note: 78 No Permits issued to date**

**01-02**  
**%age increase**                      **25%**

**02-03**  
**%age increase**                      **41%**

**03-04**  
**%age increase**                      **-41%**

**01-04**  
**%age increase**                      **5%**

**Note : Sept 04 figure includes boards potentially within tables and chairs areas**

**(16 No)**

**Note: Sept 04 figure does not include hand held signs (2 no)**

Agenda item:

Report title: **The Control of Advertising Boards (A Boards) and Similar Erections – Results of Trial**

In accordance with the Council's Standing Orders, the contents of this report have been noted by the appropriate Executive Member.

Without prejudice to the integrity of the report, and the recommendations contained within it, the Executive Member expresses his/her own views as follows:

Signed:



Date: 7<sup>th</sup> March 2006

**For information** – Standing Order 57(1) states:

"Heads of Department will prepare reports, with professional advice and recommendations, on matters requiring decisions by the Executive:

- a report seeking decisions on matters of corporate strategy, corporate policy and corporate projects will be submitted direct to the Executive
- a report seeking decisions on matters relating to the special responsibilities allocated to an individual member of the Executive will be submitted, in the first instance, to that member. The member will add his or her own recommendation to it before submission to the Executive. Where the Executive member disagrees with the advice and the recommendation of the officers, the Executive member will also state his or her reasons."