

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PLANNING COMMITTEE	7 FEBRUARY 2018	6

UNAUTHORISED ADVERTISING ENFORCEMENT

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Last year, the committee authorised a consultation exercise about unauthorised outdoor advertising, with a view to developing an action plan to target enforcement to the areas or types of advert that are regarded as most problematical.

This report sets out the results of the consultation exercise and makes recommendations about the focus of the proposed action plan based on those responses.

The consultation responses suggested that most respondents felt that unauthorised outdoor advertising was a problem that the council should address; that A-boards were the form of advertising that caused the most concern; and that St Annes Town Centre was the area in respect of which concern was the strongest. The recommendation for the action plan reflects those responses.

RECOMMENDATIONS

1. The committee considers the results of the consultation exercise on unauthorised outdoor advertising and identifies areas of focus for an action plan intended to guide enforcement activity.
2. A draft action plan based on those areas of focus be brought before the next available meeting of the committee for endorsement.

SUMMARY OF PREVIOUS DECISIONS

Planning Committee, 24 May 2017:

1. Consult local people and businesses about what the council should do about unauthorised advertising, including the matters summarised in paragraph 17 of the report.
2. Report the results of the consultation to a future meeting of the committee.
3. Where appropriate, use direct action powers under the Town and Country Planning Act 1990 or community protection notices under the Anti-Social Behaviour Crime and Policing Act 2014 to deal with unauthorised advertising where informal engagement has proved impractical or ineffective.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

BACKGROUND TO THE CONSULTATION

- On 24 May last year, the committee considered [a report](#) about the enforcement of legislation for the control of outdoor advertising. This followed concerns expressed by a number of local councillors about the effectiveness of enforcement. The report referred to the relevant regulations and stated that they are traditionally enforced only when there is a complaint. This meant that there was little objective overview of advertising enforcement. The report also addressed the use of more effective enforcement methods.
- The report proposed a consultation exercise leading to the development of an action plan to target enforcement to the areas or types of advert that are regarded as being most problematical. The consultation was carried out late last year and is now reported to the committee, with recommendations about how its results should influence an action plan.
- The consultation was carried out online via [Survey Monkey](#). No personal data (for example, names or email addresses) were collected. However, responders were asked to select an option that best described themselves. The survey was open to anyone who wanted to respond. It was promoted on the council's website. Additionally, emails were sent to the following bodies to invite them to participate: local voluntary or community groups, recent applicants for permission for outdoor advertising consent, local businesses who might be affected by targeted enforcement, parish and town councils, In Bloom groups, [Lancashire County Council](#)'s highways department and the [RNIB](#).
- 92 people or organisations responded to the survey¹. They described themselves as follows²

Someone who lives in Fylde	78.89%	71
Someone who works in Fylde and lives somewhere else	6.67%	6
A visitor to Fylde	3.33%	3
A local business	11.11%	10
A local community or voluntary group	12.22%	11
A national business	0.00%	0
A charity	1.11%	1
A statutory body	2.22%	2
Other (please specify)	Responses 6.67%	6

¹ Not all respondents responded to all parts of the survey.

² The six 'other responses' were: 'Commercial landlord', 'I live in St Annes', 'I am a person with a point of view, i say no advertising for event we do free is not a good way to go. you can give some the ability to do it, and others. its very difficult', 'Lives and works in Fylde', 'Councillor' and 'Councillor- Deputy Mayor'.

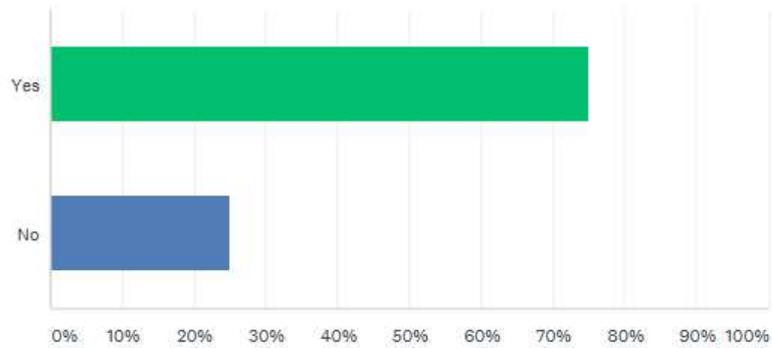
SURVEY RESULTS

5. The survey questions and their responses are set out here:

Q1

Do you agree that unlawful outdoor advertising is a problem that the council needs to address

Answered: 92 Skipped: 0

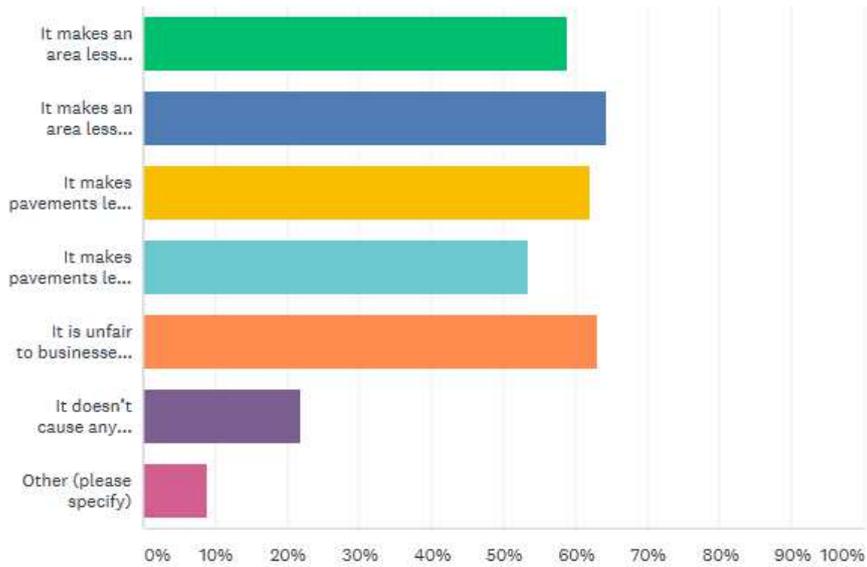


ANSWER CHOICES	RESPONSES	
Yes	75.00%	69
No	25.00%	23
TOTAL		92

Respondents were then asked: *'Please provide us some indication of how much the outdoor advertising concerns you'*. They were asked to indicate their level of concern by moving a slider along a scale where 0 was 'not a problem' and 10 was 'huge amount of distress'. The average response from the 86 respondents to this question was 5, which corresponded to 'mild concern'.

2.What are the main problems that you think are caused by unlawful advertising? (Select any number)

Answered: 92 Skipped: 0



ANSWER CHOICES	RESPONSES
It makes an area less attractive to tourists	58.70% 54
It makes an area less attractive to residents	64.13% 59
It makes pavements less safe for blind or partially-sighted people	61.96% 57
It makes pavements less accessible for disabled people and people with pushchairs	53.26% 49
It is unfair to businesses who abide by the law	63.04% 58
It doesn't cause any significant problems	21.74% 20
Other (please specify)	Responses 8.70% 8

Other responses were:

'It's fine if they only stay up for a bit';

'Coupled with cars parking on pavements mega problem';

'Why should these "businesses" get something for nothing?';

'Obstruction';

'I use an electric wheelchair advertising boards and 'A' frames are a real nuisance and stop me from getting where i want to go';

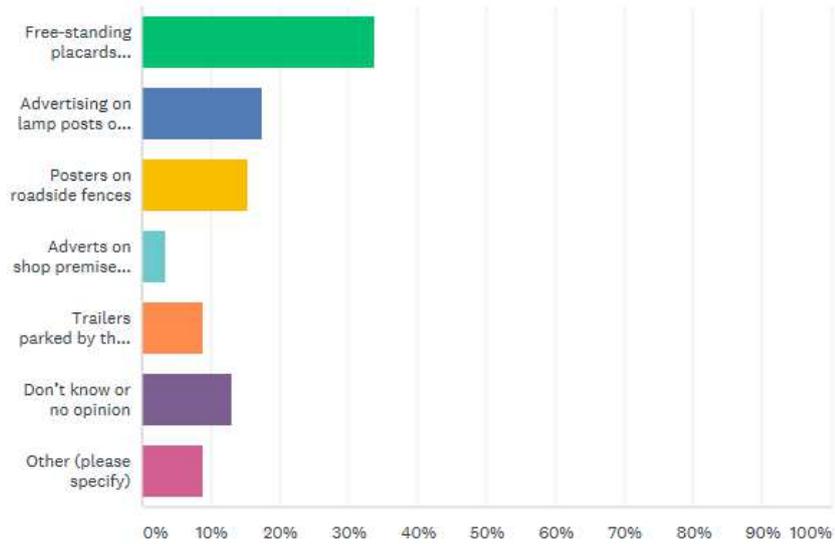
'Depends on the type of advertising. A plethora of 'A' boards in one location can be a mess. Cube's adverts all round town are a mess, yet other 'A' boards are more discreet and acceptable';

'It is a distraction for motorists on our congested roads';

'Distracting to motorists'.

Which (if any) particular kinds of unlawful outdoor advertising do you feel cause the biggest problems? (Select one)

Answered: 92 Skipped: 0



ANSWER CHOICES	RESPONSES
Free-standing placards (sometimes called A-boards)	33.70% 31
Advertising on lamp posts or street furniture	17.39% 16
Posters on roadside fences	15.22% 14
Adverts on shop premises beyond what the law allows	3.26% 3
Trailers parked by the roadside	8.70% 8
Don't know or no opinion	13.04% 12
Other (please specify)	Responses 8.70% 8

Other responses were:

'Only anything dangerous';

'none' (x2);

'Bikes/carts/vans/trucks and other wheeled vehicles chained up to lamp posts or parked at junctions etc';

'Circus posters on empty shops';

'Cars for sale & Hire vans parked on public roads';

'Blocking pavements by Cafe & wine bars especially on Henry Street';

'Adverts for political parties by the roadside for months, and commercial advertising on Lytham green during the various festivals'.

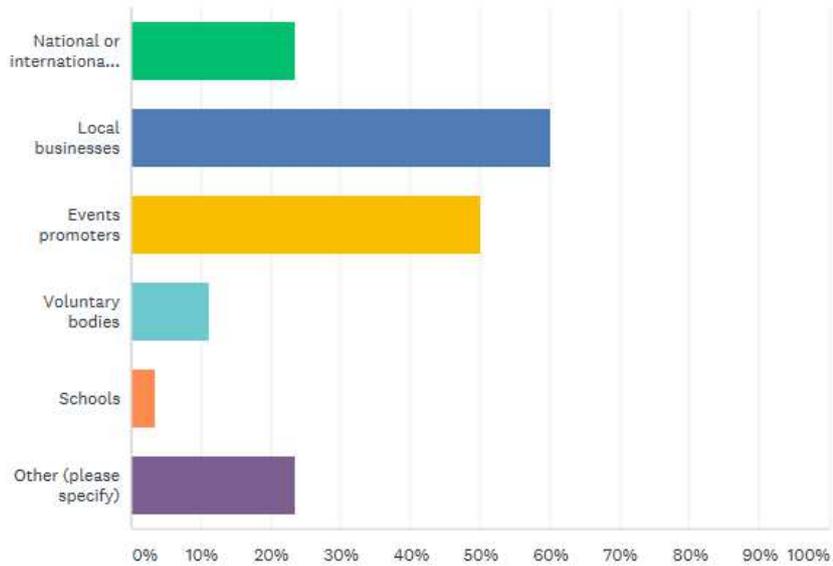
Question 5 was 'Which (if any) parts of the borough do you feel are most affected by problems associated with unlawful advertising?' This was a free text field, with respondents being free to give any response they chose. The responses can be compiled as follows (respondents often gave more than one response):

St Annes/St Annes centre	20
Main roads/junctions	9
Town centres generally	8
Lytham	8
The Crescent, St Annes	8
Kirkham	5
Rural areas	4
Sea front/Promenade	4
New housing developments	2
M55	2
Ansdell	2
Queensway	1
Wrea Green	1
Preston New Road	1
The Green	1
Conservation areas	1

Q6

Which (if any) kinds of organisation do you feel cause significant problems associated with unlawful advertising?
(Select any number)

Answered: 90 Skipped: 2



ANSWER CHOICES	RESPONSES	
National or international businesses	23.33%	21
Local businesses	60.00%	54
Events promoters	50.00%	45
Voluntary bodies	11.11%	10
Schools	3.33%	3
Other (please specify)	23.33%	21

Other responses were:

- 'Developers';
- 'Not noticed a problem – these businesses need to survive';
- 'None' (x6);
- 'I haven't noticed any issues with this';
- 'Don't see it is a problem';
- 'You haven't actually specified the difference between lawful and unlawful';
- 'Building contractors / building sites';
- 'Fast buck schemes, earn x amount a week';
- 'Housing developers';
- 'FBC for leaving planning notices on lamp posts';
- 'Fracking protestors';
- 'Anti fracking (sic.) planning';
- 'Anti fracking';
- 'Cuadrilla'.

ANALYSIS OF SURVEY RESULTS

6. The purpose of the consultation was to inform an action plan for targeted enforcement. The May 2017 report said this about targeted enforcement:

'Instead of being driven by complaints, enforcement would be driven by a hierarchy of priorities: or, to put it more simply, by hotspots. An action plan would set out where the need for enforcement was strongest. The action plan should be developed with the community and elected members, so that the priorities it identifies would command wide support. Priorities might be identified by types of advert (for example, A-boards), or by specific areas (for example, the Square), or by types of advert in specific areas (for example, A boards in the Square). The narrower the focus, the more targeted the enforcement. The focus should be informed by the mischief which is sought to avoid (for example, damage to amenity by proliferation of signs, danger to pedestrians etc.).

'Targeted enforcement would enable officers to give advance warning of formal action over the targeted area, explain why enforcement action is to be taken and justify why a particular advert is the subject of enforcement.'

7. The consultation suggests that there is a measure of support in the community for enhanced enforcement of outdoor advertising regulations, with 75% of respondents identifying it as a problem that the council needs to address³. Most of those respondents see uncontrolled advertising as making the area less attractive to residents and visitors, making pavements less safe and accessible, and regard allowing such advertising to continue unchecked as being unfair to those businesses who abide by the rules.
8. Among the different categories of unauthorised outdoor advertising defined in the survey, respondents saw free-standing placards (or A-boards) as being clearly the most problematical. A third of respondents identified this kind of advertising as causing the biggest problems, almost twice as many as any other category.
9. The responses to the question about the locations most affected by the problems associated with outdoor advertising suggests that St Annes could be a focus for the action plan. 36 respondents identified either St Annes, St Annes town centre, the Crescent or town centres generally. This compares with 16 respondents who identified Lytham or town centres generally, and 13 who identified Kirkham or town centres generally.
10. This analysis suggests that a focus of the initial action plan could be A boards in the central area of St Annes (including the Crescent). Survey responses suggest that local businesses and events organisers are mainly responsible for the adverts that would be targeted by the action plan. This is supported by anecdotal evidence and informal 'on the ground' inspections.

NEXT STEPS

11. Members are asked to identify the areas of focus for the initial action plan, which will then be drafted and brought for endorsement to the next available meeting of the committee. This may be A-boards in the central area of St Annes, as discussed above, or it could have some other focus informed by members' own local knowledge. Members are reminded that all focus is no focus, and that the aim of the action plan is to solve particular problems in a particular locality. Once those problems have been solved, further action plans can be brought forward to solve other or problems in other areas.

³ Enthusiasm for enforcement should not be overstated. It is likely that those people who do not have a concern about outdoor advertising would be less likely to have responded, so those who do have a concern may be over-represented among survey respondents compared with the population as a whole.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	The council has a power, but not a duty, to take action to deal with unauthorised advertising.
Community Safety	None arising from this report
Human Rights and Equalities	Taking enforcement action against adverts may engage article 10 of the European Convention on Human Right (freedom of expression). The right protected by article 10 is a qualified right and public authorities can interfere with it if they can show that their action is lawful, necessary and proportionate in order (among other things) to protect public safety, prevent disorder or crime or protect health.
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Survey Monkey survey responses	Accessed 2 January 2018	Town Hall, St Annes