

## REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	16 <sup>th</sup> July 2014	AGENDA ITEM:	12
TITLE:	LETTINGS BOARDS - PILOT PROPOSAL IN PART OF REDLANDS WARD		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT TRANSPORT AND PLANNING
SERVICE:	PLANNING, DEVELOPMENT AND REGULATORY SERVICES	WARDS:	REDLANDS
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### 1. EXECUTIVE SUMMARY

- 1.1 The rapid growth in the student population in the Borough has had significant impacts on residents and communities, particularly in Redlands Ward and parts of Park and Katesgrove Wards. One source of continuing complaint from local residents over recent years relates to the proliferation of estate agent letting boards within these areas.
- 1.2 In responding to the issue, the Lead Councillor for Strategic Environment Transport and Planning invited all estate agents dealing with private lettings in the Borough to a meeting on 20 March 2014 to start to address the issue. The consensus of those agents who attended the meeting was that they would support a voluntary "ban" on boards advertising house and flat "lets". The meeting resolved that a letter be sent by the Lead Councillor to all agents to invite agreement to participate in a pilot that would involve agents volunteering not to use TO LET or LET BY boards in a defined area for a specific period.
- 1.3 That letter has been sent to all agents. This report sets out the details of the pilot, how the success of the pilot will be assessed and an outline of the other options open to the Council and the local community should the voluntary ban prove not be satisfactory.

### 2. RECOMMENDED ACTION

- 2.1 That Committee notes and endorses the contents of the letter recently sent to all agents involved in the letting of private rented property in the

	Borough inviting them to take part in a voluntary ban on the use of letting boards;
2.2	That Committee notes the alternative options available to the Council and the local community should the voluntary ban prove not to be satisfactory.
2.3	That Committee notes that a report will be brought back after the end of the voluntary ban trial period setting out the results of the pilot voluntary ban and, if necessary because the voluntary ban has clearly not been successful in reducing the harmful proliferation of letting boards, with proposals for further action

### 3. BACKGROUND AND POLICY CONTEXT

- 3.1 Reading Borough Council has made efforts over the years to tackle issues arising from the growing student population in Reading and the consequent impacts on communities in areas close to the University. The Borough benefits significantly from being home to the prestigious University of Reading as well as other higher education institutions. However, the rapid growth in the student population over the last decade or so, with greater numbers requiring living accommodation in the private rented sector, has had significant impacts on residents and communities, particularly in Redlands Ward and parts of Park and Katesgrove Wards. In response the Council has developed a co-ordinated approach to tackle a range of issues in a number of residential areas.
- 3.2 One source of continuing complaint from local residents over recent years is over the proliferation of estate agent letting boards within these areas. The view expressed is that these have a detrimental effect on visual amenity and can impact on the overall safety within an area.
- 3.3 Letting Boards can be erected without specific permission under what is known as deemed consent. The display of outdoor advertisements is controlled by the Town and Country Planning (Control of Advertisement) Regulations, 1992. This permits certain advertisements, including those relating to the letting of residential property (Schedule 3, Part 1, Class 3A) to be displayed without consent as long as certain conditions are met (refer to Appendix 1). Those conditions include a condition that the advertisement shall be removed within 14 days after the completion of a sale or the grant of a tenancy.

### 4. THE PROPOSAL

#### (a) Current Position

- 4.1 In response to growing complaints about letting boards during 2009, council officers started to record estate agent boards in breach of the Regulations within a defined survey area. Between the end of July and the end of December 2009 there were 138 breaches recorded, the largest proportion of which were in specific areas of Redlands Ward. At this time a letter was also sent to all estate agents known to advertise in the Reading area to remind them of their obligations under the Advertisement Regulations. Any breaches determined at this time were resolved informally by telephone call or letter; agents took the boards down and no further formal action was required.

- 4.2 Further surveys of breaches were undertaken in 2010 and 2011. On 31<sup>st</sup> October 2011 a petition was received from residents in East Reading, requesting the introduction of a ban on the use of Estate Agent signs across East Reading. The petition stated that *"the number of signs displayed across the area is having a serious negative effect and local residents would like to see this practice end"*. As a result of the petition further evidence was gathered in the early part of 2012, and then at the end of 2012 and up to April 2013.
- 4.3 The various surveys show that the main peak period for numbers of letting boards is from November to the end of February each year. This peak is related to the advertising of properties specifically for student lets for the following academic year starting in September/October. The numbers of boards fluctuate during this period with a peak of a total of 313 being recorded in January 2012. The greatest concentration of boards is generally within a limited number of roads within Redlands Ward.
- 4.4 Following further complaints, the Lead Councillor for Strategic Environment Transport and Planning invited all estate agents dealing with private lettings in the Borough to a meeting on 20 March 2014 to address the issue. The consensus of those agents who attended the meeting was that they would support a voluntary "ban" on boards advertising house and flat "lets". The meeting resolved that a letter be sent by the Lead Councillor to all agents to invite agreement to participate in a pilot that would involve agents volunteering not to use TO LET or LET BY boards in a defined area for a specific period. Such a letter has now been circulated to all the identified letting agents.
- 4.5 The letter invites the contacted letting agents to agree to participate in not using TO LET or LET BY boards in the defined area for the period of 1 October 2014 to 31 March 2015 (A copy of the letter is attached at Appendix 2. A copy of the agreement and a plan of the area to which the agreement applies is attached at Appendix 3). The letter makes it clear that the Council is not seeking to restrict For Sale Boards.
- 4.6 Planning Enforcement Officers will work with members of the local community to record and monitor the presence of "to let" and "let" boards and the impacts of such boards, in the defined area over the period of the pilot. Agents not entering into the spirit of the pilot will be contacted and reminded of the pilot. After the end of the pilot period, a report will be prepared for this Committee to consider the success or otherwise of the voluntary ban and any further action as a result of experience of the pilot ban.
- 4.7 The meeting on 20 March 2014 discussed what would happen if a number of letting agencies declined, or failed, to participate in the voluntary agreement. The letter indicates that it would increase pressure on the Council to invoke its statutory powers and make it more likely, subject to approval by the appropriate committee, that the Council will make an application to the Secretary of State for more power to control estate agents boards. Evidence of the failure of a voluntary approach would mean that such an application is much more likely to succeed.
- 4.8 The Council has a number of options if the voluntary arrangement does not succeed in alleviating the problem of the proliferation of letting Boards in particular areas:

- Carry out weekly surveys of the affected areas and “chase” agents of boards that no longer comply with the deemed consent provisions. This is very resource intensive as the surveys and consequent research that has to be carried out on each board to establish its compliance with the deemed consent provisions, and the follow up with the agents, takes considerable time. While this approach was reasonably successful in 2009 and 10, there is no guarantee that the success will be repeated or will continue;
- Carry out weekly surveys of the affected areas, “chase” and carry out enforcement for the removal of the boards. This could prove even more resource intensive with the number of agents operating in the area and the number of properties involved;
- Councils cannot ban the use of lettings boards. However, there is provision for introducing what is known as a Regulation 7 Direction for an area if this can be justified. Such a Direction requires the approval of the Secretary of State. A Regulation 7 Direction would mean that advertisement consent would be needed for all estate agent boards and enforcement action can be taken against unauthorised boards where they are detrimental to public amenity or public safety. Nottingham City has recently had their application for a Regulation 7 Direction approved. This option also has resource implications. In addition, no fee is payable under the Fees for Applications Regulations in respect of an application for consent to display an advertisement if the application is occasioned by a direction under Regulation 7 of the Control of Advertisements Regulations 2007.

(b) Option Proposed

- 4.9 Committee is recommended to note the contents of the letter recently sent to all agents involved in the letting of private rented property in the Borough inviting them to take part in a voluntary ban on the use of letting boards and to note the options available to the council should the voluntary ban pilot not prove to be working.
- 4.10 Should the voluntary ban not work in practice, a report will be brought back to Committee formally considering the alternative options, and any other options, outlined above.

Other Options Considered

- 4.11 The alternative to seeking a voluntary arrangement is either to do nothing or to introduce the alternative options described above. Doing nothing will mean that areas of the Borough continue to be subjected to proliferations of letting boards which have a significant visual impact on the character and appearance of an area. Piloting a voluntary arrangement, as described, offers the opportunity to work in partnership with agents and the community to achieve agreed solutions, which is always preferable to using statutory regulations and enforcement, although those have to be available to the council should voluntary arrangements prove not to satisfactorily resolve the problems being caused. In addition, the justification that will be needed if the Council decides to pursue an application for a Regulation 7 Direction will be strengthened by evidence that voluntary arrangements have been tried and found not to work.

5. **CONTRIBUTION TO STRATEGIC AIMS**

5.1 The proactive approach to dealing with the issues arising from the proliferation of letting boards in certain areas of the Borough will contribute to achieving the following strategic aims:

- The development of Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley;
- Establishing Reading as a learning City and a stimulating and rewarding place to live and visit;
- Promoting equality, social inclusion and a safe and healthy environment for all.

## **6. COMMUNITY ENGAGEMENT AND INFORMATION**

6.1 The Council has sought to respond to community and individual concerns over the proliferation of letting boards in certain areas of the Borough and has sought to engage various stakeholders in the solution to the issues raised. The pilot will be carefully monitored and an opportunity will be provided for stakeholders and the community to comment on the experience. Any representations will be considered prior in reporting back to Committee in the future.

## **7. EQUALITY ASSESSMENT**

7.1 The Scoping Assessment, included at Appendix 3 identifies that an Equality Impact Assessment (EqIA) is not required. The Council has had regard to the general equality duty imposed by the Equality Act 2010 (S.149). This requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation etc.; to advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and to foster good relations between people who share a relevant protected characteristic and those who do not.

7.2 The Council has carried out an Equality Impact Assessment, and considers that the application of the proposed voluntary ban will not have a direct impact on any groups with protected characteristics. A Scoping Assessment has been undertaken (attached at Appendix 3) and it is considered that an Equality Impact Assessment (EqIA) is not required as the voluntary ban will apply to all owners, nor was there evidence or belief that the activities will have a direct impact on any groups with protected characteristics.

## **8. LEGAL IMPLICATIONS**

8.1 There are none arising directly from this information report but as indicated above the success or failure of this voluntary ban will provide useful data/information in any future action that may be deemed necessary including any Regulation 7 Direction.

## **9 FINANCIAL IMPLICATIONS**

9.1 The introduction and monitoring of the voluntary ban will have limited financial and other resource implications in monitoring and following up those not complying with the arrangements. These will be accommodated within existing budgets and resources. The alternative options described that will be

considered further should the voluntary ban pilot not be successful all have significant resource implications that will not necessarily be accommodated within the current resource constraints on the Planning Enforcement Service. Some additional resources may be needed to introduce and in particular provide effective enforcement of any of the alternatives.

#### Risk Assessment

- 9.7 There are no direct financial risks associated with the report.

#### **BACKGROUND PAPERS**

- National Planning Policy Framework;

## **APPENDIX 1: Class 3A of Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

Class 3A of Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 gives deemed consent to an advertisement relating to the sale or letting, for residential, agricultural, industrial or commercial use or for development for such use of the land on which it is displayed.

Class 3A imposes further conditions and limitations as;

- (1) Not more than one advertisement, consisting of a single board or two joined boards is permitted; and where more than one advertisement is displayed, the first to be displayed shall be taken to be the one permitted.
- (2) No advertisement may be displayed indicating that land or premises have been sold or let, other than by the addition to an existing advertisement of a statement that a sale or letting has been agreed, or that the land or premises have been sold or let, subject to contract.
- (3) The advertisement shall be removed within 14 days after the completion of a sale or the grant of a tenancy.
- (4) No advertisement may exceed in area -
  - (a) where the advertisement relates to residential use or development, 0.5sq.metres or, in the case of two joined boards, 0.6 square metres in aggregate;
  - (b) where the advertisement relates to any other use or development, 2 square metres or, in the case of two joined boards, 2.3 square metres in aggregate;
- (5) Where the advertisement is displayed on a building, the maximum projection permitted from the face of the building is 1 metre.
- (6) Illumination is not permitted
- (7) No character or symbol on the advertisement may be more than 0.75 metres in height (0.3m in a Conservation Area)
- (8) No part of the advertisement may be higher above ground level than 4.6 metres (3.6 in a Conservation Area) or, in the case of a sale or letting of part only of a building, the lowest level of that part of the building on which display is reasonably practicable.