



# Planning Committee

3 February 2009

## ENFORCEMENT REPORT

### Unauthorised Highway Banner Advertisements Various locations throughout the Borough

(All Wards)

#### 1. Background / Key Issues

- 1.1 This matter comes before your Committee with regard to the display of banner advertisements at various locations throughout the Borough. Such adverts have been seen draped from flyovers and bridges on the main town highways, affixed to walls and railings on roundabouts or placed on wooden frames and affixed to the ground.
- 1.2 Under the Town & Country Planning (Control of Advertisements) Regulations 2007, such advertisements require the benefit of advertisement consent due to their size. If they are situated on land not owned by the displayer, express permission of the landowner is also required under separate legislation. Any advertisement which is displayed without consent is deemed flyposting, and is open to immediate action by way of prosecution, removal or obliteration.
- 1.3 Over the past 12 months, your enforcement officer has received a large number of complaints regarding this type of advertising. These have been dealt with on an ongoing basis, mainly by requesting their removal, which has met with only limited success.
- 1.4 However, your Enforcement Officer has determined a pattern of behaviour that has seen offending advertisements removed only to be replaced by another similar advertisement after a short period of time, or alternatively, having enforced the removal of an advertisement, find a similar one in another location which the offender has chosen not to remove. This is particularly so with serial offenders, identified as being large out of town stores, internet web companies, hotels and unfortunately, the Council as well, although negotiations with offending departments to resolve this issue are at an advanced stage. With the fact the Council itself is breaching the regulations, and the sheer volume of cases requiring action, it is having a significant impact on your enforcement officer's workload, as well as the visual amenity and highway safety of the Borough's residents and visitors.

- 1.5 At present, your Committee's authority is required to take enforcement action on individual advertisement offences, and offenders know this gives them an extended period of free advertising safe from enforcement action. Your enforcement officer considers that the extent of the problem is now such that there is a need to take more immediate action.

## 2. Conclusion

- 2.1 There is now a serious problem of unauthorised banner advertisements being displayed throughout the Borough, often by serial offenders who have been warned previously on more than one occasion.
- 2.2 Your Planning Officers consider that these advertisements would be unlikely to be granted express consent as their size, appearance and positioning would be unacceptable, and their prominent location on major vehicular highways could prejudice highway safety and the visual amenity of the Borough. Further, the fact no permission has been obtained from the landowner would normally invalidate any application.
- 2.3 Your Planning and Enforcement Officers considers that these offenders are deliberately abusing the law by removing the advertisements and later re-instating them or placing them in alternative or multiple locations to avoid enforcement action. They consider that the Council need to be in a position to prosecute any future breaches of the law quickly and effectively by prosecuting offenders ensuring maximum publicity for any convictions obtained.
- 2.4 They also consider that prior to taking such action, a press release should be forwarded to all local newspapers warning of the potential result of any breaches identified, and that formal letters be sent to all businesses that have previously offended warning them that any further contraventions will result be likely to result in prosecution.

## 3. Recommendation

**The Committee is asked to RESOLVE that**

**authority be delegated to the Head of Legal Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, the display of any banner advertisement without the express consent of the Local Planning Authority. Enforcement action would be by way of the instigation of prosecution proceedings if deemed necessary.**