

P-05-898 Ban the use of A boards in Wales

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Research Briefing:

Petition number: P-05-898

Petition title:

Text of petition: A petition to ban the use of A board advertising in Wales. A boards not only clutter our pavements but pose a huge risk to disabled people as getting past them in a wheelchair or if you're visually impaired often means you're forced onto the road to by-pass them.

This is especially an issue on shared spaces such as city centres as well as coastal towns where the pavements are narrower.

Background

'A Boards', or 'Advertising Boards' are portable advertising boards placed outside businesses and other premises. Their use in Wales is regulated through both the planning process and highway law.

From a planning perspective, advertising in general is addressed through legislation and policy. In Wales, the *Town and Country Planning (Control of Advertisements) Regulations 1992* (as amended) (the Regulations), made under the *Town and Country Planning Act 1990*, apply.

Additionally, the Welsh Government's guidance for controlling outdoor advertisements is set out in [Technical Advice Note \(TAN\) 7: Outdoor Advertisement Control \(1996\)](#) which is further supported by two planning circulars: [circular 14/92](#) and [circular 70/94](#).

The Regulations set out five standard conditions in Schedule 1 which cover all adverts: that they are maintained in a clean and tidy condition; are safe; have permission of the site owner; do not obscure certain official signs and are removed carefully where required by the Local Planning Authority (LPA).

More generally, the Regulations state that advertisements cannot be displayed without the 'express consent' of the LPA, unless:

- They fall into one of 10 categories of advert, set out in Schedule 2, which are normally excluded from the LPAs control – these include, for example, adverts on enclosed land such as inside a bus or rail station; and
- Adverts which are automatically granted ‘deemed consent’ by falling into one of 14 ‘classes’ set out in Schedule 3. These include, for example, adverts (including A Boards) which are on the forecourt of business premises and which relate to that business, certain temporary adverts, small notices such as a company name displayed on premises etc..

In both cases adverts in each category are often subject to requirements relating to, for example, overall size, letter size and whether they can be illuminated etc.

Unless the A Board falls into one of these categories, ‘express consent’ will be required. However, Regulation 4 states that the LPA will exercise its powers ‘only in the interests of amenity and public safety’.

In addition to the planning process, A Boards which are on highways, including footways, will also require consent from the relevant ‘council’ under [s115E of the Highways Act 1980](#). [Section 130 of the Act](#) also imposes a duty on highway authorities, including local authorities as highway authority for the local road network, to:

... assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it.

Section 130 also imposes a duty on councils to ‘to prevent, as far as possible, the stopping up or obstruction of’ any highway. Wilful obstruction of the highway is an offence under [section 137 of the Act](#).

The Impact of A Boards

The use of A Boards has been criticised by a range of organisations. For example, the [RNIB website](#) comments:

By their very nature A-boards obstruct pedestrians from being able to move in a straight line along the pavement. They present a trip and collision hazard, especially to people who cannot see them and who use mobility aids.

In a February 2015 report – [Who Put That There: the barriers to blind and partially sighted people getting out and about](#) – RNIB sought to set out evidence demonstrating ‘how unsafe local neighbourhoods and the street environment can be for those with sight loss’. While focused on England, the report considered a range of obstacles and issues, including A Boards.

Referring to a survey of over 500 blind and partially sighted people in England, this indicated that 49% had collided with A Boards in the previous three months. The RNIB called for national guidance to be reviewed and strengthened, as well as implementation of a street charter at a local level, and for local authorities to review policies on the most common obstacles – including A Boards.

Issues related to ‘street clutter’ have also been raised by Living Streets, through its [Pavements for People Campaign](#), and Guide Dogs through its [Streets Ahead Campaign](#).

In May 2018 [Edinburgh Council’s Transport and Environment Committee approved a city wide ban](#) on ‘all temporary on–street advertising structures, such as advertising boards.’ The ban took effect from November 2018. Previously the Council had a policy banning use on four selected city centre streets. Both Living Streets and RNIB were involved in campaign for the ban – with Living Streets [citing it as a campaign success](#).

However, in April 2018, prior to the decision being approved, the Federation of Small Businesses (FSB) Scotland [published a briefing for Edinburgh Council](#) on the proposed ban. The report indicated that many local businesses were ‘sympathetic’ to the aim of decluttering streets. However, the paper highlighted a range of obstructions including:

street furniture, moveable waste and recycling bins, irresponsibly and illegally parked vehicles, as well as commercial related activities such as on–street eating and drinking areas, merchandise and advertising boards.

It said the Council’s approach must be ‘holistic and must not focus on just a single aspect of the problem’. The report cites evidence from local businesses stressing the importance of A Boards in making customers aware that the business is there, including quotes from FSB Members:

“[A] ban could prove a significant blow to many struggling small businesses throughout Edinburgh.” – FSB Member

“This will have a detrimental effect on small shops, cafes and galleries.” – FSB Member

“The ban on A–boards would I am sure be the final nail in many small business's coffin.” – FSB Member

“It is tough as hell having a business in a basement – customers can't find you, don't notice you and don't look down at your shop when they are walking along the road.

My A–board brings me ALL the footfall that I get. Customers constantly tell me they only noticed us because they saw our sign.” – FSB Member.

Welsh Government Action

The letter from the Minister for Housing and Local Government to the Chair points to sections 130 and 137 of the *Highways Act 1980* (discussed above). She states:

I am not convinced that there is sufficient evidence to suggest a need for specific and further action at a national level. In cases where A boards are being deployed irresponsibly, then there is capacity to deal with these at a local level and through the enforcement of existing regulations.

The Minister draws attention to Welsh Government funding provided to Disability Wales to act as the representative body for disabled people and their organisations in Wales. She also states:

The Disability Equality Forum, of which the Deputy Minister and Chief Whip is the Chair, will consider this issue at the next meeting in the autumn.

National Assembly for Wales Action

The use of A board advertising does not appear to have been considered previously by the Assembly.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.