

SUBJECT:	REGULATION 7 DIRECTION ON LETTINGS BOARDS
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	KIERON MANNING, PLANNING MANAGER

1. Purpose of Report

- 1.1 To provide an update on the application to the Secretary of State for a Regulation 7 Direction in certain areas of Lincoln, prohibiting the display of lettings boards.
- 1.2 To provide an update on post-implementation action against unauthorised lettings boards by the Planning Enforcement team.

2. Executive Summary

- 2.1 Due to the increase in complaints about the proliferation and constant display of lettings boards in certain areas of Lincoln, approval was sought to apply to the Secretary of State for a Regulation 7 Direction to prohibit the display of lettings boards within the identified areas of concern.
- 2.2 The matter was brought to Policy Scrutiny Committee on 16 January 2018 and approval was gained at Executive on 25 February 2019 to move forward with the application.
- 2.3 Approval from the Secretary of State for the Regulation 7 Direction was received on 7 January 2019 and the Direction was implemented on 8 April 2019.

3. Background

- 3.1 An increasing number of complaints had been received over the years regarding the proliferation of continuously displayed lettings boards in certain areas of the city where there are a high number of houses in multiple occupation. This was becoming increasingly difficult to enforce using the usual enforcement powers due to the difficulty in establishing whether the properties did actually have any rooms available to let.
- 3.2 At a meeting of CMT on 9 May 2017, approval was given for the commencement of the process of applying 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).
- 3.3 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.

- 3.4 Surveys of the proposed areas took place in March 2017, September 2017 and again in January 2018. These surveys identified the number and type of boards being displayed and by whom.
- 3.5 Consultation on the proposed Regulation 7 direction took place between 16 October and 30 November 2017.
- 3.6 The proposal was brought to Policy Scrutiny Committee on 16 January 2018 and the application and evidence report was submitted to the Secretary of State in March 2018.

4. Progress since approval by Policy Scrutiny and Executive Committee

- 4.1 Following submission of the Council's application in March 2018, the application for a Regulation 7 Direction was approved by the Secretary of State on 7 January 2019 and the Regulation 7 Direction came into force on 8 April 2019.
- 4.2 During a survey in January 2018, a total of 394 boards were being displayed in the five areas in question. On 15 April 2019, one week post-implementation, 29 boards were still being displayed which were subsequently removed following contact from Planning Enforcement. A further 9 have been erected since the implementation of the Regulation 7 Direction but were subsequently removed following contact from Planning Enforcement. At the date of this report, one board remains and we are currently in the process of contacting the owner about this.

Before



After



The above photos show Ripon Street before and after the implementation of the Regulation 7 Direction.

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. Otherwise it was concluded that there are no direct impacts to be assessed.

6. Risk Implications

No additional risk identified.

7. Recommendation

- 7.1 Members are asked to note the introduction of the Regulation 7 Direction which prohibits the display of lettings boards in the Monks Road area, West End area, Sincil Bank area, Union Road and Waterloo Street and note the success so far in relation to the reduction in the number of boards.

Is this a key decision?

No

Do the exempt information categories apply?

No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

None

List of Background Papers:

None