



Department for Communities and Local Government

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ADVERTISING ON BROADBAND CABINETS

During the third day's debate of Lords Committee of the Growth and Infrastructure Bill, Baroness Parminter raised concerns regarding broadband providers using street cabinets to advertise their superfast broadband in an area. My letter of 11 December 2012 advised that advertising on broadband cabinets does not fall within deemed or other consents and that no such consents are planned.

Following last week's debate, I thought it would be helpful to set out the Government's view on advertising on broadband cabinets in more detail. I can reaffirm that, there are no deemed consent provisions in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) that would, in the Government's view, apply for the purpose of commercial advertising on broadband boxes. Furthermore, our view is that advertisements should therefore only be placed on broadband boxes with the permission of the local planning authority.

My department does not give legal advice nor does it interpret the law (only the Courts can do that). However, I thought it might be helpful if I made the following informal comments. The posters on broadband cabinets discussed during last week's debate would seem to fall squarely within the definition of "advertisement" in section 336(1) of the Town and Country Planning Act 1990. I am aware that one of the broadband providers considers that their advertisement may fall within Class 1 of Schedule 3 to the Regulations (functional advertisements of statutory undertakers etc). Our published guidance shows that this is not what Class 1 is intended to cover. We had in mind such things as bus timetables or warning signs on electricity sub-stations. The guidance is available to view: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf (p.10).

The 2007 regulations state that any (functional) advertising must be "reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking". In our view, commercial advertising on a broadband box does not meet that test, as it is not a reasonable requirement for the broadband service to operate

I hope that this further explanation is helpful. I am placing a copy of this letter in the House Library to assist Parliamentary scrutiny.

NICK BOLES MP

Copy sent to Councillor Sir Merrick Cockell