ABSTRACT

At the Infrastructure Services Committee meeting on 23 August 2011, the committee agreed to ask the Director of Infrastructure Services to investigate the marketing of advertising rights or sponsorship opportunities relating to council owned town and village gateways locations. This report now details the outputs from that investigation.

1 RECOMMENDATION

1.1 The committee is asked to:

(i) note the contents of this report.
(ii) confirm the current policies and practices relating to roadside advertising; and
(iii) instruct the Director of Infrastructure Services in consultation with community planning partnership staff to produce a schedule of key gateways and possible improvements as set out in paragraph 3.9.2 (i) of this report.

2 BACKGROUND

2.1 At the Infrastructure Services Committee of 23 August 2011 the Committee agreed to instruct the Director of Infrastructure Services, in conjunction with the relevant other officers, to investigate the marketing of advertising rights or sponsorship opportunities relating to council owned town and village gateway locations, including roundabouts, in terms of the potential benefits and implications arising and to report back to the November Infrastructure Services Committee cycle.

2.2 The matter of advertising on roundabouts and roadside verges has previously been agreed by Infrastructure Services Committee in Report No 1393/06 presented to committee on 23 November 2006, which confirmed the previous inherited policy from Tayside Regional Council and “confirmed the position of refusing to permit advertising signs on roundabouts maintained by the council”. An extract of that report is now provided in Appendix 1.

2.3 This report reviews this existing council policy and seeks the members’ views on a way forward.

2.4 It is noted there have been a number of approaches to officers by organisations and elected members with proposals for improvements, upgrading, and for “sponsoring” of roundabouts. Noting the existing policy these approaches have left officers unsure of members’ desires and this report seeks to clarify the position.

3 DETAILS

3.1 Roundabouts and roadside verges within the urban environment are maintained by the Neighbourhood Services Department on behalf of the Roads division whilst those outwith speed limits of 40mph or less are maintained by the Roads division. Grass cutting is routinely undertaken and other soft landscape maintenance is undertaken as and when necessary. There is limited funding to improve the appearance particularly with other road network priorities.
3.2 There are a number of issues to be considered and they are covered under the following headings:

- Differing aspirations – clarifying the various possible options for developing roundabouts/gateways with perhaps conflicting aspirations
- Legal – situation in regard to working on the road network, insurance requirements and planning issues
- Safety – in regard to undertaking any works on the road network safely, the issue of safety for road users and people undertaking such work, and accident prevention.
- Benchmarking with other authorities regarding their stance
- Impact on the council’s other sponsorship proposals
- Appropriateness of advertising

3.3 Differing Aspirations

3.3.1 From the Infrastructure Services Committee meeting of 23 August 2011 and from previous contact with officers there are a number of potential views on possible alternative treatments/use of roundabouts/roadside verges and these are summarised into three types:

- Community advertising – use of road space to promote community events and/or community identity;
- Improvement to gateway features; to improve civic pride and town/village revitalisation. Such proposals may include community planting/maintenance and/or public art/sculpture; or improvement through increased funding from public or other sources;
- Sponsorship – development of commercial sponsorship/advertising with an associated improvement in the appearance particularly of roundabouts with either the sponsor or the council undertaking improvements funded through the sponsorship.

3.3.2 There are currently possible conflicts between these potential uses particularly as community use may prevent possible sponsorship and thereby income, and visa versa, sponsorship of some roundabouts may dissuade community groups from wishing to maintain roundabouts to improve town/village amenity.

3.4 Legal Issues

3.4.1 Depending on the type of treatment there may be a number of legal issues which could occur in particular where other organisations may be working on the road network.

3.4.2 For all types of works or permissions granted by the council as Roads Authority under the Roads (Scotland) Act 1984, the council requires public liability insurances from the organisation to a minimum value of £5 million. This includes for overhead banners, skips, scaffold and works to excavate in a “road”. If the committee are minded to allow community groups to undertake works or advertising on the network the current requirements for insurance would need to be met.

3.4.3 Roundabouts and roadside verges are part of the “road” and as a result specific types of work, notably any excavation has to be noticed under the New Roads and Street Works Act 1991. Thus any significant works of this nature on roundabouts/verges would need to be noticed in accordance with the requirements of the relevant legislation.

3.4.4 Advertisements fall under the control of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. In this regard any advertisement displayed on a roundabout / roadside verges, which is not a functional advertisement of the local authority, community council, statutory undertaker or public transport undertaker, is likely to require the submission of an application for advertisement consent in accordance with the requirements of that legislation.

3.4.5 Part II Section 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 makes provision for the grant or refusal of consent to display
advertisements or the revocation or modification of such consent, and the discontinuance of 
the display of advertisements with consent deemed to be granted only in the interests of 
amenity and public safety.

3.4.6 Part II Section 4 (2) states that when exercising such powers a Planning Authority –

(a) shall, in the interests of amenity determine the suitability of the use of a site for the 
display of advertisements in the light of the general characteristics of the locality, 
including the presence of any feature of historic, architectural, cultural or similar 
interest; and when assessing the general characteristics of the locality the authority 
may disregard any advertisements being displayed therein;

(b) shall in the interests of public safety, have regard to the safety of persons who may 
use any road, railway, waterway (including any coastal waters), dock, harbour or 
airfield affected or likely to be affected by any display of advertisements; and shall in 
particular consider whether such a display is likely to obscure, or hinder the ready 
interpretation of, any road traffic sign, railway signal, or aid to navigation by water or 
air;

but without prejudice to their power to have regard to any other material factor.

3.4.7 Angus Council policy in relation to advertising in the countryside is set out in Advice Note 7. The advice note recognises that the Angus countryside is a valuable asset and excessive 
signage can be visually harmful, ultimately acting as a deterrent to visitors and 
holidaymakers. It can also give rise to issues in terms of road traffic safety as it can act as a 
distraction to motorists.

3.4.8 In recognition of these concerns members adopted the policy set out in Advice Note 7 which 
generally seeks to limit opportunities for advertisements outwith the curtilage of properties in 
the countryside. Exceptions are permitted in terms of allowing formal directional signs under 
the Tourist Signposting Policy, and allowing small directional signs on minor roads for non-
tourist related businesses that rely on passing trade.

3.4.9 Advertisements on roundabouts in the countryside would be unlikely to meet the terms of the 
council’s adopted policy as set out in Advice Note 7.

3.4.10 Whilst Advice Note 7 relates predominantly to advertisements in the countryside, the council 
has generally resisted advance signage outwith the curtilage of premises and adjacent to 
public roads within towns where these are considered detrimental to amenity or road traffic 
safety. This has resulted in the Development Standards Committee refusing advertisement 
consent for signage proposals and those decisions have been successfully defended on 
appeal to Scottish Ministers.

3.4.11 Allowing advertisements on roundabouts / roadside verges may lead to additional pressure 
for further advertisements on land adjacent to the roundabout or adjacent to public roads in 
the vicinity of the roundabout. This has potential to create visual clutter and confusion for 
motorists which would be detrimental to both amenity and public safety.

3.5 Safety

3.5.1 There are safety requirements in contemplating works to roundabouts which can be 
considered as the safety of the operatives and of road users during any works and general 
road safety issues of sight lines and driver distraction.

3.5.2 Anyone operating on the road, through permission to do so granted by the council, is required 
to comply with any conditions relating to that permission. For all other works on the road 
network operatives are required to comply with Chapter 8 of the Traffic Signs Manual to 
provide adequate signing and guarding of any works. This includes appropriate safety zones 
separating the traffic and any operation. If the committee are minded to allow community 
groups to undertake works or advertising on the network these requirements for safety would
need to be met. It is questionable if all community groups would have the expertise necessary to properly comply with the requirements of these regulations readily available to them.

3.5.3 Sight lines are required at junctions and roundabouts and are part of the Road Standards for new developments. Sight lines at roundabouts can be a particular issue and there are design guidance/requirements in the national documents setting standards. Notably restricting planting on roundabouts less than 10 metres in diameter and setting back any signs (including road safety signage) at least 2 metres from the edge of any roundabout. Any proposed signs or public art would need to be assessed on an individual proposal/site by site basis.

3.5.4 Driver distraction is a potential issue relating in particular to advertising (commercial or community advertising). Given traffic movement at roundabout and intersections and the need for proper driver attention, there are road safety concerns regarding potential distractions particularly where drivers are required to undertake manoeuvring. By its nature advertising is designed to be seen and therefore the provision of advertising on roundabouts/junctions must be considered as a potential hazard. Similarly unusual items such as artwork or sculptures may cause distraction.

3.5.5 There is little research of the impact of adverts on driver distraction/contribution to accidents. There are a number of advertising billboards in the Angus area, some of which are in the vicinity of junctions/roundabouts and there are similarly a number of public art items including at roundabouts.

3.5.6 TRL (formerly Transport Research Laboratory) have undertaken a study on the driver distraction relating to video advertising, using a car driving simulator and integrated eye tracking system and found drivers:

- Spent longer looking at video adverts
- Glanced at video adverts more frequently
- Tended to show greater variation in lateral lane position with video adverts
- Braked harder on approach to video adverts
- Drove more slowly past video adverts.

3.5.7 Errant vehicle safety - on occasions where vehicles fail to negotiate a roundabout or section of road there may potentially be impact with any signage or public art. This potential impact on or the potential for such items to become a road hazard, in the form of debris from the impact, must be a consideration of the design of such items.

3.5.8 Tayside Police have been asked for their views on such proposals and have no objections subject to signs, particularly sponsorship signs, not being too wordy and not cluttering any other mandatory traffic signs.

3.6 Benchmarking with other authorities

3.6.1 Through the Society of Chief Officers for Transportation Services (SCOTS) a recent survey has identified the approach to such advertising in other councils. The results of this survey, unattributed to the council's responding, are provided in Appendix 2.

3.7 Impact on other council sponsorship proposals

3.7.1 The Assistant Chief Executive is currently leading a best value review of sponsorship. Any decisions related to roads/roundabouts would need to be consistent with any decision resulting from that review.

3.8 Appropriate Advertising

3.8.1 If members wish to pursue advertising on the road network either by the community or commercially there is an issue of what may or may not be appropriate.
3.8.2 As an example it may be inappropriate to allow promotion of alcohol. In addition there is potential conflict by say a rival supermarket advertising next to their competitors.

3.9 Options for the future

3.9.1 Community Advertising

(i) Do nothing, retain the existing policies and standards of maintenance.

(ii) Consider options for community advertising.

The key desired outcome of allowing community groups to advertise on the roadside is to improve awareness of local events and make them more viable.

A licence scheme could be introduced, however this would require a detailed process of approvals including identifying acceptable areas, standards for signs, insurance cover, classification of events (commercial/non commercial), a procedure for allocation of space or first come first served and how long adverts would be in place.

The management of such processes would place a financial burden on the council. Thus if such a system was introduced it would be appropriate to charge for these licences.

Whilst it may be possible to help local groups in this way the complexities suggest there would be little uptake if it was necessary to implement a rigorous bureaucratic management system.

3.9.2 Gateway improvements

(i) Develop a strategic approach to improving town and village gateways.

Town/Village gateways have been considered in different ways by different council services and different communities over a number of years, ranging from signage for safety and safe driving to local communities proposing isolated improvements.

A strategic approach to the improvement of town and village gateways would start by agreeing the key gateway locations, considering the nature of the desired improvement and the costs (short and long term), then identifying the possible sources of funding.

The development of such a strategy would enable engagement with communities, prioritisation of locations and the agreement of standards which could either be delivered by the council or through some form of sponsorship. Sponsorship, with signage at the enhanced gateway, is only likely to have an impact at a relatively small number of locations. It is important that this is considered in agreeing a strategy as improvements in one area where sponsorship is available will inevitably lead to pressure to improve others.

(ii) Procure a contract for sponsorship of roundabouts/gateways.

To procure a contract for this type of service would require a clear specification of what the management company/advertiser would be required to provide or receive.

There are a range of options as to how these could be handled.

(1) Sponsor upgrades and maintains area to an agreed standard, and is permitted to advertise – no income to the council.

(2) The council upgrades the site after receiving payment and continues to maintain.

(3) Shared responsibility for different elements.
These options could be progressed either through a third party agency contract leaving the agents to find sponsors, or by the council advertising the sponsorship opportunities direct. Either option would require to comply with procurement regulations.

It will not be possible to establish which option(s) would deliver the best return without carrying out a detailed appraisal.

(iii) Consider sponsorship for specific locations.

An alternative to a comprehensive sponsorship contract would be to seek sponsorship for specific locations, or to allow organisations to identify locations/improvements they would be prepared to sponsor. An initial list of potential roundabout sites is given in Appendix 3. This would allow some form of pilot to take place. However as with other sponsorship options this requires a clear definition of what the sponsor and the council were expected to deliver. It has the potential to create wider issues related to best value if the opportunity is not widely publicised or if the proposals differ. However it would allow the council to progress this in a more measured way. If this is the preferred option the council needs to agree which locations should be progressed first and thereafter a standard advertising process and assessment criteria for applications would need to be developed, in conjunction with the Corporate Procurement Team to ensure compliance with procurement regulations.

3.10 Potential Income/Costs

3.10.1 The potential income to the council must be considered in light of the subsequent obligations placed on the council. The distribution of the costs between the council and any sponsor will be dependent on the details in any contract which is established. Erection and maintenance of sponsorship signs will have some initial cost and ongoing maintenance costs. However sponsors may seek the areas/roundabout with which they are associated to be maintained to a standard above that currently being promoted, at some additional cost to the council.

3.10.2 The council will also incur professional staff costs, which are not budgeted for, including those from the agents, if used, which may offset any income generated. For those roundabouts which are part of the A92 PFI there would be a cost associated with professional fees from the operating company whose views would also require to be sought on the implications to them.

3.10.3 The Council would also need to consider whether it was intending to generate a surplus from the advertising to invest elsewhere. All of these issues would need to be taken into account in determining the charge to be levied or the amount of sponsorship required.

3.10.4 It is not possible to determine prospective income at this stage. This would have to be determined through market testing and detailing how costs would be allocated between the sponsor and the council.

4 RISK

4.1 This report does not require any specific risk issues to be addressed at this time. Potential risks are noted in the text.

5 FINANCIAL IMPLICATIONS

5.1 The costs associated with the officer recommendation to consider options for community advertising would be limited to officer time required to compile a list of gateways and consulting with communities. These costs could be met from existing Roads division revenue budget resources.
5.2 The financial implications associated with the other options presented cannot be determined with any certainty at this stage and would be the subject of a further report to this committee with detailed proposals.

6 HUMAN RIGHTS IMPLICATIONS

6.1 There are no human rights implications arising from this report.

7 EQUALITIES IMPLICATIONS

7.1 The issues dealt with in this report have been determined as exempt from requiring an equalities assessment.

8 CONSULTATION

8.1 The Chief Executive, the Director of Corporate Services, the Head of Finance, the Head of Law and Administration and the Chief Constable have been consulted in the preparation of this report.

9 CONCLUSION

9.1 The introduction of management procedures to allow the promotion of local events through roadside advertising would be bureaucratic and costly. The need to recharge for a licence would most likely result in event organisers not applying. Whilst it is not clear how much if any surplus could be generated from individual or council wide sponsorship of gateways/roundabouts some form of procurement process would be necessary to demonstrate best value. To deliver this will require a clear specification of what is required at the sponsored locations. A strategic approach would allow a clear definition of what is wanted/expected, wider engagement and an assessment of the costs and funding options. Therefore this initial assessment and consultation should be carried out before considering funding options or sponsorship opportunities.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE:

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this Report:

1393/06 – Obstructions on Public Roads – Advertising Signs Etc – Infrastructure Services Committee, 23 November 2006

Roads/JG/IAC
3.3 Roadside Advertising

3.3.1 Council officers have been approached in the past by companies requesting permission to place further advertising on the road network with particular requests to advertise on roundabout sites. Payment to the council may be available for such proposals primarily to assist with the maintenance of the roundabout/verges.

3.3.2 To date such proposals have been discouraged due to the following concerns:

- Road safety concerns – there is research indicating that advertising (although often of a more provocative nature than that which would be approved at these sites) is a distraction to drivers;
- Roads safety concerns – there is a risk of errant vehicles colliding with signs and subsequent risk of injury (including to other parties) as a result of flying debris;
- Clutter – irrespective of the safety concerns, roundabouts are generally a point of intersection of various roads with associated directional signing, safety signing (chevrons etc). Further signing by advertisers will only add to these arrangements;
- Planning concerns - there may be planning requirements with such signage contravening current planning policy;
- Logistics - advertising on roundabout/grass verges give certain logistical concerns as to how such space will be allocated. There are companies who can market such sites;
- Operational difficulties – the installation of additional signs, by a suitably competent contractor, to ensure adequate health and safety, would require additional maintenance and increase the cost of the existing maintenance. Such costs would have to be offset against any income received by the Council.

3.3.3 The concerns should be weighed against the economic benefits of the proposals. Those companies inclined to advertise on property for which the council is responsible must presumably see a commercial gain in doing so. If the council sought to approve such proposals it should take recognizance of such benefit in the fees charged for the benefit of the tax paying population of Angus.

3.3.4 However, the possibility of the council selling advertising particularly on roundabouts/verges seems to contravene the current policy and the principles of the Road (Scotland) Act. The proposal that obstructions which may distract drivers and possibly compound accidents should be acceptable on payment of a fee would seem to create the wrong impression to the public and would be contrary not only to the current policy on advertising but also to the road safety role of the Department. Trials of such proposals in other council areas (Aberdeen) have been carried out, but the Head of Roads and the Head of Planning and Transport do not consider such proposals suitable within Angus. The Committee is asked to confirm this view.
<table>
<thead>
<tr>
<th>Council</th>
<th>Council response</th>
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<tbody>
<tr>
<td>1</td>
<td>Undertaking a pilot project in terms of the introduction of sponsorship on three roundabouts. Asking interested parties to bid for the opportunity to sponsor a roundabout over a three year period, providing they submit bids that are above a projected reserve price which will cover landscaping, erection costs and maintenance. It is too early in the process to note the level of income that this project could achieve.</td>
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<tr>
<td>2</td>
<td>Do not have any advertising contract on roundabouts</td>
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<tr>
<td>3</td>
<td>We don’t have advertising on roundabouts</td>
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<tr>
<td>4</td>
<td>We have resisted advertising on roundabouts and lighting columns etc on road safety grounds (driver distraction).</td>
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<tr>
<td>5</td>
<td>No sponsorship contracts in place. We had looked at this a few years ago but never progressed – net income streams didn’t appear particularly high. This didn’t cover all our roundabouts – we reviewed and excluded some locations on safety grounds. Our approach now is that we are engaging with a number of businesses locally from a ‘civic pride’ perspective where they will fund/support the improvement in appearance/civic art/sculptures on our roundabouts and in return will have some ‘recognition’ of their support. At early stage but we do have some hard interest we are working through.</td>
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<tr>
<td>6</td>
<td>Do not have any contract in place for advertising on roundabouts nor are there any plans to introduce this.</td>
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<tr>
<td>7</td>
<td>We piloted 4 roundabouts. We advertised on the market asking approx £6k per roundabout but failed to get any takers. We will reconsider again in the future.</td>
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<tr>
<td>8</td>
<td>Currently do not promote any sort of advertising on either lighting columns or roundabouts. However, in light of some of the responses you have already received especially in relation to any statistics which may prove that there is no detrimental effect on road safety, I would suggest that we may be interested in reviewing our current stance on this.</td>
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<tr>
<td>9</td>
<td>Currently have a contract in place for advertising on roundabouts and lamp columns, this is a new contract starting this year, our original contract was for roundabout sponsorship only and the monies from this was used to enhance a standard roundabout, an early investment was made to increase planting thus making the sponsoring of the roundabout easier, sign sizes were all agreed so as not to provide a distraction to drivers, number of signs varied with size of roundabout, at this time we were taking in about £100K per annum. An accident survey was carried out to see if there was an increase in accidents due to the sponsor signs, this did not show any increase in road accidents.</td>
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<tr>
<td>10</td>
<td>We don’t have a sponsorship policy for our small number of roundabouts</td>
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<tr>
<td>11</td>
<td>Do not have any advertising contract on roundabouts but it is something we may be interested in.</td>
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<tr>
<td>12</td>
<td>Have operated a roundabout sponsorship scheme for many years When originally considered, it was estimated that the scheme could generate an income in the region of £100,000 per annum. This has averaged at £12,000 per year. Last year we made £31,000. Finally, I have been noting the comments made to date on not introducing a scheme because of road safety concerns. We went through the same angst whilst setting up the scheme and have kept accidents under review at the sites but have never had any problems.</td>
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</tbody>
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## Potential Sites

<table>
<thead>
<tr>
<th>Town/Village</th>
<th>Possible Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbroath</td>
<td>Elliot Roundabout (subject to discussions with A92 DBFO Operator)</td>
</tr>
<tr>
<td></td>
<td>Burnside Drive Roundabouts: Guthrie Port; Cairnie Street</td>
</tr>
<tr>
<td>Barry</td>
<td>A930 roundabouts</td>
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<tr>
<td>Brechin</td>
<td>Exits from A90 roundabouts, at Brechin Castle Centre and Trinity junctions</td>
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<tr>
<td>Carnoustie</td>
<td>A92 junctions (subject to discussions with Operator)</td>
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<tr>
<td>Forfar</td>
<td>Kirriemuir and Glamis junctions with A90</td>
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<tr>
<td></td>
<td>Kirriemuir Road/Brechin Road junction</td>
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<tr>
<td>Ferryden</td>
<td>Rossie Island Road Roundabout</td>
</tr>
<tr>
<td>Monifieth</td>
<td>A92 Roundabouts(subject to discussions with A92 DBFO Operator)</td>
</tr>
</tbody>
</table>