

<b>REPORT TO:</b>	<b>CABINET 15<sup>th</sup> July 2013</b>
<b>AGENDA ITEM:</b>	<b>11</b>
<b>SUBJECT:</b>	<b>REGULATION OF TOWN CENTRE ADVERTISING BOARDS &amp; HAND-HELD PLACARDS</b>
<b>LEAD OFFICER:</b>	<b>Paul Spooner, Interim Executive Director Planning &amp; Environment</b>
<b>CABINET MEMBER:</b>	<b>Councillor Simon Hoar Cabinet Member for Community Safety and Public Protection Councillor Phil Thomas Cabinet Member for Highways &amp; Environmental Services</b>
<b>WARDS:</b>	Fairfield
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<p>The proposal is to license advertising boards ('A-boards') within the Town Centre based around a set of agreed criteria and to prohibit hand-held advertisements within the Town Centre. This is supporting the following aim from the 2011-2013 plan:</p> <p>Competing as a place - to reshape Croydon as a place, taking advantage of new freedoms and incentives; realising our vision for 2040 of being an Enterprising City that punches above its weight.</p>	
<b>FINANCIAL IMPACT</b>	
<p>The proposal will require a supporting administrative process but would bring additional income into the Council's Planning &amp; Environment department which would cover the administrative costs. The enforcement of this will be met within existing resources by Community Safety Services as part of their overall responsibilities.</p>	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.: This is not a key decision.</b>	

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

## **1. RECOMMENDATIONS**

- 1.1 Having considered the responses to the public consultation and officers comments on these, proceed to designate the area within the Town Centre as set out in *Appendix A* for the purposes of Section 6 of the London Local Authorities Act 2007 ("the Act") in which the display of portable advertisements is prohibited unless subject to consent, either deemed or express.

## **2. EXECUTIVE SUMMARY**

- 2.1 The Town Centre has seen a growth in numbers and types of advertisements displayed on the public highway.
- 2.2 The situation has now reached a point where it is considered that regulation is required over advertisements in the Town Centre. The large size and clusters of traditional shop advertisements (hereafter referred to as 'A-boards') within this area and hand-held placards at certain locations are causing significant obstruction to the users of the highway.
- 2.3 It is considered that the proliferation of portable advertisements has a detrimental impact on the visual amenity of the area and represents a health and safety concern for users of the highway, which will only get worse if not addressed.
- 2.4 Approval was obtained at the Cabinet meeting in December (Min A127/12) to go out to public consultation on this proposal. During the consultation phase only the responses detailed in para.4.4 were received and as detailed in the officer comments on these, none significantly affect the proposal. It is therefore recommended that designation proceed.
- 2.5 The criteria for licensing of 'A-boards' within the proposed Town Centre designated area has been approved by the Director of Planning & Building Control under his delegated authority should Members be minded to agree the designation of the area as recommended by this report.

## **3. DETAIL**

### **Town Centre Advertising Boards & Hand-held Placards/Adverts**

- 3.1 The London Local Authorities Act 2007 provides a means for the Council to regulate the display of portable advertisements by designating a specified area for this purpose. "Portable advertisements" mean any thing which is capable of being held or carried and which is an advertisement as defined in section 336(1) of the Planning Act. "Portable advertisements" includes A Boards and hand held placards and any advertisement which is placed upon, leant against or attached to apparatus, street furniture or any other structure or object situated in a designated area; or on any land within 7 metres of any street or way designated. References to portable advertisements within this report encompass all advertisements which fall within this description.
- 3.2 The Town Centre as the retail hub of the borough has seen a growth in numbers and types of advertisements displayed on the public highway. Currently there are in excess of 160 A Board type advertisements in and around the Town Centre on weekdays, with weekends being more still. The main clusters are the junction of North End and Crown Hill (by the tram lines) and High Street near St. George's Walk where you can see as many as 20-25, some of which are extremely large and prevent people easily accessing St. George's Walk.

- 3.3 The large size and clusters of portable advertisements at certain locations are causing significant obstructions to the highway to the point that that this has now become an issue in respect of both the visual amenity of the area and pedestrian access, which will only get worse if not addressed.
- 3.4 The aim of using the legislation is to designate an area within which portable advertisements are prohibited unless specifically licensed by the Council or subject to deemed consent and to make any express consent subject to specific conditions including size, placement and number with a view to producing better regulation within the Town Centre. This will ensure adequate footway for pedestrians to pass by and thus improve the shopping experience. In effect the implementation of these powers would enable the Council to take account of those factors relating to improving the appearance of the visual space of the Town Centre and public safety for those using the area. Part of the proposed designated area sits within a conservation area and the removal of such boards would enhance the appearance of that area. In the other locations outside of the conservation area, regulation would improve pedestrian access, especially in those areas where the proliferation of A Boards has created obstructions to pedestrian movement.
- 3.5 The designated area which is proposed targets the most densely affected area for these issues. It is proposed to cover North End, George Street, part of the High Street (including the junction with St George's Walk), Surrey Street, Church Street, Tamworth Road and all roads within this boundary of the designated area. A map of the designated area is set out at *Appendix A*.
- 3.6 The designated area will cover parts of two of the Croydon Conservation areas, Church Street and Central Croydon. The proposal will improve the character and appearance of the respective Conservation areas and the overall visual amenity of the Town Centre.
- 3.7 In light of the above and bearing in mind the outcome of the consultation as detailed in 4.4 below, it is considered that it is appropriate and necessary for the Council to designate the area identified in Appendix A for the regulation of portable advertisements as follows:
- a. prohibition of hand-held advertisements; and
  - b. the introduction of criteria and a policy for licensing ('Express Consent') of A-boards within this designated area.
- 3.8 In summary, the key criteria against which applications under 3.5(b) above will be considered include:
- a. Maximum of one 'A-board' per business. Many businesses have multiple advertisements directing people to their premises.
  - b. Maximum size 1.15m high (3'9"), 0.8m wide (2'7.5"). This will remove many of the current advertisements that are very large and take up a lot of the footways, and constitute a health and safety risk.

- c. Minimum 2 metres clear footway on one side of an A-board, except North End where 3.7m is required. North End is the main pedestrian shopping thoroughfare where vehicles are prohibited during the daytime. It is necessary to ensure adequate access for emergency services vehicles in the event of an incident. These distances will ensure adequate access for pedestrians and emergency services vehicles.
- 3.9 The current cost, set by Government, for a standard application for advertisement consent is £335 per application. This is irrespective of whether the applicant applies for 1 or more A-boards and consent lasts for 5 years. The A-Boards will however remain subject to the Council's assessment as the 'Highway Authority' that there are no health and safety concerns in relation to it.
- 3.10 If successful, the Town Centre may serve as a blueprint for other areas within the borough where advertising boards have become an issue. It is also intended to consider regulating leafleting within the Town Centre in due course once the measures to control advertising are fully integrated.

#### **4. CONSULTATION**

- 4.1 Views from Croydon BID about the proposal and policy (*Appendix B*) were sought in advance of the Cabinet report in December 2012. Their informal views suggested full backing for the proposal. In addition a 'Q & A' document (attached at *Appendix C*) was drafted to assist with informal consultation with affected businesses in respect of A-boards. The Cabinet meeting in December 2012 approved the consultation period, which included informal consultation with all affected businesses prior to the statutory consultation period.
- 4.2 The statutory consultation notice was duly published in accordance with the statutory requirements which included specifying a time period within which written objections may be submitted to the Council. The statutory consultation required notice of the proposals to be published in both a local paper and in the London Gazette identifying the area to be covered by the designation and specifying where maps defining the area concerned may be inspected.
- 4.3 Statutory consultation ran from 17<sup>th</sup> April – 8<sup>th</sup> May and was advertised in the Croydon Guardian, the London Gazette, letters were sent out to all businesses affected and notices were posted on street furniture in the area.
- 4.4 During the consultation period only three responses were received as follows:
- a.** '101 Records' objected on the basis that small businesses are struggling in the Town Centre and that this new policy will make it harder for them to attract customers. Although officers are sympathetic to this view this was the only formal objection that the Council received. There are many other small businesses that currently use A Boards who have not objected to the proposal.
  - b.** Croydon Podiatry responded with a series of questions regarding how the proposal would operate and although raised some concerns, did not formally object. All of the queries were answered satisfactorily with no further dialogue between the Council and the business.
  - c.** London Travel Watch responded to say that the proposal did not go far enough. As a group they object to all 'A-boards', citing them as

obstructions. Officers consider this view to be quite extreme and one that is not supported by case law. Furthermore, officers have built in factors to take account of footway width to achieve a balance between use by businesses and users of the highway.

- 4.5 Before the Council may designate an area, following completion of the statutory consultation, the Council is required to take into account any objections received. Given the low number of responses and the fact that there was only one formal objection to them it is recommended that the proposal be adopted as was originally set out to Cabinet in December 2012 (*Appendix A and B*).
- 4.6 If the designation is made, there are further publication requirements which the Council must comply with, as well as notification to all objectors which will need to be undertaken. The notice of designation must specify a date, between 14-28 days from publication of the notice, on which the designation comes into effect.

## **5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 5.1 **The effect of the decision** - The main financial implications for the Council in the introduction of this policy is the cost of consultation and publication of the relevant notices and application forms. These will be met within existing budgets. There may also be legal costs incurred in prosecuting offences under these provisions, although applications would be made for costs to be awarded at Court if successful. The enforcement of the policy will be the responsibility of the Area Enforcement Officers assigned to the Town Centre area.
- 5.2 There will be income from the Licence applications initially and at the five year renewal period. Licence costs are set by government at £335 for each application. This is likely to generate income of approximately £50,000 in the first year and then again at the five year renewal period. There is also the potential for a small income from fines for non-compliance and in subsequent years as new businesses apply for Advertising Boards. All of this income is likely to be offset by the costs of administration and other officer time incurred in the management and enforcement of the policy. As a result, there are no budget implications.
- 5.3 **Risks** – there are no financial risks with this proposal. The only investment is in officer time to administrate the regulation with no financial outlay required. The income generated from the regulation will offset the costs of managing the scheme. There is a reputational risk that small businesses may feel that the policy will have a detrimental effect on their ability to attract customers although this was not borne out by the consultation exercise, which only received one objection to the proposal.
- 5.4 **Options** – there are effectively three options, the two of which that have been discounted are detailed in section 12.
- 5.4.1 The first is to do nothing. Doing nothing will mean that there will continue to be a proliferation of advertising boards that will only get worse if not addressed.

5.4.2 The second is to implement the policy Borough in the Town Centre as per the recommendation in this report.

5.4.3 The third option is to implement the policy Borough wide. The risk with option three is that the business case for regulation is stronger for the Town Centre given the proliferation of them. The Town Centre can also be used as a test site to ensure the process is effective before considering rolling it out further.

5.5 (Approved by: Dianne Ellender, Head of Finance - Planning & Environment and Capital)

## **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

6.1 The Solicitor to the Council comments that there is a statutory process for consideration and designation of a “designated area” for the purposes of regulation of portable advertisements under the London Local Authorities Act 2007, including a statutory consultation period, consideration of any objections and publicity requirements, as is detailed within the body of this report.

6.3 (Approved by Jessica Stockton, Corporate Solicitor, for and on behalf of the Council Solicitor, Monitoring Officer & Director of Democratic and Legal Services)

## **7. HUMAN RESOURCES IMPACT**

7.1 Officers will be provided with in-house training prior to commencement of enforcement. This will enable effective and consistent enforcement of the designated area to be carried out. There are no other human resource implications arising from the report.

7.2 (Approved by: Adrian Prescod, HR Business Partner, for and on behalf of Interim Director of Workforce, Interim Chief Executive department)

## **8. EQUALITIES IMPACT**

8.1 An initial EqIA was carried out following the statutory consultation period in respect of the proposed regulation of portable advertisements within the Town Centre. The Assessment did not identify any negative impacts upon protected characteristic groups. Many positive benefits were identified, including improving access for people with protected characteristics and those who do not. This EqIA was revised from one conducted before the consultation period whereby it was identified that a full EqIA was not required. Following statutory consultation a full EqIA is still not required.

## **9. ENVIRONMENTAL IMPACT**

9.1 As described above the Town Centre has seen an increase in the number and types of advertisements displayed on the public highway where it is considered that regulation is required. The large size and clusters of shop advertisements such as ‘A-boards’ and hand-held placards are causing significant obstruction to the users of the highway. Through the prohibition and regulation of these

advertisements it will improve the impact of the visual amenity of the area and will reduce the health and safety concerns for users of the highway, especially within the conservation area.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

10.1 Croydon Town Centre as the retail and transport hub for the borough suffers from disproportionately higher levels of crime and anti social behaviour than other areas and the Police and Council allocate patrol resources to the Town Centre as a priority. The addition of extra powers to enable the Council enforcement team to provide an enforcing and regulating role within the Town Centre will be beneficial.

## **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

11.1 The recommendation to designate the area within the Town Centre for the purposes of prohibiting the display of portable advertisements within the Town Centre is based on the identified increase in the number and types of advertisements displayed on the public highway in the designated area. The large size and clusters of shop advertisements such as 'A-boards' and hand-held placards are causing significant obstruction to the users of the highway.

11.2 Through the prohibition and regulation of these advertisements the aim is that this will improve the impact of the visual amenity of the area and will reduce the health and safety concerns for users of the highway, especially within the conservation area.

## **12. OPTIONS CONSIDERED AND REJECTED**

12.1 Option 1. Do nothing and retain the status quo. The need to regulate as described above has come about following feedback from Council patrol and enforcement officers and businesses within the Town Centre as represented by Croydon BID. This option was not considered viable as it does not address the increasing nature of advertisements on the highway or satisfy the concerns of businesses and enforcement officers.

12.2 Option 2. Implement the policy as described above but to extend to other parts of the Borough. The business case is stronger for the Town Centre area being based on reported consents from businesses and enforcement officers. If the policy is successfully implemented within the Town Centre then consideration can be given to rolling it out in other district centres.

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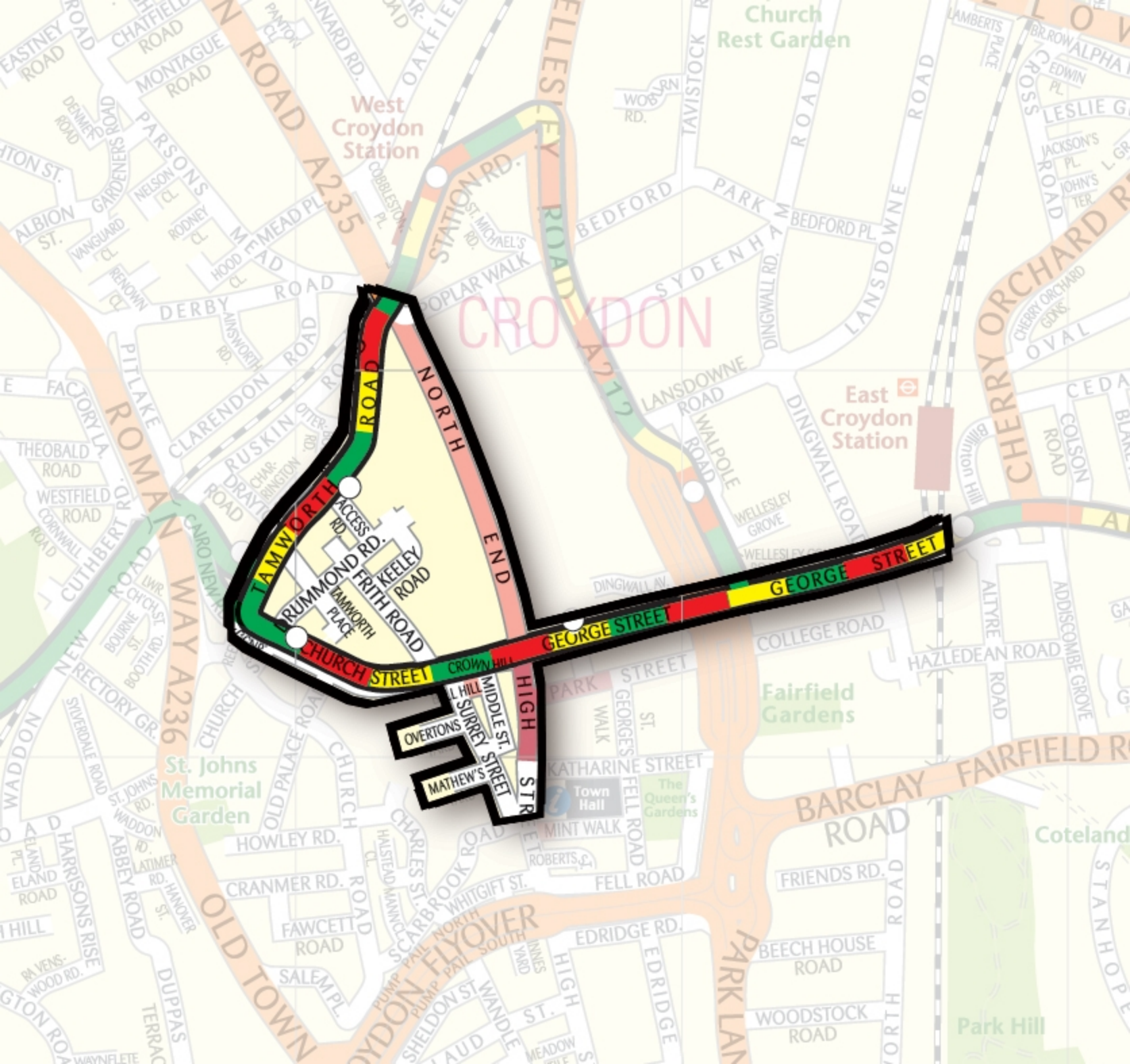
### **CONTACT OFFICER:**

**Anthony Brooks, Director of Public Safety and Public Realm, tel. 020 8760 5433**

### **BACKGROUND PAPERS LOCAL GOVERNMENT ACT 1972: none**

#### **Appendices**

- Portable Advertising Policy
- Designated Area Map
- Portable Advertising question and answer briefing



West Crofton Station

East Crofton Station

CROFTON

St. Johns Memorial Garden

Fairfield Gardens

Coteland

Park Hill

Church Rest Garden

ROMAN ROAD A235

ELLESLEY ROAD A272

CHERRY ORCHARD ROAD

OLD TOWN CROFTON FLYOVER

BARCLAY FAIRFIELD ROAD

MATHEW'S STR  
SURREY STR  
MIDDLE STR  
CROWN HILL

GEORGE STREET

GEORGE STREET

FRITH ROAD  
KEELEY ROAD  
FRITH PLACE  
RUMMOND RD

NORTH END

CHURCH STREET

EASTNEY ROAD  
CHAITFIELD ROAD  
MONTAGUE ROAD  
PARSONS ROAD  
RODNEY CL  
HOOD MEAD PL  
M MEAD PL  
DERBY ROAD  
PITLAKE ROAD  
CLARENDON ROAD  
RUSKIN ROAD  
DRAYTON ROAD  
THEOBALD ROAD  
WESTFIELD ROAD  
CORNWALL ROAD  
CUTHBERT ROAD  
NEW ROAD  
RECTORY GR  
SILVERDALE ROAD  
HARRISON'S RISE  
WADDON ROAD  
ST. JOHN'S RD  
WADDON RD  
LATIMER RD  
HANOVER ST  
DUPPAS TERRACE

WOLVERN RD  
TAVISTOCK ROAD  
BEDFORD PARK  
SYDENHAM  
DINGWALL RD  
LANSLOWNE ROAD  
WALPOLE ROAD  
DINGWALL ROAD  
WELLESLEY GROVE  
WELLESLEY G  
DINGWALL AV  
COLLEGE ROAD  
HAZLEDEAN ROAD  
ALTYRE ROAD  
ADDISCOMBE GROVE  
PARK LANE  
EDRIDGE RD  
BEECH HOUSE ROAD  
WOODSTOCK ROAD  
STANHOPE ROAD  
FRIENDS RD  
MINT WALK  
ROBERTS ST  
FELL ROAD  
KATHARINE STREET  
GEOGES ST  
PARK WALK  
ST. GEORGES ST  
THE QUEEN'S GARDENS  
TOWN HALL



# London Borough of Croydon Policy Statement

## Advertisements displayed in the Town Centre

June 2013

## Introduction

Over recent times the Town Centre has seen a growth in numbers and types of advertisements displayed on the public highway. The situation has now reached a point where the Council has recognised that regulation is required over these advertisements in the Town Centre.

The only realistic and achievable option is to designate an area for prohibition of hand-held advertisements under section 5 of the London Local Authorities Act 2007, combined with introducing a policy for licensing ('Express Consent') the traditional shop advertisements (hereafter referred to as 'A-boards') within this area.

Although the initial focus is on the Town Centre it is intended in the future to look at extending the proposal to incorporate other areas. The long term aim is to improve local areas where clusters of A-boards create significant problems for users of the Borough's public highways.

## The Legislation

Sections 5 & 6 of the London Local Authorities Act 2007 enable Local Authorities to designate areas for prohibiting portable advertisements. Sections 220 & 224 of the Town & Country Planning Act 1990 and associated planning regulations enable Local Authorities to license A-boards under the normal advertisement consent process. There needs to be a framework underpinning the legislation to guide the Council's Planning Control department when considering applications for A-boards within the designated area.

This Policy seeks to provide this framework with criteria for consideration as '*Appendix A*'. Please note that there is no requirement for signage to be in place for a designated area under this section.

## Monitoring of Designated Area

Regular monitoring of the designated area shall be carried out by Croydon Council. The Planning Authority are required by the regulations to maintain a list of all applications for Express Consent to display advertisements; From this a list shall be produced by Planning Control on a quarterly basis showing portable advertisements that have Express Consent. The list should be distributed to relevant personnel involved in monitoring & enforcement.

## Breaches of Express Consent

Any advertisement displayed in contravention of the conditions upon which Express Consent was granted, or displayed without having Express Consent, may be removed without warning. The Local Authority may, in addition to removal, choose to institute legal proceedings for any offences they believe to have been committed.

## Advertisements displayed outside the designated area

It is recognised that there are advertisements displayed outside the designated area without Express Consent. Some of these advertisements may have been displayed for over ten years and would be eligible for Deemed Consent under the Regulations.

Croydon Council, being the Highway Authority, monitors the Borough's highways in respect of cleanliness, defects, etc. As such the Council is also responsible for dealing with advertisements that are judged to be causing either a significant obstruction to users of the Highway or could pose a genuine risk to drivers by obscuring sightlines at junctions, etc. These decisions are taken on a case by case basis, with removal of the advertisement carried out as necessary under the Highways Act 1980.

**NB – Hand held placards displayed outside the designated area are exempt from the regulations, but can be dealt with under the Highways Act if appropriate.**

## Express Consent within the designated area

If granted, Express Consent lasts for 5 (five) years under section 220 of the Town & Country Planning Act 1990.

After two consecutive 'five year cycles' of approval from the Planning Authority an advertisement may benefit from 'Deemed Consent' whereby it may no longer require approval from the Planning Authority provided that the conditions for Deemed Consent are complied with. Please note that one of the conditions for Deemed Consent is approval from the land owner, namely the Council's Highways department.

*Croydon Council, in it's capacity as the Highway Authority, will expect the location, size, and all other requirements outlined in 'appendix A', to be adhered to for continued permission to display any A-board on the public highway within the designated area.*

## Appendix A

### Criteria for Advertisement Consent within the Designated Area

The following criteria shall be applied when considering applications for the consent to place an A-board within the designated area on the public highway:-

1. No A-board is to be situated within 2 (two) metres either side of the tram lines along the section adjacent to Crown Hill.
2. There should be a minimum of 2 (two) metres clear footway adjacent to at least one side of an A-board for consent to be granted at any proposed location, except in North End where a minimum of 3.7m on one side is required for Emergency Services vehicular access. This is in line with the Council's street trading licensing policy which also requires a minimum of 2 (two) metres clear footway (TFL require 2.8m clearway on footways).

*NB – For North End specifically to ensure the required access shops will only be granted consent for an A-board situated directly outside their premises (i.e. adjacent to the shop front). The only exception to this would be for premises with valid street trading licences where the goods occupy the width of the premises and an alternative is agreed.*

3. No A-board should be situated at traffic junctions where they could hinder sight lines of drivers.
4. No A-board should be situated by pedestrian crossings (i.e. adjacent to the tactile paving) where they could hinder sight lines. Applications to display an A-board at the kerbside where a pedestrian crossing is nearby should be a minimum of 2 metres from the crossing.
5. Each business within the designated area shall be limited to consent to display 1 (one) A-board on the public highway subject to the criteria for consent set out in this Policy. A-boards, including the base if detachable, shall only be displayed whilst the premises is open for business. Any A-board displayed when a business is closed will be removed, and may lead to withdrawal of consent.

6. The maximum permitted dimensions are:

Perpendicular Height - **1.15m (3' 9")**

Width (inc. base) - **0.8m (2' 7.5")**

This equates to a maximum of 0.92m squared.

7. A premises which contains more than one business on a sub-letting basis, for example a phone card booth within a shop, or a business in possession of a valid street trading licence for the premises, will be treated as one business for the purposes of this Policy and can only apply to display one A-board. In respect of businesses with more than one branch/outlet within the designated area they can apply to display one A-board for each branch/outlet, i.e. each branch will be treated as a separate premises. Each branch/outlet will have to apply separately for consent to display an advertisement.

**8.** The construction of each A-board shall be as follows –

Be of rigid base, freestanding, the fascia shall be fixed to both the top and bottom of the frame, with no sharp edges or protruding parts that may be of danger to pedestrians. All A-boards shall be maintained in good condition, and any rusted hinges or other parts replaced.

**9.** If Express Consent is granted following an application (“first express consent”), it is valid for a period of 5 years only after which it shall lapse and a further application is required. If Express Consent is granted for a second period of 5 years (“second express consent”) directly following the expiry of the first express consent it may, on expiry of the second express consent, qualify for deemed consent provided that the conditions for such deemed consent are and continue to be fulfilled. Such conditions include any conditions which were applicable to the relevant express consent when granted.

**NB: The Authority reserves the right to prohibit the display of A-boards that have Express or (after ten years) Deemed Consent on specific days or times if special events/circumstances make it necessary to do so. For example this may be during major football tournaments or other sporting/cultural events and would be done in conjunction with the Metropolitan Police.**

**The Local Authority shall give the business/premises at least twenty-four hours notice prior to the prohibition.**

**10.** The Planning Authority shall have regard to the proximity between A-boards, in particular where ‘clusters’ may form, and the public rights of access to adjoining thoroughfares when considering applications. Usually no more than two A-boards should be sited adjacent (side by side) to each other.

**11.** No A-board shall be attached/affixed to or leant up against any street furniture by any method (e.g. by chaining it to a lighting column).

**12.** No A-board relating to a business within the designated area shall be displayed outside of the designated area unless granted separate Express Consent by the Planning Authority.

**13.** The Planning Authority shall have regard for access for emergency services vehicles when considering applications.

**14.** Consent will not be granted if the application involves attaching an advertisement to a bicycle or otherwise moving or transporting an advertisement within the designated area. For avoidance of doubt, this means a specific location to display the advertisement must be included with any application.

**15. Hand-held placards are prohibited within the Designated Area by virtue of a resolution passed by Croydon Council.**

**16.** Applications may be refused if they do not meet the criteria in paragraphs 1-13 or due to other advertisements having already been approved at or near a location. Express Consent may be reviewed by the Council and could be subject to removal if the advertisement does not continue to satisfy the criteria specified in the Policy Statement for the duration of the consent.

**17.** Businesses situated outside the designated area wishing to display an 'A-board' within the designated area **will not** be granted Express Consent. Businesses which have one side or a frontage adjoining the designated area will be permitted to apply to display an A-board within the area.

**18.** No advertisement that is deemed to be offensive will be permitted to be displayed.

**19.** If a business relocates to outside the designated area the Express or Deemed Consent for displaying an A-board within the designated area shall cease at this time. A-boards displayed within the designated area after the business has relocated may be removed without notice.

**20.** Consents to display any advertisement within the Designated Area are not transferable. If a premises has a change of ownership then the existing approval ceases and a new application must be submitted.

*The above criteria are for guidance only and do not prohibit additional conditions being stipulated by the Planning Authority when considering granting Express Consent on any individual application.*

## **Appendix 3**

### **Advertisements designated area questions answered**

Croydon Council is proposing to designate an area in the town centre for prohibition on hand-held advertisements and controlling the display of A-boards. Here we set out to answer some of the questions that people with shops in the affected area may have.

#### **What is a designated area?**

A designated area is one where the council license the display of advertisements, such as 'A-boards' as well as prohibit hand-held placards. The legislation governing a designated area is [sections 5 & 6 of the London Local Authorities Act 2007](#).

#### **Which locations are included in the designated area?**

A map is available and can be downloaded below or viewed at Central Library Katherine Street, Croydon, CR9 1ET. The roads covered by the designated area are mainly North End, Tamworth Road, George Street, Church Street, Crown Hill, part of High Street and Surrey Street.

#### **Why has the Council introduced this?**

There has been a progressive increase in the number, size and type of advertisements in the town centre. This has reached a point that the council feel it impacts negatively on the health & safety of the public's shopping experience and is detrimental to the visual amenity, together with the council's aspirations for Croydon to achieve city status.

Further to the above, regulation is felt necessary to ensure the highways remain as clear as is practicable for people to use, including people with disabilities, users with buggies and prams, and emergency services. To facilitate this, the council propose adopting a set of criteria in a Policy Statement on the display of advertisements against which applications will be considered.

It is appreciated that some businesses have displayed A-boards for a long time; however the proposed changes are viewed as proportionate and necessary given the cumulative effect of the increased numbers, size and types of advertising in the town centre.

## **What about businesses elsewhere in Croydon?**

At this stage the council is targeting resources at the town centre, however if successful in improving the town centre, the council may consider regulating other areas in the future. At present the council's Highways & Community Safety departments deal with A-boards that are causing a problem on an individual basis.

## **How do I apply for permission to display an advertisement?**

All applications have to be submitted to the council's Planning Control department. You can do this by:

**Post to:** Planning Control, Taberner House, Park Street, Croydon, CR9 1JT

**Online:** [register via the online planning portal](#)

The application (whether electronically or otherwise) must include a plan which -

- is drawn to an identified scale,
- shows the direction of North,
- identifies the location of the site by reference to at least two named roads,
- identifies the proposed position of the advertisement, and
- identifies the location of the premises.

If you submit your application by post, you must include three copies of the completed form and a copy of the plan.

## **Can I appeal if my application for advertisement consent is declined?**

Yes, to the Planning Inspectorate who are an independent body, you can contact them at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes) or by telephone on 0117 372 6372.

Appeals must be made **within 8 weeks** from the date of receipt of the decision.

## **If permission is given, how long does it last for?**

5 years provided no breaches of the conditions of consent occur. After two '5 year periods' of consent an advertisement would benefit from deemed consent, whereby no further applications would be needed to the council's Planning department.

After the 10 year period the council may permit the A-board to remain on the public highway provided the conditions that were accepted when the advertisement was approved by the Planning department are adhered to; In



other words the A-board must be the same size, be displayed at the same location, same times, sound structure, etc.

If the A-board does not meet the original conditions of consent then the council may prohibit the advertisement after this time under the Highways Act and remove it.

### **What costs are involved?**

The fee is currently £385 per application. This amount is set by the government and is not decided by the council.

Payment must be sent with the application. This is non-refundable, and covers the 5 year period of approval.

### **What are the penalties for displaying an advertisement without consent or not complying with the conditions of consent?**

It is a criminal offence which, if prosecuted in Magistrates' Court, currently carries a maximum fine of £2,500 (level 4 on the Standard Scale, which level is increased periodically by the government). The council may also remove the advertisement from the public highway.