

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 11 NOVEMBER 2015

REPORT BY: HEAD OF PLANNING AND BUILDING CONTROL

DELEGATED AUTHORITY FOR SERVICE OF SECTION 225A
NOTICES (REMOVAL NOTICES)

WARD(S) AFFECTED: All

Purpose/Summary of Report:

- To allow the Committee to consider granting delegated authority to issue and serve Removal Notices under Section 225A of the Town and Country Planning Act 1990 (as amended), and to undertake further associated actions.

RECOMMENDATIONS FOR DECISION: That:

(A)	Authority be delegated to the Director of Neighbourhood Services and the Head of Planning and Building Control to serve Removal Notices as may be required in relation to any location in East Herts District, and to take further steps as maybe required to secure the removal of any such structure if the notice has not been complied with; and
(B)	The authority detailed in (A) above to expire at the end of May 2016, to enable further consideration to be given to the matter through the annual review of the Council's Constitution.

1.0 Background

1.1 There are currently a number of structures in place within the East Herts District, being used for the display of unauthorised advertisements, which would not be considered as acceptable. In order for action to be taken in these cases it is currently necessary for a report on each case to be submitted to the Committee for authorisation. Prosecution is currently the action which can then be taken, but this can result in considerable delay in achieving a desired outcome and there is a risk that the outcome may not be in the Councils favour.

1.2 Direct action can already be undertaken in relation to flyposting, such as the unauthorised display of banners or posters, by way of removing the unauthorised adverts and notifying, were possible, the owners of the banners/posters that any further instances will be dealt with via prosecution. No further authority in relation to that action is sought here.

2.0 Report

2.1 Section 127 of the Localism Act 2011 inserted a number of new sections into the Town and Country Planning Act 1990 (as amended) which extended the powers of Local Planning Authorities with regard to removing unauthorised advertisements and recovering the costs. Section 225A specifically relates to the power to remove structures used for unauthorised display.

2.2 The powers available under Section 225A enable the Local Planning Authority to issue a "Removal Notice" in respect of any unauthorised advertisement structure. Such a structure is defined as (a) a hoarding or similar structure used, or designed or adapted for use, for the display of advertisements; (b) anything (other than a hoarding or similar structure) principally used, or designed or adapted principally for use, for the display of advertisements; (c) a structure that is itself an advertisement; or (d) fittings used to support anything within and of the paragraphs (a) to (c).

2.3 A Removal Notice must allow the relevant party at least 22 days, beginning with the date of the notice, in which to remove the unauthorised structure. Failure to comply with the Removal Notice would enable the Local Planning Authority to remove, and dispose of, the unauthorised display structure. It also allows it to recover, from any person on whom the Removal Notice has been served, expenses reasonably incurred by the Local Planning Authority in exercising the power.

2.4 The powers under Section 225A are considered to be a potentially useful tool for ensuring that any unauthorised advertisements, which do not fall under the category of flyposting, can be removed effectively and with significantly quicker outcomes than prosecution. However, in cases where repeat offenders fail to comply with removal notices, the use of prosecution would still be available.

2.5 Having delegated powers to issue Removal Notices would allow Officers to act more effectively and within a timely manner with regards to unauthorised advertisements and their structures within the District. Delegated authority is therefore sought to serve these notices and to take the follow up action where necessary. Members are being asked to enable this delegation to be operated in the period up to the next regular review of the Councils Constitution.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None.

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