

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.