

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee – 30 January 2013****A FRAME ADVERTISING BOARDS****Report by Depute Director (Environment)**

This report reviews the previous and current consultation carried out with regard to 'A' Frame and similar pavement advertising boards

1. RECOMMENDATIONS**1.1 The Committee is asked to:**

- (i) Note the content of this report and to agree to the adoption of the option/retention of the status quo.
- (ii) Agree to the conditions on the use of 'A' Frame Signs as detailed in Appendix 1 to this report as the Council's policy for controlling the use of mobile advertising boards.
- (iii) Agree to adopt the robust guidelines listed in Appendix 1 to protect vulnerable pedestrians, with enforcement powers as required.

2. BACKGROUND**2.1 Previous Report**

- 2.1.1 In November 2010 this Committee deferred a previous report on A-Frames (report 10/592) requesting that officers obtain further information on policies applied by other local authorities for the control of 'A' Frame advertising together with evidence of the impact of those policies on local businesses and the wider community.
- 2.1.2 Officers have since consulted with other Local Authorities through our membership of APSE (The Association of Public Sector Excellence) and SCOTS (The Society of Chief Officers of Transportation in Scotland) in an attempt to ascertain how other authorities deal with the issue of 'A' Frames. This has taken a little time to undertake, but it was felt important that others experiences were reviewed in order to inform this report.
- 2.1.3 The number of formal responses received from other authorities through APSE and SCOTS was somewhat limited, although further dialogue was held with other colleagues to gauge their views. In many areas the situation has been extremely fluid as schemes have been introduced then subsequently amended. In general, it was found that many other authorities were dealing with 'A' Frames in a similar manner to this Council – using the Roads (Scotland) Act 1984 to enforce, as required, where concerns exist.

2.2 General

- 2.2.1 Many businesses in both urban and rural areas use free-standing mobile advertising boards to advise passers-by either about the location of their business or the goods they have for sale. Although the size, shape and style of these advertising boards varies widely they have become generically known as 'A' Frames
- 2.2.2 'A' Frame signing has been a part of streetscapes throughout the Council area for many years. Policies and practices for addressing the issue have varied over both time and geographic location but a clear policy for controlling this method of signing has never been formalised.
- 2.2.3 It is argued by some that correctly situated and moderately sized, such signs are a part of the streetscape, providing information to consumers and assisting retailers, particularly where businesses lie off a main street. However, competing businesses vying for attention can lead to a proliferation of 'A' Frames, and this additional form of advertising has led to concerns about the resultant street 'clutter'.
- 2.2.4 'A' Frames and other such signs can present a danger for pedestrians, particularly those with children's prams or pushchairs. In some locations, particularly where footways are narrow, the signs obstruct and inhibit free passage along the footway and people sometimes have to walk on the road to get past them.
- 2.2.5 Whilst there is little evidence of individuals being injured as a result of the siting of 'A' Frames in the Council area, some community groups regard them as a potential safety issue for pedestrians, particularly those with mobility or visual impairments. This safety concern is deemed to be exacerbated because the location of the 'A' Frame can be altered from day to day making them a hazard which can be particularly difficult to detect.
- 2.2.6 To allow officers to respond adequately to complaints about the inappropriate use of 'A' Frames the Council's position on the issue needs to be formalised.

2.3 Legal Position

- 2.3.1 Although commonly viewed as part of the "street furniture" these 'A' Frames are technically advertising boards promoting commercial premises. Under the Town and Country Planning (Scotland) Act 1997 nearly all 'A' Frame signs should have planning consent as they are being displayed on land outwith the property to which the sign relates.
- 2.3.2 However, the fluid nature of 'A' Frame signing means it is impossible to manage their use, and harder to enforce any infringements, using this Act
- 2.3.3 Under the Roads (Scotland) Act 1984 it is an offence to place or deposit anything on a road, and this includes footways, so as to cause "an obstruction".

2.3.4 The “obstruction” can legitimately be removed by the Council and expenses incurred can be recovered. In an extreme case the owner of an ‘A’ Frame could be charged with the offence of obstruction of the footway/road. This would be reported to the Procurator Fiscal’s office and it would be for them to decide whether or not to pursue the matter further.

2.4 Previous Consultation

2.4.1 Opinion surveys have been carried out historically into the issue of possible regulation of ‘A’ Frames, in 2006 and 2010. In particular, the three main options were offered and support for each ascertained. The results are summarised in the table, below :

Year	Option 1	Option 2	Option 3
	Only deal with ‘A’ Frames when complaint received. Status Quo.	Outright ban on the use of ‘A’ Frames	Implement licensing scheme to regulate use of ‘A’ Frames
2006	14 (38.9%)	9 (25%)	13 (36.1%)
2010	52 (34.4%)	46 (30.4%)	53 (35.1%)

2.4.2 As can be seen there has never been a clear preference for any of the three courses of action.

3. **PROPOSALS**

(i) As identified above there are three basic proposals which have to be considered.

3.1 The Status Quo (Option 1)

3.1.1 With this option ‘A’ frames would continue to be placed in line with current interim policy. Roads staff would continue to react to complaints and observations in line with other priorities.

3.1.2 Continuing with this system would have staffing implications. As it has been identified that the current approval system is not being fully used there would be an expectation that procedures would be introduced to ensure that all users were aware of and using the advisory system.

3.1.3 However, it would only be possible to carry out additional publicity and monitoring on the use of ‘A’ Frames in line with the resources available.

3.1.4 It is likely that groups representing those with disabilities would continue to campaign for a stricter line to be taken on the use of this form of advertising.

3.2 Instigate a Ban (Option 2)

- 3.2.1 The Council could take the stance that all 'A' Frame signing is unauthorised under Planning legislation and an obstruction under the Roads legislation. As placing an obstruction on the footway is an offence the Council could then pursue the removal of all 'A' Frames by their owners, under threat of legal action against those reluctant to comply.
- 3.2.2 This is the stance favoured and campaigned for by the Centre for Inclusive Living in Perth and Kinross. CILPK claim there is no evidence to show that 'A' Frame advertising boards bring any benefits to the businesses using them and that they present an unacceptable obstacle and hazard to those with disabilities.
- 3.2.3 This view is not supported by local businesses who consider 'A' Frame advertising as essential to the success of their business and claim that in the current financial climate removing this form of advertising could adversely affect their ability to compete and stay in business. The consultation results show that 56% of respondents believe that 'A' Frames help local businesses and as a result the local economy.
- 3.2.4 Some businesses in side-street locations consider that remote 'A' Frames located at the junction of their street with the nearest main street are essential to advise customers of the presence of the business. However, others see this as these businesses establishing a presence on the main street without paying main street rent and rates.
- 3.2.5 If a total ban was to be adopted the Council's policy would be clear and all 'A' Frames would be banned, staff would have a clear remit to deal with the issue. There would be initial costs in staff time to deal with the removal of 'A' Frames but these would decrease with time as the policy was implemented. The safety issues for footway users and in particular those with disabilities would also be resolved.

3.3 A Permit System (Option 3)

- 3.3.1 As highlighted earlier, a permit system could be put in place to regulate 'A' Frame signing. Those in breach of the permit conditions would have their permits revoked and would not be allowed to replace signing. There would also be the ultimate sanction of the Council taking legal action to enforce compliance. However, as the legal system is not straightforward, such a system would not be simple to set up and implement. There would be costs for administering and enforcing such a system and these would have to be met by the applicants.
- 3.3.2 These costs could be significant and although the largest proportion of those who responded to the survey supported this course of action that was without an evaluation of the costs both to the businesses and to the Council. Even if costs were fully recouped there would still be implications for staffing.

- 3.3.3 It has to be recognised that given current staff resources and the uncertain financial situation facing the Council the introduction of such a scheme would present a challenge.

3.4 Preferred Option

- 3.4.1 Taking all of the above information into account, but in particular acknowledging the inconclusive consultation results, it is recommended that a system based on Proposal 3.1 – The Status Quo, should be approved as the policy for dealing with the issue of ‘A’ Frame advertising.
- 3.4.2 It is proposed that the current set of conditions for the use of ‘A’ Frames, which were prepared in 1996, be brought up to date and revised as set out in Appendix 1 to this Report and that these be adopted as the Council’s policy for controlling the use of ‘A’ Frames.
- 3.4.3 It is intended that the revised conditions will be widely distributed to businesses to ensure that all users of ‘A’ Frames are aware of the issues and as a result appreciate the reasons for the conditions specified for using this form of advertising.
- 3.4.4 However, it will only be possible to implement and monitor the system in line with other practices.

4. **CONSULTATION**

- 4.1 The Head of Legal Services, the Head of Democratic Services, the Head of Finance and Tayside Police have been consulted in the preparation of this report.

5. **RESOURCE IMPLICATIONS**

5.1 Capital

- 5.1.1 There are no Capital resource implications arising directly from the recommendations in this report.

5.2 Revenue

- 5.2.1 There are Revenue resource implications arising directly from the recommendations in this report, although it is difficult to quantify them at this stage.

6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. This report impacts on the following:-

- (i) A Safe, Secure and Welcoming Environment
- (ii) A Prosperous, Sustainable and Inclusive Economy
- (iii) Confident, Active and Inclusive Communities
- (iv) Healthy, Caring Communities

7. EQUALITIES IMPACT ASSESSMENT (EqIA)

7.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:

7.3 The current policy for dealing with the issue, as prepared in 1996, will be brought up to date & therefore a clear policy for controlling 'A' Frames throughout the Perth & Kinross area will be formalized and enforceable

7.4 It is intended that the revised conditions will be widely distributed to businesses to ensure that all users of 'A' Frames are aware of the issues and as a result appreciate the reasons for the conditions specified for using this form of advertising.

7.5 It is likely that groups representing those with disabilities would continue to campaign for a stricter line to be taken on the use of this form of advertising.

- (i) Assessed as **relevant** and the following negative outcomes expected if recommendation is that the status quo remains and the updated conditions are implemented but not enforced:

7.6 The general public but particularly those with a variety of physical disabilities including those with visual impairment, guide dog users, users of mobility aids, wheelchair users and also including parents/carers using pushchairs & buggies may be at risk of injury, if they find it difficult to negotiate their way through streets and footways.

- 7.7 Where footways are narrow, the signs obstruct and inhibit free passage along the footway and people sometimes have to walk on the road to get past them.
- 7.8 The issue of manoeuvring past a sign on a narrow footway can be particularly difficult and distressing for wheelchair users. If they encounter an 'A' Frame blocking their passage along a narrow footway they may have to turn around, which may in itself be very difficult, and retrace their path to find an alternative route past the obstacle. Some wheelchair users have to plan their trips on the basis that they will not be able to use certain footways as they know they will always be obstructed by signs.

8. STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 8.2 However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

9. CONCLUSION

- 9.1 This Report outlines the situation with regard to the use of 'A' Frame advertising for businesses, summarises the results of previous consultation exercises and recommends that the current policy for dealing with the issue, as prepared in 1996, be brought up to date as set out in Appendix 1 to this report and adopted as the Council's policy for controlling this type of advertising.

**BARBARA RENTON
DEPUTE DIRECTOR (ENVIRONMENT)**

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report; (list papers concerned)

- Report to Enterprise and Infrastructure Committee – 24 November 2010, A Frame Advertising Boards (10/592)

Contact Officer:	Chic Haggart, Ext 77205, cbhaggart@pkc.gov.uk
Address of Service:	The Atrium, 137 Glover Street, Perth, PH2 0HY
Date of Report	3 January 2013

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the Customer Contact Centre on 01738 475000



Council Text Phone Number 01738 442573

Appendix 1

Conditions for the use of 'A' Frame Signs and other forms of mobile advertising on the Public Footways and Verges

General comments on the use of 'A' Frames

In relation to business advertising the Council's preference is for the use of fascia signs or projecting signs fixed to buildings above head height.

However, the Council accepts that mobile advertising signs can serve a useful purpose and are part of the 'townscape'. Many businesses in both urban and rural areas use free-standing, mobile advertising boards to advise passers-by either about the location of their business or the goods they have for sale.

It is also recognised that the signs can present a danger for pedestrians and wheelchair users by obstructing footways. This is a particular issue where footways are narrow as the signs can obstruct and inhibit free passage along the footway with people sometimes having to use the road to get past them.

As well as obstruction issues the signs can also pose safety issues for all people but particularly those with mobility or visual impairments. This is because their location can be altered from day to day and they can be knocked flat, making them a trip hazard which can be particularly difficult to detect.

Conditions for the placement of 'A' Frames

In light of the above the Council has issued the following conditions for the acceptable placement of 'A' Frames and other mobile advertising signs:

1. The sign must consist of a simple 'A' Frame or similar design of modest size (Maximum size. 1000mm High and 750mm wide.)
2. The sign shall normally be located within the frontage of the premises to which it relates and must be positioned against the building frontage so as to ensure that a minimum width of 1.2m unobstructed passage is available to footway users.
3. On busy sections of streets such as, but not restricted to, High Street Perth, parts of High Street Pitlochry, South Street Perth, Scott Street Perth, George Street Perth a minimum clearance of 1.8m will be required.
4. This will mean that in some locations, where the footway width is restricted, it will not be possible to use an 'A' Frame or the 'A' Frame may have to be reduced in size.
5. Where the premises are on a side street or down a close, it may be permissible in some cases to place the sign on an adjacent main road – this will be at the discretion of the Council and this permission may be rescinded if problems ensue.
6. Normally only one sign will be permitted per business unit, which must be removed outwith trading hours.

7. It is unacceptable to attach or chain signs to street furniture.
8. 'A' Frames must be weighted down so that they cannot be blown over or easily pushed over.
9. Signs may not be placed where they may interfere with pedestrian facilities such as bus stops and pedestrian crossings
10. Signs must not obstruct visibility at junctions or accesses.
11. Once a suitable location has been established the sign shall be placed in that same location every time it is displayed.
12. The sign owner shall indemnify Perth and Kinross Council as Roads Authority from and against all actions, claims, demands, costs, charges, losses and expenses of whatsoever kind of nature which may be brought or made against them or incurred by them in the occupation of the road.
13. The applicant must therefore have public liability insurance in respect of the sign up to a minimum value of £5,000,000.
14. All persons using 'A' Frames on the public road which do not comply with the above conditions will either receive a personal approach or a warning letter asking them either to rectify the situation or to remove the 'A' Frame.
15. If no action is taken to rectify the situation or to remove the 'A' Frame then, in line with normal practice, the owner shall be advised in writing that the 'A' Frame is to be removed with immediate effect.
16. Arrangements will be made to have the 'A' Frames uplifted and removed to a secure storage area.
17. The owner will be invoiced on a time related basis for all time, transport and storage costs involved in this operation.
18. Return of the 'A' Frame (if required) will be conditional on payment of this invoice.
19. If the owner has not sought to recover the sign within 28 days the sign will be regarded as abandoned and will be disposed of.
20. Any subsequent use of any non compliant 'A' Frames by the same business will be treated in the same manner and removed.
21. This policy may be subject to review and permission may be rescinded to reflect any policy changes.