

ABERDEEN CITY COUNCIL

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COMMITTEE: **Enterprise Planning and Infrastructure**  
DATE: **24 May 2011**  
DIRECTOR: **Gordon McIntosh**  
TITLE OF REPORT: **Additional charges for Street Occupations**  
REPORT NUMBER: **EPI/11/105**

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**1. PURPOSE OF REPORT**

The purpose of this report is to consider the application of charges for street occupations associated with the occupation of road space for use as a site storage area for offices, containers and the like to carry out building works, making buildings safe and commercial operations.

**2. RECOMMENDATION(S)**

That the Committee:

1. Approve the charges and that these be applied from 1 July 2011 and that this report be referred to the Finance and Resources Committee for ratification.
2. Instruct officers to review the charges annually as part of the budget process.

**3. FINANCIAL IMPLICATIONS**

The revised charges will generate revenue income that will meet staff costs and assist in sustaining service provision.

**4. OTHER IMPLICATIONS**

There is a risk that costs associated with staff and service provision would impact on current revenue budgets should the revised charges not be introduced.

**5. BACKGROUND / MAIN ISSUES**

In accordance with statutory obligations Aberdeen City Council as the Local Roads Authority has a responsibility to regulate and manage street activities/ occupations to ensure that essential works have a minimal impact on the road network and that the infrastructure is protected.

### **Development / Construction – Occupation of Road Space**

For the execution of major building projects, particularly within the city centre, it is occasionally necessary for contractors to occupy the road and or footway to accommodate site operations, material stores and site offices. This has most recently been seen during construction operations on Justice Mill Lane, St Andrews Street and Shiprow where extended road occupations did have a significant impact on traffic movements, businesses and residents in the area.

These were occupations of a lengthy nature and involved partial road closures under temporary traffic orders, requiring traffic diversions and more importantly created additional road congestion and associated delays.

In certain instances the owner/ developer will occupy a footway or road in order to carry out safety operations; this will either involve occupation of the carriageway to allow pedestrians to safely pass the fenced area or closure of the footway forcing the pedestrians to walk on or cross the road. These should also be considered as a road occupation and charged accordingly.

Whilst occupation of the road can be necessary to allow new development to proceed, particularly in areas of high density, it is felt that developers/ contractors are in some cases utilising the road as a means of an easy 'long term' extension to their building site to the detriment of the pedestrian and road user and at a cost to the Authority.

At present it is considered that developers in the planning stage of the construction programme may defer to the easier and economically more viable option of road occupation during the construction programme. In many instances during construction works, particularly for city centre sites or where major utility service work is to be carried out, road occupation is unavoidable if development is to proceed. However the road occupation should be minimised to limit the impact on the local road network and environment.

As a means of encouraging developers and contractors to consider alternative solutions and to minimise the use of road occupations in the construction process it is suggested that a time based charging regime be introduced, this would encourage applicants to consider alternative options and keep the period of occupation to an absolute minimum.

It should be noted that a time based charging regime would not apply to Utility activities (i.e. BT, Scottish Water) covered by the New Roads and Street Works Act 1991.

In the assessment of a proposed time based charge a number of options have been considered including the possibility of charges based on market rental rates for Industrial and Office premises. Given that the proposed charge is for the occupation of road space it is thought that it would be appropriate to align the charges to an income that could be accrued from current parking charges applied to the on street pay & display zones. A two tier charge structure is proposed with city centre locations and strategic routes charged at a higher rate. The proposed charges are shown in Appendix A (Items 1 & 2).

In addition to our existing charging structure for scaffold permits there is a need to issue permits for mobile tower scaffolds where there is currently no charge. As our charges are monthly based the scaffold erector/user invariably does not make contact with the Council for short duration works.

This type of scaffold is lightweight and is usually erected and removed same day but can cause problems for the public due to the scaffold being poorly erected and /or unsuitable/inappropriate for the site location. To attend to these aspects there are costs involved for the Council.

It is proposed that a daily rate is promoted to encourage contact, this would allow the Council to be aware of the works and also monitor the safety standards applied.

The recommended charges are given Appendix A (Item 3).

### **Commercial Occupation of Road Space**

Applications are occasionally submitted by commercial companies for the use of the road, in particular the pedestrianised areas of the Castlegate, St. Nicholas Street and Loch Street, to promote and sell products and to date permissions have been granted where appropriate without the application of a charge.

However it is of note that during the festive period the pedestrianised areas are used by businesses selling seasonal items and this is generally done without the necessary formal permissions. Similarly there are established commercial operations that are selling wares to the public on a daily basis without the necessary consent of the Roads Authority, nor indeed without incurring the costs of a lease/rental for use of the space.

As stated previously it is the responsibility of Aberdeen City Council as Roads Authority to manage and control obstructions on the road and to provide written approval where appropriate. As such the commercial

occupation of road space should be controlled and enforced in a similar manner to that of developer occupations.

It is proposed that a scale of charges be applied for promotional events for commercial operations in respect to the occupation of road space where Roads Consent is required. The proposed charges include one-off rates for product promotion, these will be charged at a daily rate based on a square metre area calculation, events occupying a road for more than two consecutive days from Monday to Friday will also be charged on a daily rate based on a square metre area calculation. The proposed charges are shown in Appendix A (Item 4).

A significant number of mobile hot / cold food vender units are in permanent operation throughout the city and it is felt that they should also be subject to the same controls as those applied for the long term commercial occupation of road space. A recommended charge for mobile hot/cold food vender units is given Appendix A (Item 5).

Applications from non commercial / charitable organisations are very occasionally lodged and it is felt that it would not be appropriate to apply charges in such circumstances and that these permissions would be given free of charge for a maximum of two visits per year with a length of occupation no more than a week on each occasion. Longer visits would be charged as per Appendix A. (Item 6)

**Income:**

Where applicable, invoices will be sent out on a monthly basis with the first being charged as soon as site occupation takes place. Non payment of invoices will result in the approval to occupy being removed and the contractor being instructed to remove all equipment from the adopted road network.

**6. IMPACT**

This subject of this report provides support to the economic and environmental well being of the city. It promotes safety and management of the local road infrastructure, with the intension of minimising disruption to the network, whilst maintaining delivery of essential transport services for the travelling public. The report supports service delivery and maintains positive operational outcomes to meet statutory obligations.


**7. BACKGROUND PAPERS**

N/A

## 8. REPORT AUTHOR DETAILS

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## APPENDIX A – Charges from 1<sup>st</sup> July 2011

1. **The area enclosed by the outer edges of the following roads, Holburn Street, Willowbank Road, Springbank Terrace, Wellington Place, South College Street, Guild Street, Regent Quay Virginia Street, Commerce Street, East North Street, West North Street, Mounthooly Roundabout, Gallowgate, Spring Garden, Maberly Street, Rosemount Place, Esslemont Avenue, Rose Street, Union Street and all traffic sensitive roads listed on the Scottish Street Works Register (data retained on the Street Works Gazetteer).**

**£2 per sq. metre per day**

This is based on the area of a parking bay of 15sq.metres for parallel parking where an average charge would be £30 for all day parking.

2. **All other roads** not included above

This is based on the area of a parking bay of 15sq.metres for parallel parking where an average charge would be £15 for all day parking.

**£1 per sq. metre per day**

3. **Mobile tower scaffolds** (erected and dismantled daily) would be charged at a rate of £20 /day and £35 /week.
4. **Promotional events for commercial purposes** in St. Nicholas Street, Castlegate, the Green, and other pedestrian priority areas are charged as follows;  
£10 per sq. m area of occupation/day or part of day with a minimum invoice charge of £50 to cover administration costs.
5. **Licensed hot / cold food units** across the City would be charge at a rate of £250 per annum for lease of the space.  
(Note this exceeds the fees for pavement cafes which are now £100 per annum).
6. **Day rates for the use of the road space** for commercial purposes, for profit, **£0.67 per sq. metre per day charge with a minimum charge of £10 per day to cover administration costs.**

## Consultees comments

Council Leader – **Councillor John Stewart** - has been consulted and made no comment

### Enterprise, Planning and Infrastructure Committee

**Convener: Councillor Kate Dean** - has been consulted and has asked that the report be reviewed annually as part of the budget process.

**Vice Convener: Councillor John West** - has been consulted and made no comment;

### Local Members

Councillor George Adam	Has been consulted and has no comment
Councillor Yvonne Allan	Has been consulted and has no comment
Councillor Marie Boulton	Has been consulted and has no comment
Councillor John Corall	Has been consulted and has no comment
Councillor Bill Cormie	Has been consulted and has no comment
Councillor Barney Crocket	Has been consulted and has no comment
Councillor Martin Greig	Has been consulted and has no comment
Councillor Muriel Jaffrey	Has been consulted and has no comment
Councillor Alan Milne	Has been consulted and has no comment
Councillor George Penny	Has been consulted and has no comment
Councillor Richard Robertson	Has been consulted and has no comment
Councillor Kevin Stewart	Has been consulted and has no comment
Councillor Scott Cassie	Has been consulted and has no comment
Councillor Jillian Wisely	Has been consulted and has no comment
Councillor Ian Yuill	Has been consulted and has no comment
Councillor Irene Cormack	Has been consulted and has no comment
Councillor Alan Donnelly	Has been consulted and has no comment
Councillor James Kiddie	Has been consulted and has no comment
Councillor Neil Cooney	Has been consulted and has no comment
Councillor Mark McDonald	Has been consulted and has no comment
Councillor Jennifer Laing	Has been consulted and has no comment
Councillor Len Ironside	Has been consulted and has no comment
Lord Provost Peter Stephen	Has been consulted and has no comment
Councillor Wendy Stuart	Has been consulted and has no comment
Councillor Neil Fletcher	Has been consulted and has no comment
Councillor Kirsty West	Has been consulted and has no comment
Councillor Aileen Malone	Has been consulted and has no comment
Councillor Callum McCaig	Has been consulted and has no comment
Councillor Jackie Dunbar	Has been consulted and has no comment
Councillor Gordon Graham	Has been consulted and has no comment
Councillor Andrew May	Has been consulted and has no comment
Councillor James Hunter	Has been consulted and has no comment
Councillor Norman Collie	Has been consulted and has no comment
Councillor Jim Noble	Has been consulted and has no comment

Councillor Gordon Leslie	Has been consulted and has no comment
Councillor John Reynolds	Has been consulted and has no comment
Councillor Jim Farquharson	Has been consulted and has no comment
Councillor Jennifer Stewart	Has been consulted and has no comment
Councillor Willie Young	Has been consulted and has no comment

### **Council Officers**

Barry Jenkins, Head of Finance, Resources – has been consulted
Jane MacEachran, City Solicitor, Continuous Improvement has been consulted
Gordon McIntosh, Director of Enterprise, Planning and Infrastructure has been consulted
Hugh Murdoch, Head of Service, Shelter and Environment – has been consulted
Margaret Bochel, Head of Planning & Infrastructure, Strategic Leadership – has been consulted.
Mike Cheyne, Roads Manager has been consulted
Kathryn McFarlane, Service Co-ordinator
Allison Swanson, Committee Services