

<b>SUBJECT:</b>	<b>REGULATION 7 DIRECTION ON LETTINGS BOARDS</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>SIMON WALTERS, STRATEGIC DIRECTOR</b>

## 1. Purpose of Report

- 1.1 To seek approval for the implementation of a Regulation 7 Direction to remove deemed consent for lettings boards in certain areas of the city following approval from the Secretary of State.

## 2. Executive Summary

- 2.1 In May 2017, work commenced on an application to the Secretary of State for a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 2007. This would remove deemed consent for lettings boards usually given under Class 3(A) of the regulations and would mean that express advertisement consent would be required for lettings boards in the specific areas covered by the Regulation 7 (See Appendix A).

- 2.2 The areas of concern are the Monks Road area, West End area, Sincil Bank area, Union Road and Waterloo Street. These areas were identified through enforcement complaints from residents and Councillors and those identified by officers of the Council.

- 2.3 Surveys of the proposed areas took place in March 2017, September 2017 and January 2018. These surveys identified the number and type of boards being displayed and by whom.

- 2.4 Consultation on the proposed Regulation 7 direction took place between 16 October and 30 November 2017. Individuals, groups and organisations were invited to complete an online questionnaire at [www.lincoln.gov.uk/toiletboards](http://www.lincoln.gov.uk/toiletboards). Paper copies were available at City Hall and representations were also accepted by email at [planningenforcement@lincoln.gov.uk](mailto:planningenforcement@lincoln.gov.uk).

- 2.5 At a meeting of the Policy Scrutiny Committee on 16 January 2018, support was given for the proposal and it was approved by Executive on 26 February 2018.

- 2.6 The evidence report was submitted to the Secretary of State in March 2018 and notice was received of approval of the Direction by the Secretary of State on 11 January 2019.

- 2.7 Following approval by Executive for the application, and approval by the Secretary of State, it is now necessary to seek approval for the implementation of the Regulation 7 Direction.

### 3. Background

3.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 currently gives deemed consent for residential sale and lettings boards provided they meet the following criteria:

- 3.2
- It must not exceed 0.5 of a square metre for a single board
  - It must not exceed 0.6 of a square metre for two boards joined together
  - It must not extend outwards from a building by more than 1 metre
  - Only one board may be displayed on a property
  - It must be removed not later than 14 days after completion of a sale or granting of a tenancy

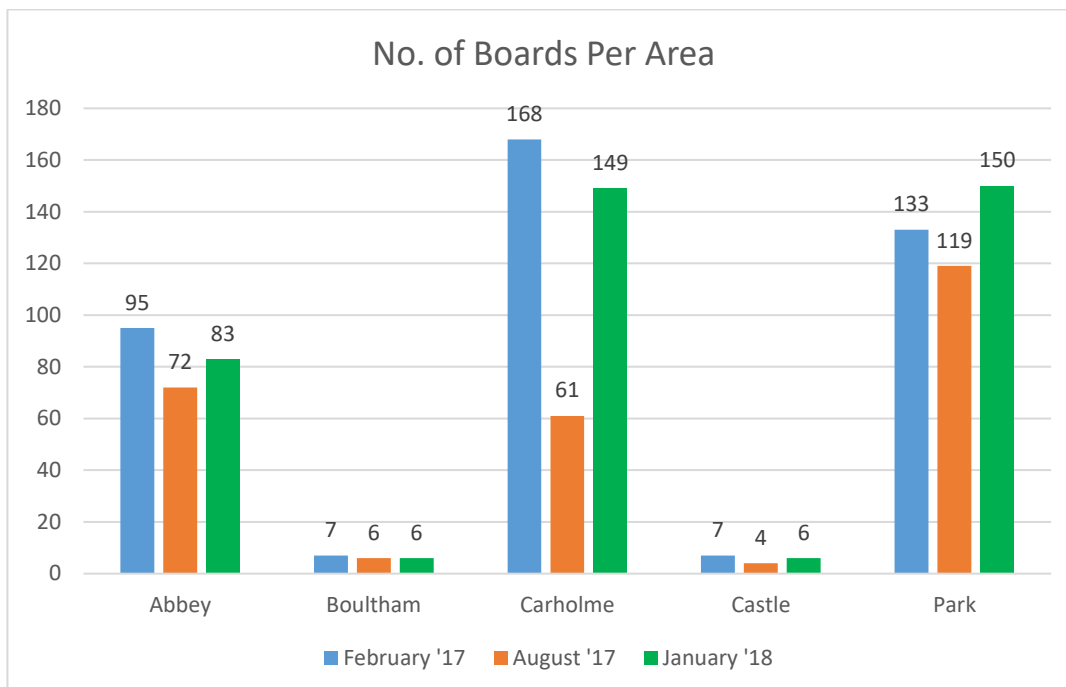
3.3 Boards which do not meet the criteria for deemed consent are dealt with using Planning Enforcement powers under the Town and Planning (Control of Advertisements) Regulations 2007. However, due to the proliferation of lettings boards in certain areas where there are a high number of houses in multiple occupation, this has become increasingly difficult to enforce. The main issue is the continuous display of many boards and the difficulty in establishing if these properties do have rooms available to rent.

3.4 An increasing number of complaints have been received in recent years from residents and Councillors regarding the numbers of letting boards with an apparent correlation between the numbers of houses in multiple occupation and the proliferation of lettings boards. The table below shows the number of enforcement cases relating to lettings boards in recent years.

3.5

Year	Number of complaints
2004/2005	3
2006/2007	3
2008/2009	5
2010/2011	2
2012/2013	0
2014/2015	16
2016/2017	22

3.6 In response to the ongoing concern over lettings boards, three surveys were carried out in the areas identified as being problematic, during March and September 2017 and in January 2018. The graph below shows the number of boards in each of the areas on the two survey dates.



Abbey – Monks Road area  
 Boutham – Waterloo Street  
 Carholme – West End  
 Castle – Union Road  
 Park – Sincil Bank area

3.7 In terms of percentage of boards on properties, the most problematic streets identified were as follows:

Street	% of properties on street displaying a board
Ripon Street	24.83%
Union Road	22.22%
Rudgard Lane	21.74%
Charles Street West	20.83%

3.8 The issue of lettings boards was also identified in the Sincil Bank Place Shaping Strategy with residents in this area expressing concern over “streets marred by ugly ‘to let’ boards “. One of the recommended actions identified in the strategy was that a Regulation 7 Direction is made to bring the display of such boards under control in the Sincil Bank area and it is felt that such action may be considered beneficial in the other areas identified as problematic and shown on the map at Appendix 1.

3.9 A consultation took place between 16 October and 30 November 2017 where stakeholders’ views were invited.

3.9.1 The key milestones for the Regulation 7 direction are outlined below:

<b>Regulation 7 direction</b>	
<b>Key Milestone</b>	<b>Date</b>
First letter to agents	22 November 2016
Initial surveys	March 2017
Second letter to agents	17 May 2017
Second lettings board surveys	September 2017
Consultation with stakeholders	16 October – 30 Nov 2017
Decision from Policy Scrutiny	16 January 2018
Decision from Executive	26 February 2018
Preparation of evidence report to Secretary of State (SoS)	From January 2018
Application to SoS	March 2018
Approval by SoS	January 2019
Decision from Executive	25 February 2019
Letter to agents informing them of the Direction	w/c 18 March 2019
Press advert in Lincolnshire Echo and London Gazette	22 March 2019
Implementation date	8 April 2019
Survey of remaining boards	w/c 15 April 2019

#### 4. Consultation Results

4.1 A total of 134 responses were received from stakeholders and these are broken down below into the category of responder:

<b>Respondent</b>	<b>No. of responses</b>	<b>% of responses</b>
<b>Owner/Occupier</b>	89	66.42%
<b>Tenant</b>	15	11.19%
<b>Letting agent</b>	16	11.94%
<b>Student</b>	9	6.72%
<b>Landlord</b>	1	0.75%
<b>Other</b>	4	2.99%
<b>Total</b>	134	

4.2 The first part of the questionnaire sought stakeholders' views on the perceived level of harm caused by lettings boards in the city. Stakeholders were asked whether they considered lettings boards in their particular area of the city to be 'no problem at all', 'not a very serious problem', a 'fairly serious problem' or a 'very serious problem' - the results are shown below.

	<b>No. of responses</b>	<b>% of responses</b>
<b>No problem at all</b>	17	12.69%
<b>Not a very serious problem</b>	11	8.21%
<b>Fairly serious problem</b>	24	17.91%
<b>Very serious problem</b>	81	61.19%
<b>Total</b>	134	

4.3 Stakeholders were then asked whether they would prefer to see a restriction on lettings boards or a complete ban. The results are shown below:

<b>Respondent</b>	<b>Restriction on boards</b>	<b>Complete ban</b>
<b>Owner/Occupier</b>	21	68
<b>Tenant</b>	6	9
<b>Letting agent</b>	14	2
<b>Student</b>	0	1
<b>Landlord</b>	3	1
<b>Other</b>	5	4
<b>Total</b>	49	85

4.4 It is worth noting that although the above table shows only one student responding with a preference for a complete ban on lettings boards, this response actually came from Lincoln University Student Union who responded on behalf of their members. The reasons given for their preference were that they believed the use of boards to be outdated as students now use University lists or websites as a means of finding available accommodation. They also commented that they believe lettings boards to be a risk to the occupants of the properties as there may be a perception that the property is empty during holidays, resulting in burglaries.

4.5 Whilst the total number of boards has reduced slightly between the first and second surveys, officers consider that there is a problem with the number of 'To Let' boards displayed in parts of the City in terms of their visual impact and remain of the view that a formal application to the Secretary of State would be appropriate.

## **5 Organisational impacts**

### **5.1 Finance**

The financial impact identified is Officer time which will be absorbed in the existing Development Management structure.

### **5.2 Legal implications**

The display of lettings boards which are not considered deemed under the Town and Country Planning (Control of Advertisements) Regulations are currently subject to prosecution. Similarly any boards which are displayed in the areas covered by a Regulation 7 Direction will be subject to prosecution and the impact on the Legal Team as a result of the implementation of this Direction should be unchanged. As with all offences dealt with by the Planning Enforcement Team, every effort is made to rectify the breach without recourse to legal proceedings where possible.

### 5.3 Equality, Diversity and Human Rights

Consideration has been given to the impact on equality, diversity and human rights and the Equality Impact Assessment toolkit has been reviewed. The consultation provided an opportunity for residents and tenants to raise any concerns, and the consultation response from the Students' Union did suggest a potential positive impact on student properties. The removal of letting boards would improve the appearance of the area and improve community cohesion. Otherwise it was concluded that there are no direct impacts to be assessed.

## 6 Risk Implications

A risk assessment has been produced and is included as Appendix B.

## 7 Recommendation

7.1 Executive is asked to approve the implementation of the Regulation 7 Direction to removed deemed consent for the display of lettings boards in the Monks Road area, West End area, Sincil Bank area, Union Road and Waterloo Street with a view to implementing a ban on lettings boards in these areas.

<b>Is this a key decision?</b>	No
<b>Do the exempt information categories apply?</b>	No
<b>Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?</b>	No
<b>How many appendices does the report contain?</b>	2
<b>List of Background Papers:</b>	None

Appendix A



© Crown copyright and database rights 2017 Ordnance Survey 100018414  
LINCOLN

Proposed Regulation 7 Direction Areas

Scale: 1:15000 at A4  
Version 2: 28-Sep-2017





RISK REGISTER TEMPLATE

<b>Likelihood</b>		A Almost Certain	Retain	Transfer Modify Retain	Avoid Transfer Modify	Avoid Transfer Modify	<i>Occurs several times per year. It will happen.</i>
		B Probable	Retain	Prioritise for Modifying Retain	Transfer Modify Retain	Avoid Transfer Modify	<i>It has happened before and could happen again.</i>
		C Possible	Retain	Prioritise for Modifying Retain	Prioritise for Modifying	Transfer Modify Retain	<i>It may happen but it would be unusual.</i>
		D Hardly Ever	Retain	Retain	Retain	Prioritise for Modifying Retain	<i>Never heard of it occurring. We can't imagine it occurring.</i>
			4 Negligible	3 Minor	2 Major	1 Critical	
			Impact				

<p><b>RISK REGISTER FOR: Regulation 7 Direction applications</b></p> <p><b>VERSION: 1</b></p> <p><b>REVIEWED (DATE): September 2017</b></p> <p><b>OWNER: D Morris</b></p>



Risk No:	Risk Description: Risk, cause and consequence	Risk Owner Job title or initials	Risk Appetite 1. Hungry; 2.Creative & aware; 3.Cautious; 4.Averse	Controls/Actions Actions that have or can be taken to reduce the likelihood and/or impact		Current Risk Score	Target Risk Score at end of January 2018	Assurance – status (tool 9) (Full, Substantial, Limited, Inadequate)	Assurance – Direction of Travel (Improving, Static, Declining)
				Current/Already in Place	Required Mitigation (inc timescales)				
1	Lack of response to stakeholder consultation	DM	2	<ol style="list-style-type: none"> <li>Article to be placed in Your Lincoln</li> <li>Webpage set up with online questionnaire</li> <li>Paper copies of questionnaire on request</li> <li>Mailshot to agents, residents, landlords association, lettings agents, universities</li> </ol>					
2	Missing deadlines for meetings and application	DM	2	<ol style="list-style-type: none"> <li>Project plan</li> <li>Regular progress meetings with Team Leader and Planning Manager</li> </ol>					
3	Refusal of application to Secretary of State	DM	2	<ol style="list-style-type: none"> <li>Comprehensive board surveys</li> <li>Adequate consultation exercise</li> </ol>					
4	Negative publicity for the Council	DM	2	<ol style="list-style-type: none"> <li>Consultation with stakeholders</li> </ol>					

Risk No:	Risk Description: Risk, cause and consequence	Risk Owner Job title or initials	Risk Appetite 1. Hungry; 2. Creative & aware; 3. Cautious; 4. Averse	Controls/Actions Actions that have or can be taken to reduce the likelihood and/or impact		Current Risk Score	Target Risk Score at end of January 2018	Assurance – status (tool 9) (Full, Substantial, Limited, Inadequate)	Assurance – Direction of Travel (Improving, Static, Declining)
				Current/Already in Place	Required Mitigation (inc timescales)				