

Enforcement and Advertisements

Further to a recent Member Training session on Advertisement Control, the following report is presented to Members for noting.

The display of advertisements is subject to a separate consent process within the planning system and they are controlled with reference to their effect on amenity and public safety only.

This is principally set out in the Town and Country Planning (Control of Advertisements) Regulations 1992. For planning purposes, 'advertisement' is defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended) as:-

any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.

In 2017 the Enforcement Officer investigated 51 cases where advertisements were being displayed without the appropriate consent. This is a criminal offence and the companies concerned were advised that they were contravening the Advertisement Regulations with a Caution also being issued. In the majority of cases the advertisements were removed however, where they were not removed the matter was referred to the Legal Section for prosecution.

In March 2018, the Legal Section proceeded with four prosecutions and the results are as follows:-

- Cold Black Label were found guilty in their absence and given a fine of £990.00, £400.00 legal costs, £136.00 investigation costs and £99.00 victim's surcharge;
- Coyoti Ski & Snowboard were represented in Court and entered guilty pleas. The representative was fined £596.00, ordered to pay £500.00 costs, £166.73 investigation costs and £60.00 victim's surcharge;
- LTS was found guilty in its absence and was fined £666.00, ordered to pay £350.00 legal costs and £66.00 victim's surcharge;
- Pyle Garden Centre were represented in Court and entered a guilty plea. The company was fined £4,000 ordered to pay £650 costs and £140 victim's surcharge.

RECOMMENDATION

That the Report be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None