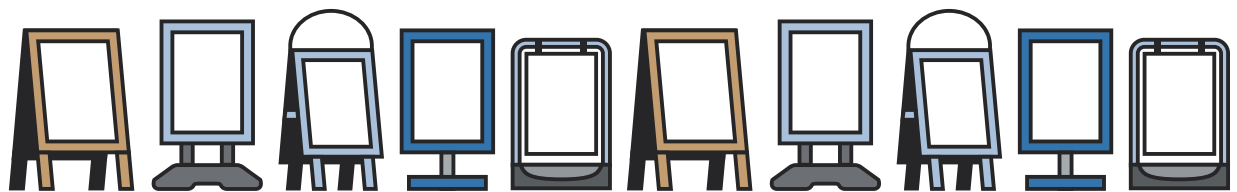


# The Licensing of 'A' Boards Consultation Document



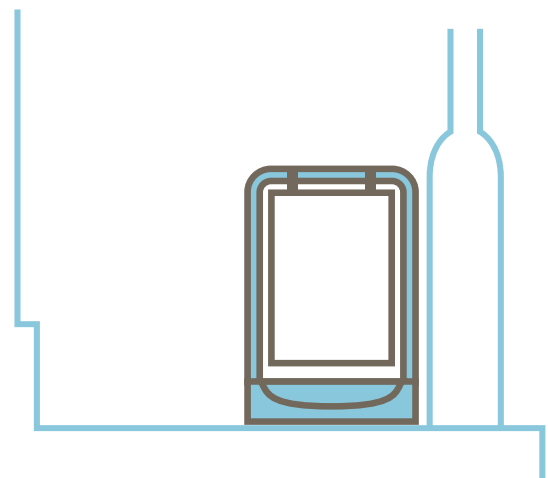
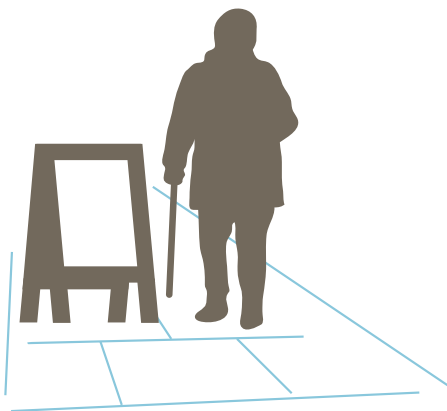
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This document presents the council's draft proposal for formally permitting 'A' Boards.

We will present and discuss the contents at the consultation session on 18 April and will be pleased to get your feedback.



## Introduction - Purpose



To produce and gather feedback on a procedure and policy to limit 'A' Boards within the highway to those granted formal permission from the Highway Authority under S115E of the Highway Act 1980 in certain limited circumstances.

The Executive resolved on 27 August 2015, that officers to produce a draft policy and procedure to formally permit 'A' Boards under S115E of the Highway Act 1980, to undertake consultation with key stakeholders focusing upon the business community and those with mobility impairment, to assess the resource implications of setting up a formal licensing process, and to report back to the Executive following a full Equalities Impact Assessment so that the Executive can consider whether to adopt the policy and implement the process.



## Some perspective



The intention of an 'A' Board is that it is linked to/part of/adjacent to the property/business it is promoting. In essence it's an extension to the traditional fascia or hanging sign.

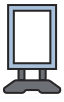
However the placement of such on the public highway creates many issues, in particular the potential to present an obstruction and safety hazard to users. This is a substantial problem for those with mobility impairment, such as the blind and partially sighted, wheelchair users and people with prams/pushchairs.



**The volume of pedestrian/foot traffic in the city centre in particular is significant....at capacity in some places and at certain times.**



In many locations the street environment is simply not suited to accommodating additional, non essential features. Whilst the Footstreets provide extensive space for pedestrians overall the demands remain challenging, including the need for certain motor vehicles to have access and utilise the carriageway/road.



There is an ongoing commitment to reduce street clutter overall in the city, with many items of council approved street furniture (signage/poles) having being removed in recent years.



There is a need to create good impressions of the city for both residents and visitors, to protect the historic environment and respect the many listed buildings, interesting and vibrant public streets and spaces streets.

## The Proposal



To identify streets that are **not** considered to be appropriate and set out the reasons why.

To establish that in streets where 'A' Boards may be acceptable, they must be immediately adjacent to the property/business they seek to promote, i.e. placed on the abutting footway in the significant majority of situations.



The procedure is not intended to cover the locating of 'A' Boards off the public highway/within private curtilage, for which Planning Consent may be required.

To establish a series of principles/criteria used to assess whether an 'A' Boards can be permitted under S115E of the 1980 Act..



In all this there is a necessity to ensure that the primary purpose of the public highway is achieved and upheld (to pass and repass without let or hindrance). The Council has duties under both Highway and Equality legislation and wants to respond proactively to them.

Essentially it's about ensuring that the highway provides for safe access and movement for all and seeking to manage the risks/hazards associated with obstruction.




It is also seeking to provide consistency, fairness and support businesses. A regulated approach/policy means that businesses can continue to use 'A' Boards to promote themselves, **but only in appropriate circumstances.**

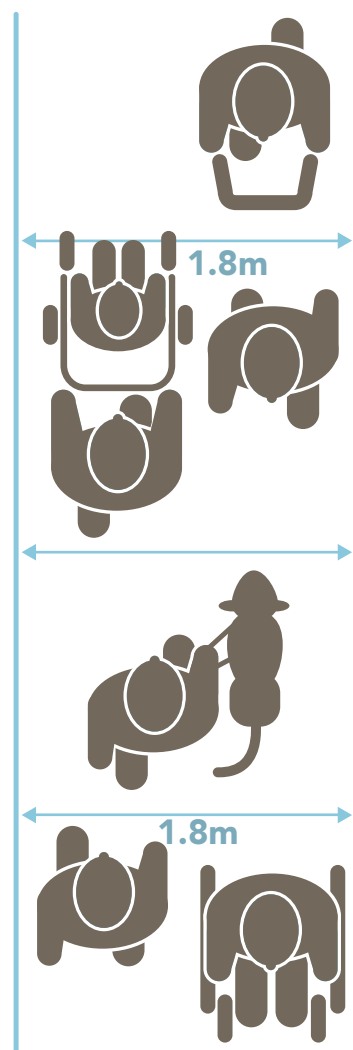
# Guidelines/Criteria for Assessment of Applications for S115E Permission

## Provision of suitable width/space for pedestrian movement

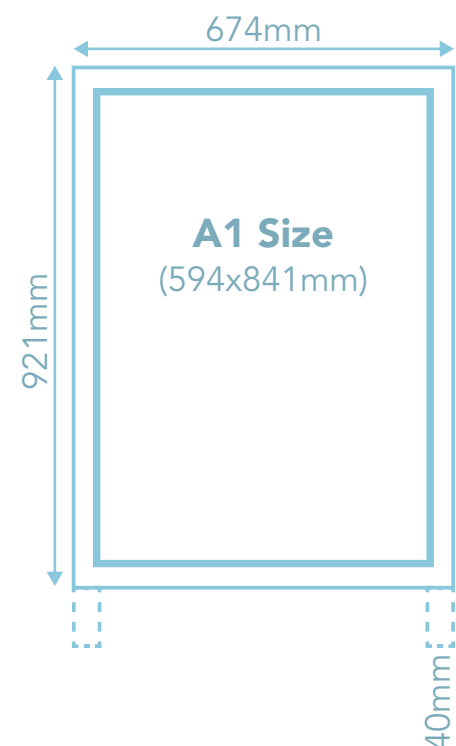
 In the city centre (within Inner Ring Road/City Walls\*), given the physical and environmental constraints and volume of pedestrians, a clear, safe and exclusive zone/space of an absolute minimum of **1.8m** is required.

Such a width will allow a wheelchair user/pushchair/blind person with cane or guide dog/visually impaired person and guide – all to pass by another pedestrian, using the same space. 

**On this basis, a significant number of businesses on streets within the zone would not receive a licence for an 'A' Board.**



This is based upon an A1 size 'A' board, being 600-700mm the maximum permissible width.

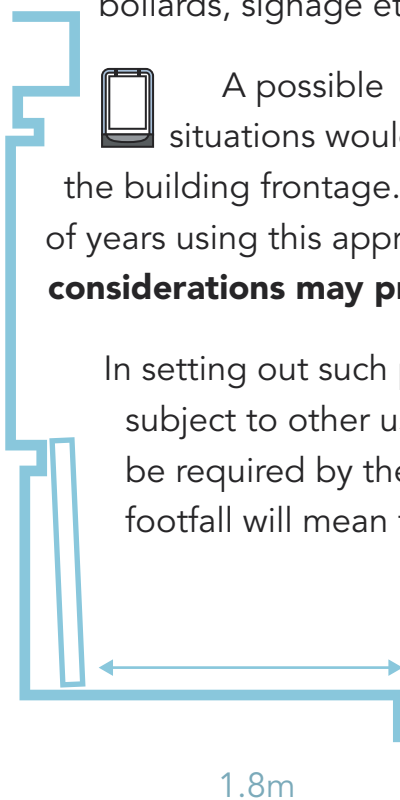


An exception to this may arise if a very narrow 'A' Board was sought, which was still able to achieve the minimum pedestrian space of 1.8 metres, excluding any restriction already in place through street furniture, such as lighting columns, bollards, signage etc.



A possible alternative which has the potential to be accepted in certain situations would be for the 'A' Board to be positioned at all times flush with the building frontage. Some businesses in the City have operated for a number of years using this approach. **However Planning/Conservation/Visual Amenity considerations may prohibit this in many streets** (see below).

In setting out such parameters it needs to be noted that within some streets subject to other uses such as Markets/Events/Festivals/Seasonal, 'A' Boards may be required by the licence to be temporarily removed, as the increase in footfall will mean that they could create an unacceptable obstruction.



## Planning, Conservation and Visual Amenity.

In presenting a proposal for Licensing the other key consideration the authority has to make relates to the visual impacts that 'A' Boards generate.

**The special characteristics of our city centre retail area are its small scale spaces and streets, intimate scale and character, rich variety of buildings and craftsmanship, good quality shop-fronts. Over 70% of the buildings within the shopping streets are listed, and it is a conservation area valued predominantly for the historic layering of buildings and the townscape value of its street network. Because of the harmful impact that multiple 'A' Boards would have on the visual amenity of the conservation area and the setting of listed buildings the placement of any form of 'A' Board on the public highway will be prohibited in certain streets.**



# Survey/Review of impacts



A joint survey has been undertaken by council officers looking at both the pedestrian width and planning considerations. This has focused upon the city centre because this is the area where most 'A' Boards are found and the impacts are greatest.

This consultation therefore presents a list of streets/locations which have been evaluated with recommendations as to the suitability for 'A' Boards. In addition to the list of streets it is considered necessary for strict criteria to be imposed upon any 'A' Board which may be licensed, these are as follows:



## License Criteria

### 1 'A' Board per business



- This reduces clutter
- Is consistent/fair
- Minimising the overall impact on accessibility for all



### 'A' Board positioned only within property frontage – adjoining/abutting

- Remote 'A' Boards (RAB) will not usually be licensed\*\*



\*\* In a limited number of locations to be considered on merit a RAB or SAB (Shared 'A' Board), may be licensable which is remote from the business(es) being advertised. The criteria and specification for either will be strict to ensure alignment with the overarching policy. It will however seek to recognise very special circumstances which make the positioning of other regular 'A' Boards unachievable.

**The primary intention of a RAB or SAB will be where the sole route to the business is achieved via a narrow lane/passageway/snickleway or similar, i.e. it does not have an obvious shop frontage on a main thoroughfare.**

In such circumstances if a single business is served by such then a RAB may be feasible, subject to the previously described criteria.



An alternative to a free standing RAB could be an advertising board which is building/wall mounted. A privately proposed board may require planning permission.



A further option which may be available would be a mounted 'A' Board approved/supported by the Council and Business Improvement District. Such boards would be termed CAB (City Approved). These will take the form of an official means of advertising private businesses in limited and special circumstances. The design of CAB's will be subject to a separate process to be promoted and managed by CYC/BID. The ethos of such would be wholly consistent with the need to minimise visual impacts, with design, size and materials to be carefully considered.

For information at this point, here are two examples of official city approved signage:



### Edinburgh

Rose Street: promoted/supported by the BID, see link for more details  
([www.essentialedinburgh.co.uk/projects/facilitation/rose-street-project/rose-street-project-gallery/](http://www.essentialedinburgh.co.uk/projects/facilitation/rose-street-project/rose-street-project-gallery/))

### Dubrovnik


This UNESCO World Heritage city uses a uniform banner; wall mounted at the entrance to the many narrow lanes, advertising the business, shops, restaurants







The funding of a CAB approach needs to be properly considered. **At this point it is being presented for consultation and your feedback is sought.** However in order to be viable it is likely that businesses using such would need to contribute to the initial cost and then ongoing maintenance.

- **'A' Boards will not be licensed for any carriageway/road/street/lane** or any other area of public realm, which are available to motor traffic (even for limited periods) 
- This is to ensure that the criteria is easily understood, reduces the potential for 'A' Boards to expand beyond the original intentions of **being adjacent to the business**, minimises the visual impacts and negates the issues of vehicles being obstructed and coming into conflict with them.

**'A' Board size permissible** - A1 MAXIMUM, Width 594mm; Height 841mm

**'A' Boards to be static/rigid only** - Not permitted: Rotating/Swinging/Illuminated/Powered

**'A' Boards to be free standing and immediately removable by hand**

**'A' Boards only licensed to align with business opening times** 


**'A' Boards only licensed during hours of daylight** - They cannot be self illuminated

**'A' Board licensee must have public liability insurance to indemnify CYC against any claims**


**'A' Board not to be positioned immediately adjacent to any doorway/entrance or emergency exit; any pedestrian crossing, including dropped kerbs facilitating access for wheel chair users and prams/pushchairs; taxi ranks, bus stops and other locations?**



## The Recommended Process

- Application Form – online/paper 
- Provision of information including accurate plan and photo
- Scope for pre discussion/advice
- Application considered in scope – Licensing Fee paid - Approval by Officer
- Application not in scope – further information required – Approval by Officer
- Application not in scope – Refused
- Appeal Process – submission of attenuating circumstances/further information; Review by Transport Management team – Approve or Dismiss
- License to be displayed within business (window/door), which will include photo of approved location
- Licence to be renewed annually with fee

## Management and Enforcement of Policy

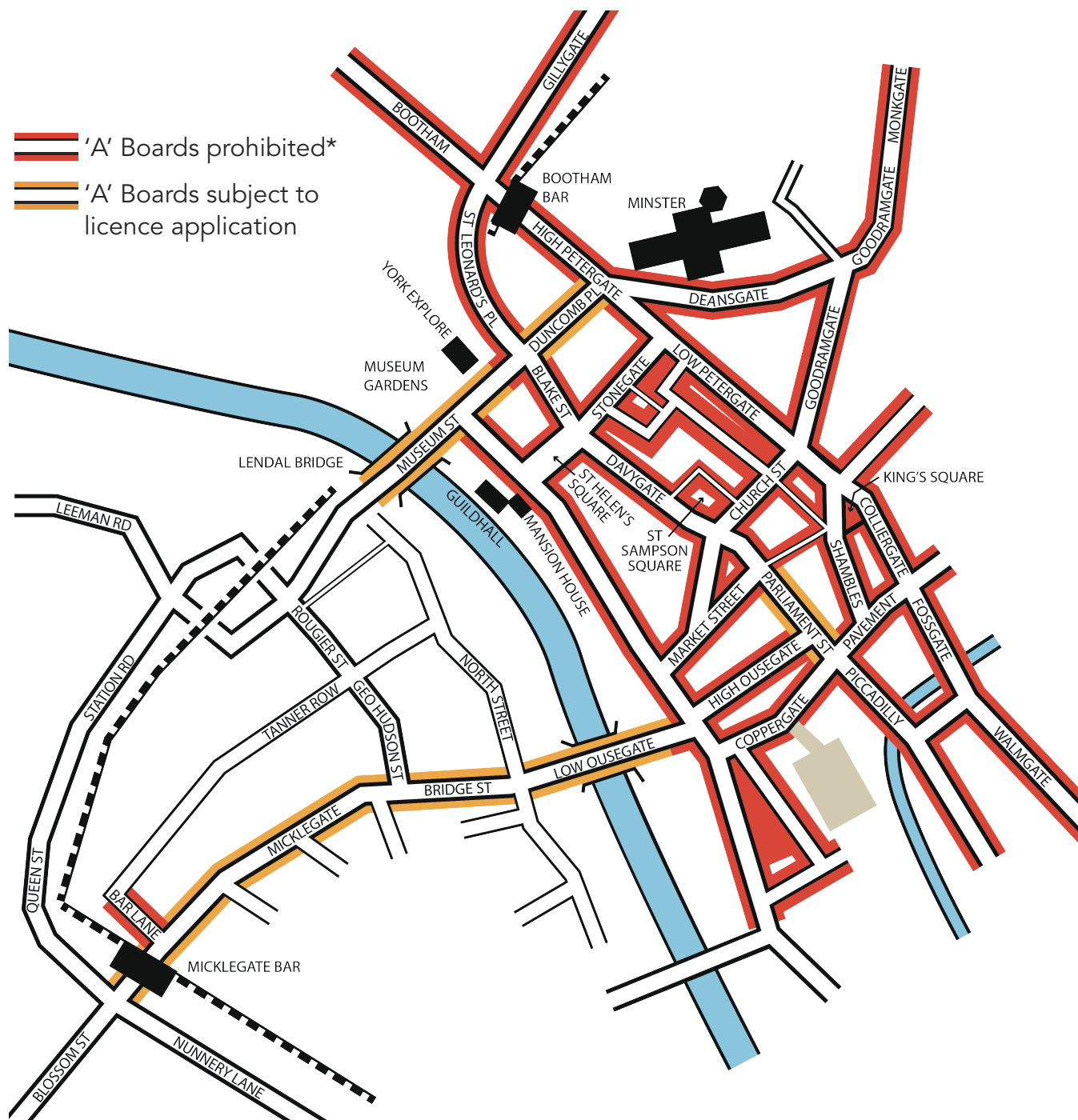
- A breach of licence conditions observed/recorded (photo) by an Officer OR  reported with evidence
- Initial verbal warning in person, phone or email issued by Officer
- A 2nd breach within a 12 month period will generate the issuing a formal/final written warning
- A 3rd breach within 12 months will result in the Council requiring the removal of the 'A' Board ; or the Council taking action to remove themselves.



# Boundary – Zonal - Phased approach

Whilst we are seeking to put in place a city wide policy, the most important area, where issues are most sensitive and critical, is the city centre due to pedestrian activity, numbers of current 'A' Boards and thus implications.

It is therefore recommended that the initial programme of 'A' Board licensing is concentrated upon the city centre; with the intention to progress to areas beyond that following an initial 12 month period. It is anticipated that the criteria may need to be adapted to account for differing circumstances which will apply outside the centre, such as the siting of 'A' Boards on verges and on higher speed roads.



\* Exceptional circumstances and use of City 'A' Board (CAB or RAB/SAB) may be considered.



If you would like this information in an accessible format (for example in large print, in Braille, on CD or by email) please call 01904 551550

**This information can be provided in your own language.**

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