



Unauthorised Advertisement Protocol

The Town and Country Planning (Control of Advertisements) Regulations 2007 seeks to control the display of advertisements. The legislation sets out the various types, styles and locations of advertisements and the circumstances in which express consent (a form of permission) is required. The regulation also permits a great number and variety of adverts that do not require express consent from the Local Planning Authority. In addition, Cheltenham Borough has several Areas of Special Advertisement Control. Notwithstanding these controls, the need to apply for consent to display advertisements is not well known and historically the legislation has been difficult to understand.

This has led to the erection of numerous unauthorised advertisements over the years, which have never been properly addressed. This is the case within Cheltenham Borough as it is nationally.

However, there is a further element to advertisement control. In displaying an advertisement without prior consent from the Local Planning Authority, not only has a planning breach occurred, but also a criminal offence has been committed. The Planning Enforcement team therefore, have been devising a more concise and effective means of tackling this problem by looking outside of the planning regulations and seeking to deal with the unauthorised adverts as a criminal matter. Essentially, once an advertisement is being displayed without consent and the Local Authority has collected the evidence to this effect, then the criminal offence has been committed. This means the matter can be referred to the Legal Services Section for prosecution proceedings to begin.

There are of course many factors to consider when taking this approach, not least being the costs, time and resource implications in undertaking legal proceedings. Furthermore, the fact that a successful prosecution does not generate revenue for the Planning Department means that a more considered and efficient approach is necessary. Creating a no compromise 'zero tolerance' policy against all unauthorised adverts would not be reasonable or achievable.

Instead, the Planning Enforcement Section have been looking specifically at types and styles of adverts that can be controlled in this manner, the most common being banners and temporary adverts. It is often the case that banners are used to promote sales, events, offers and general information about businesses or forthcoming activities. In the right location and when properly fixed, the use of banners can be acceptable for short periods of time. However, when temporary adverts are used for long term gain and incorrectly or inappropriately attached to land and / or buildings, it creates a littered and often detrimental effect on the land and surrounding area. Furthermore, those who seek the relevant consent through the right channels to display advertisements, particularly within the Area of Special Advertisement Control, must also be considered to ensure a consistent approach is created.

To tackle this topic, the Planning Enforcement Section has worked with the Legal Services Section and devised a simple yet strong procedure in informing the offending parties of their responsibility, but also to ensure satisfactory compliance and a route to prosecution if required. The process involves an initial site visit and the issuing of a letter to the owners of the site or those gaining some benefit from the advertisement. The letter formally requests the removal of the advert within 7 days, which if not complied with will result in legal proceedings.