

REPORT TO: CABINET

DATE: 20 FEBRUARY 2014

TITLE: CONTROLS ON ADVERTISING SIGNAGE

PORTFOLIO HOLDERS: COUNCILLOR PHIL WAITE
COUNCILLOR EMMA TOAL

LEAD OFFICER: LYNN SEWARD HEAD OF COMMUNITY
WELLBEING (01279) 446119

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LICENSING MANAGER (01279) 446114

This is not a Key Decision

Call-in Procedures may apply

This decision will affect Toddbrook Ward in relation to licensing of portable advertising boards in The High, and no Wards specifically in other respects.

RECOMMENDED that:

- A** The Council adopts the approach to unauthorised advertising in the highway using delegated powers under the Highways Act 1980, as set out in paragraphs 5 to 13 of the report.
- B** The Council, in respect of its practice of licensing portable advertisements on land that it owns in the Town Centre, adopts a policy of minimising avoidable street advertising.

REASON FOR DECISION

- A** At its meeting in October 2013, the Scrutiny Committee recommended that the Council develop, in consultation with the County Council, an approach to removing unauthorised advertisements in the street scene using powers in highways legislation; and with regard to the practice of licensing portable advertising boards on Council-owned land in the Town Centre, that the Council adopt a policy of minimising avoidable street advertising. This decision would implement those recommendations.

BACKGROUND

1. In October 2013, the Scrutiny Committee conducted a review of controls on advertising signage, which considered a number of issues in relation to such signage in the street scene. The Committee recommended using powers in the highways legislation to remove unauthorised signs in the street scene.
2. Although established planning legislation is appropriate to deal with most formal signage issues, the approach recommended may be the most cost effective means of deterring much of the less formal signage that is placed in the highway and on Council property from time to time.
3. The Council currently licenses "A-boards" and similar portable advertisements on land that it owns in the Town Centre. Licensing appears to have improved the predictability of siting and reduced the number of such boards but there remains an objection on behalf of people with disabilities to the presence of those that remain, and an argument that suitable alternative means of advertising are available has been put forward.
4. To address these issues the Scrutiny Committee recommended that the Council adopt a policy of minimising avoidable street advertising.

ISSUES/PROPOSALS

5. Officers have discussed with colleagues at Essex County Council (ECC) the principle of the use of Highways Act powers, in particular section 132 of the Highways Act 1980, to remove signs and similar items placed on the highway without permission. ECC Officers have indicated support in principle for the proposed approach, though implementation would be subject to ECC's written approval.
6. Officers have identified financial resources from within existing provision which would permit a suitable contractor to be engaged to remove such signage from time to time.
7. A communications initiative would give a reasonable opportunity for unauthorised signs to be permanently removed, while also publicising the process to reinforce its deterrent value.
8. Priority areas for attention would be identified in advance by canvassing Ward Councillors and by monitoring reports from members of the public.
9. The Council would remain responsible for ensuring that any removal was fair and in compliance with the law.

10. To implement the recommendation on A-boards in the Town Centre, it would be necessary to stop licensing them. As licensing of A-boards (as the Council has done) is discretionary, a policy of minimising avoidable street advertising would permit this without fettering the Council's discretion.
11. Should an application for a new or renewed license be made, the applicant would be advised of the policy. In the unlikely event that an applicant persisted, a Licensing Subcommittee would have a policy basis on which to refuse the application. The Council's position is likely to be defensible should a very determined applicant appeal.
12. It is envisaged that under the proposed policy, existing licenses, which were issued for a period of one year, would expire at the end of that period and not be renewed.
13. Unlicensed A-boards (which within a year would be all A-boards in the highway) would be subject to removal under the process set out above. Officers would alert the contractor to those A-boards with existing licenses (in the first year) to ensure that only unlicensed boards were removed.

IMPLICATIONS

Regeneration (includes Sustainability)

Unauthorised advertisements can detract from the image of trading locations, and may represent an unfair advantage over those who responsibly advertise with proper authority.

Author: **Graeme Bloomer, Head of Regeneration**

Finance (Includes ICT)

There would be minor impacts on income from Licensing fees for A boards. This should be mitigated by reduced costs of licensing procedures.

Author: **Simon Freeman, Head of Finance**

Housing

Tenants, Leaseholders and Housing Management Services would welcome the proposal to remove unauthorised advertisements which would support existing work to reduce unauthorised agents' boards

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

The longstanding objection to unnecessary street clutter by representatives of the interests of disabled people is recognised: the Council must promote equality and have regard to the needs of disabled people in carrying out its functions.

Author: **Lynn Seward, Head of Community Wellbeing**

Governance (includes HR)

There may be an increase in costs arising out of any appeals but these are likely to be minimised by having a clear policy in place, ensuring that the procedure adopted is mindful of the Council's duty under the Equalities Act balanced against the needs of the business community in the area.

Author: **Brian Keane, Interim Head of Governance**

Background Papers

Report to Scrutiny Committee, 22 October 2013 - [Written Report - Review of Controls on Advertising Signage.](#)

Glossary of terms/abbreviations used

A-board – a portable advertising board.

ECC – Essex County Council