

# (Unauthorised) Roadside Advertising

An introduction to the topic and our response

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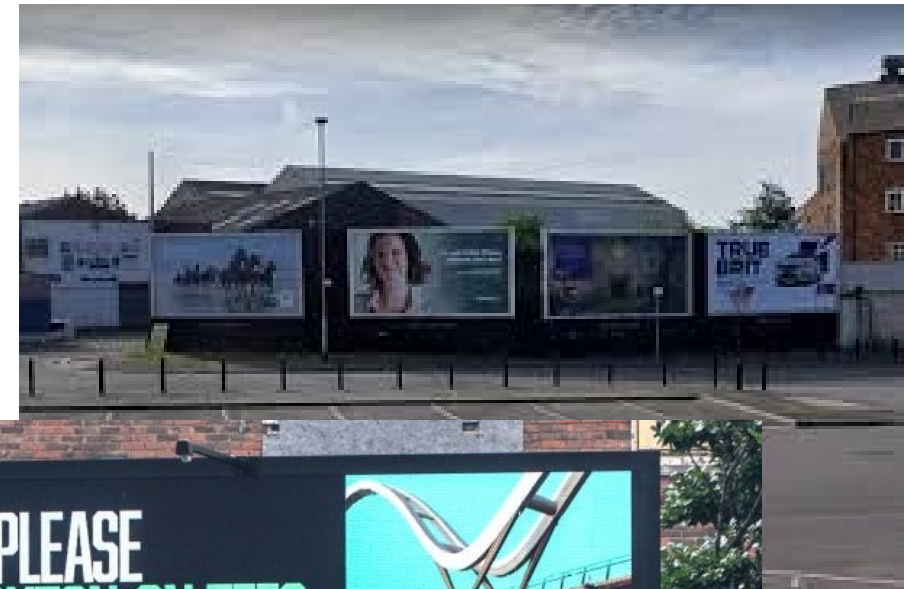
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# What are we going to cover?

- 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?

- 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

*“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

- 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



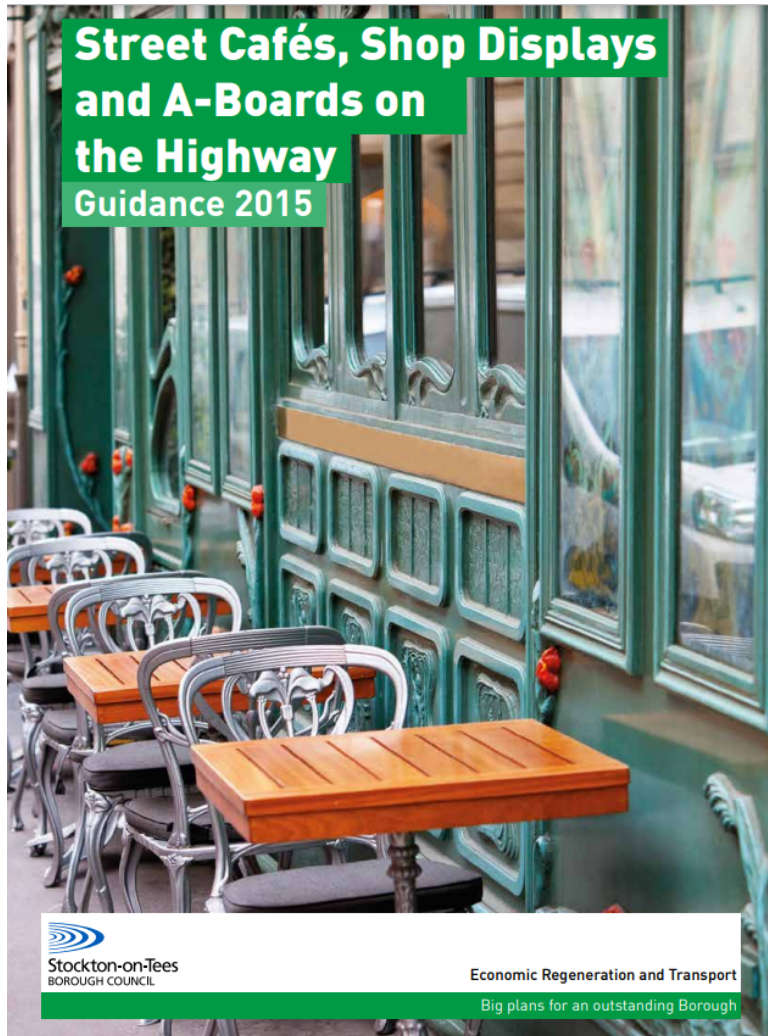
- Fly posting is the illegal display of advertising material in public areas, which creates a negative impression of an area.
- **Fly posting around junctions and on road signs can also have an impact on road safety for both drivers and pedestrians.**
- This covers the display of flyers, posters and 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.

# 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.



# A-Boards



- 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.



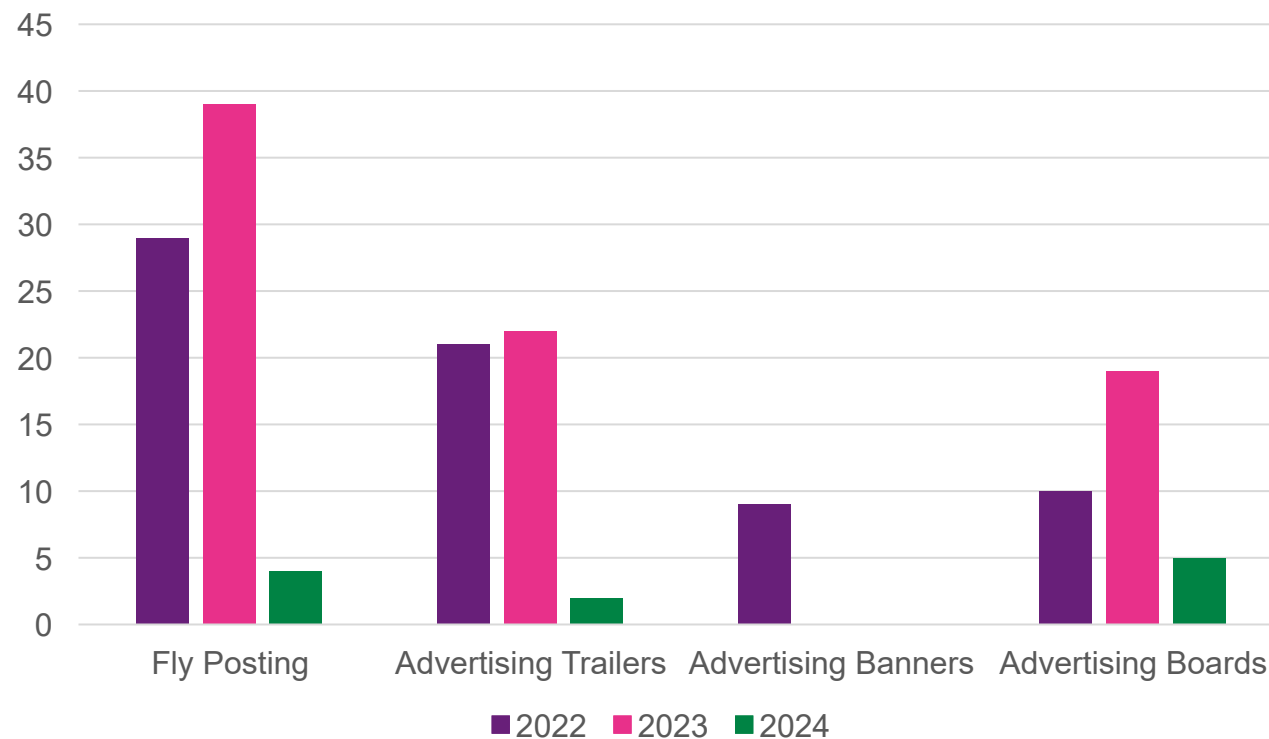
# Existing Powers and our Response

- 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 1<sup>st</sup> 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.**

# Permitted Signage



# Thank you

Any questions from the committee?