

Date: Tuesday 13 February 2024 at 4.00 pm

Venue: Conference Room 1, Jim Cooke Conference Suite, Stockton Central Library,
Stockton, TS18 1LD

Cllr Richard Eglinton (Chair)
Cllr Katie Weston (Vice-Chair)

Cllr Kevin Faulks
Cllr Shakeel Hussain
Cllr Marilyn Surtees
Cllr Sylvia Walmsley

Cllr Stefan Houghton
Cllr Andrew Sherris
Cllr Hilary Vickers

AGENDA

**5 Scrutiny Review of (Unauthorised) Roadside
Advertising - Draft Scope and Project Plan**

(Pages 7 - 22)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Scrutiny Support Officer Rachel Harrison on email rachel.harrison@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

This page is intentionally left blank

Place Select Committee
Review of (Unauthorised) Roadside Advertising
Draft Outline Scope

Scrutiny Chair (Project Director): Cllr Richard Eglington	Contact details: Richard.Eglington@stockton.gov.uk
Scrutiny Officer (Project Manager): Marc Stephenson	Contact details: Marc.Stephenson@stockton.gov.uk
Departmental Link Officer: Judy Trainer	Contact details: Judy.Trainer@stockton.gov.uk
Which of our strategic corporate objectives does this topic address?	
<p>One of the Councils four key policy principles is creating economic prosperity and the appropriate advertising of businesses and events can assist with achieving this aim.</p> <p>This review will also contribute to the following area of the Council Plan 2023-2026 vision:</p> <p>A place where people are healthy, safe and protected from harm. This means the Borough will be a place where:</p> <ul style="list-style-type: none"> • People live in cohesive and safe communities • People are supported and protected from harm 	
What are the main issues and overall aim of this review?	
<p>Over the last few years there has been a notable increase in the amount of unauthorised advertising material being placed on, or adjacent to the highway. This varies from fly posting on the back of road signs, to trailers specifically designed to be left on, or adjacent to the roadside, including on walls and fencing, and has led to increasing concern within the Council, and from the public. The removal of unauthorised signing can be controversial as the removal of signs can generate adverse comments from businesses and event's organisers. The organisers of smaller events, in particular, often feel aggrieved as the display of signs and or flyers in the locality are often the only publicity for their events.</p> <p>The control of advertising on or adjacent to the highway covers many different service areas (highways, planning, enforcement etc.) and each service tackles the issue as they deem appropriate.</p> <p>Members of the public tend not to be aware of the legal position regarding advertising signs and can be confused about the process for authorisation and therefore may not be aware they are committing an offence or causing a problem.</p> <p>Promotion of local events can assist with social inclusion however inappropriate roadside advertising can also be harmful to the local street scene environment.</p>	

In certain circumstances the inappropriate siting of roadside advertising can constitute a safety hazard to pedestrians and /or a distraction to motorists.

The proposed outcome of the review would be for the Council to adopt a coordinated approach to the control of roadside advertising allowing, where appropriate and safe to do so, legitimate roadside advertising while controlling, efficiently and effectively, inappropriate roadside advertising.

The Committee will undertake the following key lines of enquiry:

What are the main issues surrounding unauthorised roadside advertising?

How do these issues vary across the Borough? Which area(s) is unauthorised roadside advertising most prevalent?

What are the main methods for reporting unauthorised roadside advertising?

What role do the Council's planning, highways and enforcement teams play in dealing with this issue?

How can a coordinated approach to publicise and encourage authorised roadside advertising be developed?

Who will the Committee be trying to influence as part of its work?

Council, Cabinet, public.

Expected duration of review and key milestones:

8 months (reporting to Cabinet in September 2024)

Approve scope and project plan – February 2024

Receive evidence – March – May 2024

Draft recommendations – June

Final report – July 2024

Report to Cabinet – September 2024

What information do we need?

Existing information (background information, existing reports, legislation, central government documents, etc.):

Background information. Existing reports.

HM Government, *Outdoor advertisements and signs: a guide for advertisers* (2007), accessible via: <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>

Who can provide us with further relevant evidence? (Cabinet Member, officer, service user, general public, expert witness, etc.)

Council Officers

What specific areas do we want them to cover when they give evidence?

- Background information
- Evidence relating to key lines of enquiries

Cleveland Police	<ul style="list-style-type: none"> • Reporting and enforcement of illegal roadside advertising
Royal National Institute of Blind People (RNIB)	<ul style="list-style-type: none"> • Issues and concerns for those with visual impairments
<p>How will this information be gathered? (eg. financial baselining and analysis, benchmarking, site visits, face-to-face questioning, telephone survey, survey)</p> <p>Committee meetings, reports, research, benchmarking, site visits (TBC).</p>	
<p>How will key partners and the public be involved in the review?</p> <p>Committee meetings, information submissions, site visits (TBC).</p>	
<p>How will the review help the Council meet the Public Sector Equality Duty?</p> <p>The Equality Act 2010 protects everyone from discrimination on grounds of nine Protected Characteristics (including – but not limited to – age, gender, disability, ethnicity), and advance equality of opportunity for those with Protected Characteristics. Public bodies must have due regard to the need to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.</p>	
<p>How will the review contribute towards the Joint Strategic Needs Assessment, or the implementation of the Health and Wellbeing Strategy?</p> <p><u>Stockton-on-Tees Joint Health and Wellbeing Strategy 2019-2023</u>: All people in Stockton-on-Tees live in healthy places and sustainable communities.</p>	
<p>Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:</p> <p>The control of advertising on or adjacent to the highway covers many different service areas (highways, planning, enforcement etc.) and each service tackles the issue as they deem appropriate. This can lead to different departments tackling issues inconsistently and multi handling the same complaint. A coordinated approach should set out clear responsibilities and avoid double handling issues with any complaint being dealt with efficiently using the appropriate control mechanism.</p>	

Project Plan

Key Task	Details/Activities	Date	Responsibility
Scoping of Review	Information gathering	January 2024	Scrutiny Officer Link Officer
Tri-Partite Meeting	Meeting to discuss aims and objectives of review	22.01.2024	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Agree Project Plan	Scope and Project Plan agreed by Committee	13.02.2024	Select Committee
Publicity of Review	Determine whether Communications Plan needed	TBC	Link Officer, Scrutiny Officer
Obtaining Evidence		11.03.2024 15.04.2024 May 2024	Select Committee
Members decide recommendations and findings	Review summary of findings and formulate draft recommendations	June 2024	Select Committee
Circulate Draft Report to Stakeholders	Circulation of Report	TBC	Scrutiny Officer
Tri-Partite Meeting	Meeting to discuss findings of review and draft recommendations	TBC	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Final Agreement of Report	Approval of final report by Committee	July 2024	Select Committee, Cabinet Member, Director
Consideration of Report by Executive Scrutiny Committee	Consideration of report	TBC	Executive Scrutiny Committee
Report to Cabinet/Approving Body	Presentation of final report with recommendations for approval to Cabinet	September 2024	Cabinet / Approving Body

(Unauthorised) Roadside Advertising

An introduction to the topic and our response

Marc Stephenson

Assistant Director – Transformation, Community Safety and Regulatory Services

What are we going to cover?

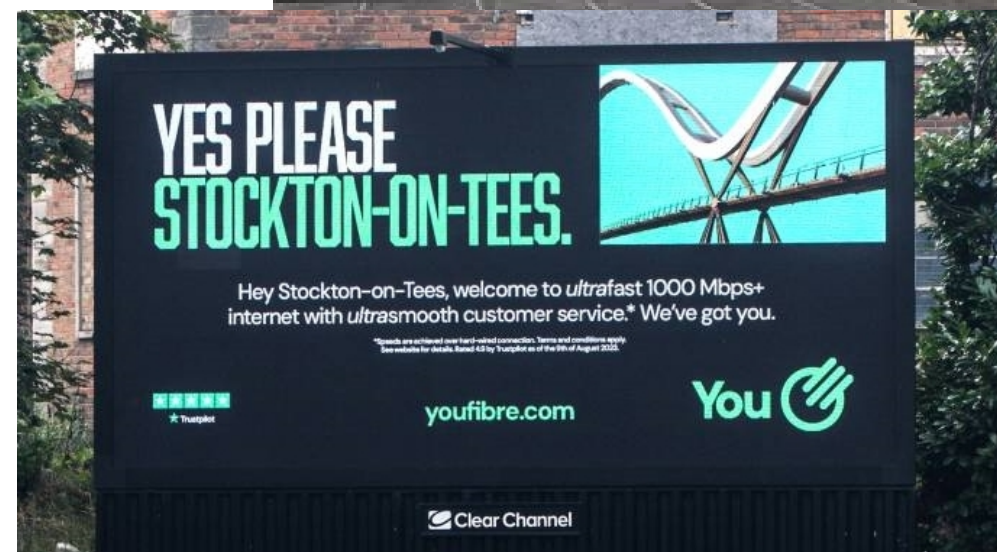
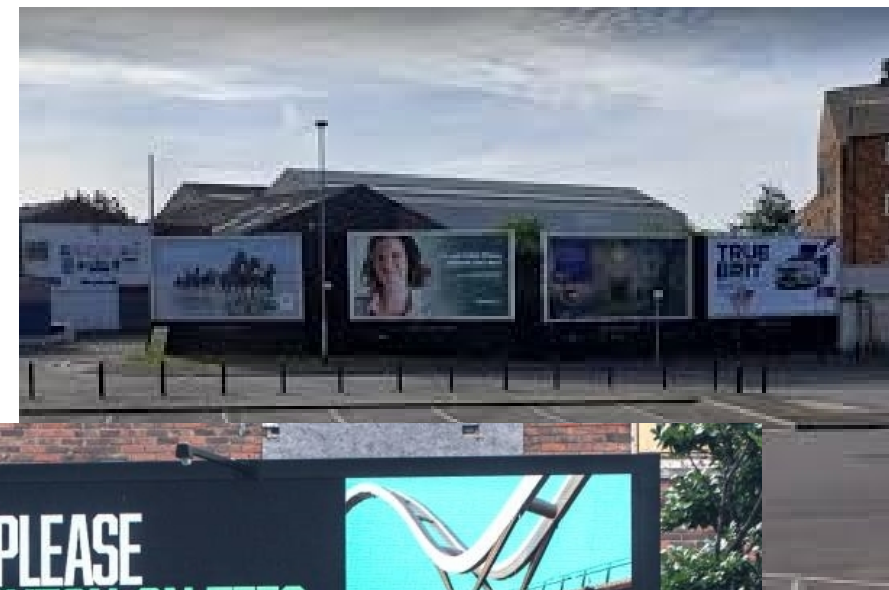
Page 12

- Main issues surrounding unauthorised roadside advertising
- **Existing Powers and Legislation**
- Scale of the problem in Stockton on Tees
- **Reporting and Response**
- Scope

Types of Unauthorised Roadside Advertising?

Page 13

- Different types of roadside advertising, some legal and some illegal either through lack of authorisation or in breach of law.
- **Defined by the Town and Country Planning Act 1990, advertising falls into three main categories;**
 - Those permitted without requiring consent from the authority;
 - Those with deemed consent;
 - Those which require the express consent of the local authority.



Unauthorised Roadside Advertisement

Page 14

“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.”

Banners and Event Advertising

Page 15

- Deemed consent measures under the advertisement regulations which allow for temporary notices or signs for local events providing they are not for commercial purposes.
- **Some limitations that must be followed;**
 - Have a maximum area of 0.6sqm;
 - Have no letters, features, or symbols over 0.75m tall;
 - Installed at a maximum height of 4.6m or below.
 - Be displayed for no more than 28 days before an event and removed 14 days after the event has finished.
- There are different rules for conservation areas which look to protect these areas further
- **No real issues identified by service area in terms of demand.**



Fly Posting

Page 16

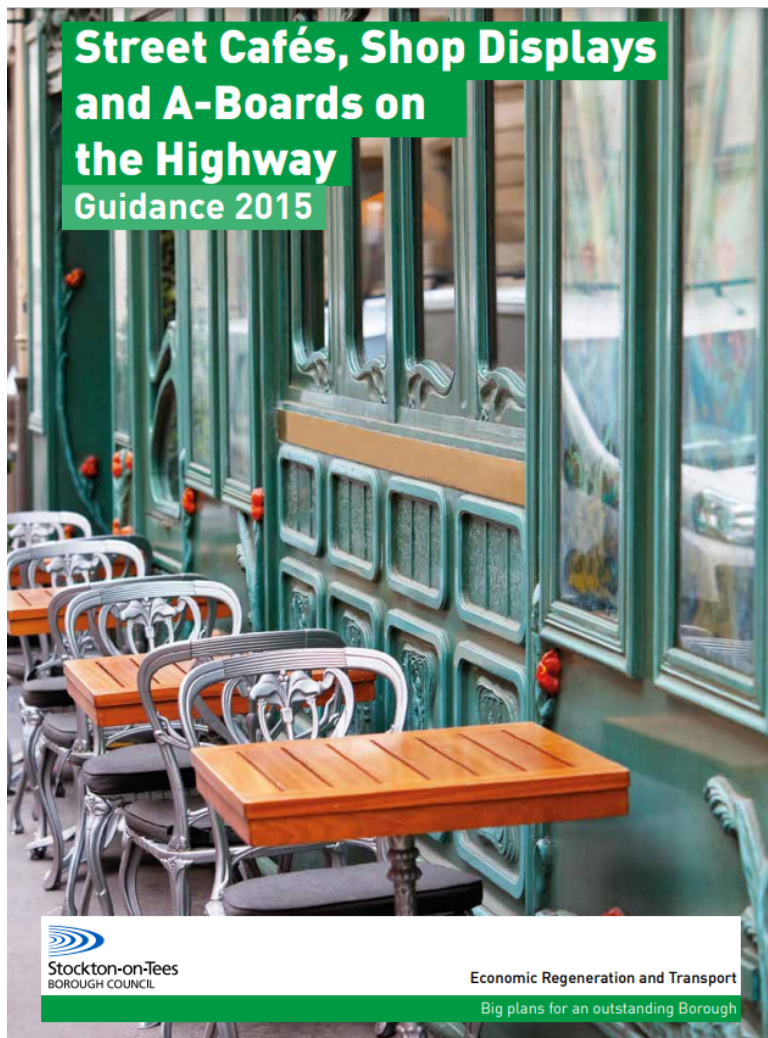


- Fly posting is the illegal display of advertising material in public areas, which creates a negative impression of an area.
- **Fly posting around junctions and on road signs can also have an impact on road safety for both drivers and pedestrians.**
- This covers the display of flyers, posters and stickers which are often attached to street furniture, fences and buildings.
- **Illegal under s.224(3) Town and Country Planning Act 1990 and s.132 Highways Act 1980.**
- Can be dealt with through fixed penalty notices (£80) or prosecution with maximum penalties of £2,500 at Magistrate Court.

Page 17 Roadside Trailers

- Advertisements on vehicles or trailers parked in fields, in verges or left in laybys require express consent.
- **Advertisements on vehicles that are moving do not usefully require express consent, but this is a grey area and we have had issues.**
- Trailers or advertisement boards attached to vehicles which move regularly are dealt with through existing highway regulations.
- **Anti-social behaviour powers also used locally to tackle repeat issues which impact on our communities.**
- Mainly an issue on main arterial routes into and out of town centres with a high levels of traffic.





- Following a scrutiny review in 2015, a new set of guidance on seating, shop displays and advertisement boards was developed to support businesses but protect pedestrians.
- **Outside seating was superseded by new legislation for pavement licenses put in place during Covid-19.**
- Advertisement boards require expressed consent and permission under highway legislation but scale of the issue meant a guidance document was produced to support businesses.
- **Examples of good and bad practice included alongside clear guidance on what can and can not be done to promote businesses.**
- Well received and since its introduction, the level of complaints remain low and compliance remains high.

Existing Powers and our Response

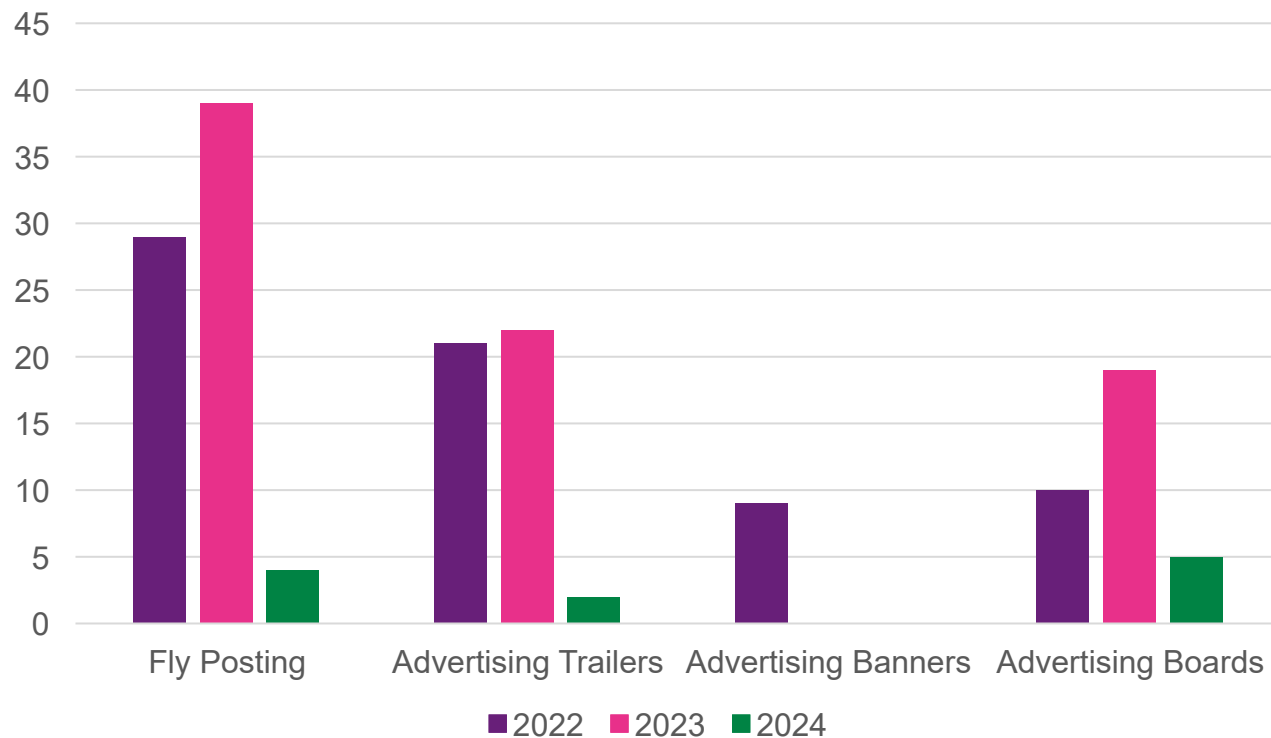
Page 19

- The powers to enforce the legislation on unauthorised roadside advertisements are held between community safety (enforcement and trading standards) and planning services.
- **Depending on the type of complaint will inform who is best placed to deal with the matter at hand.**
- All complaints relating to unauthorised roadside advertisements are initially assessed and recorded by community safety and where possible they are resolved either through education and advice, warnings or enforcement action.
- **Complaints relating to planning considerations and passed to planning services for action if all methods of resolving without enforcement action are exhausted.**
- Most of all complaints received over the past two years have been resolved without the need for legal action.



Current Response

Total Number of Complaints



- 161 requests for service from the public since 1st April 2022.
- **Represents 0.7% demand for service from the public when compared against all requests to our community safety services over the same period.**
- Fly posting the main area of concern, linked to commercial areas of the borough such as Portrack Lane, Stockton Town Centre and Bon Lea Industrial Estate.
- **No complaints to the service regarding banners since 2022 and the introduction of a clearer planning position.**

Page 21
Permitted Signage



Thank you

Any questions from the committee?