



Reference: FOI-322

Request:

I would like to know the process by which the decision was reached to allow the Londis shop on Seatonville Road in Monkseaton to continue to display a digital advertising board.

This LED display projected through the shop window from 7 am until 11 pm daily from September to December 2021 even though planning permission had been neither sought nor granted. In particular please provide me with:

1. Copies of North Tyneside council policy documents consulted in (or relevant to) the decision-making process following my complaint.
2. Copies of all communications between the North Tyneside council planning department staff and Equalities officer (or equivalent in the legal department) consulted in the decision-making process.
3. Copies of all communications between the council and the Londis shop in relation to my objection to this LED display and responses.
4. Details of the training that members of North Tyneside council planning department officers considering this case have undertaken in Equalities and the Public Sector Equality duty. Who provided this training and when was it provided? How does the council ensure that new recruits are adequately trained with regard to equalities legislation?
5. Did North Tyneside council explicitly consider the individual's disability/ protected characteristic and the impact the decision made would have upon that person – if so, please provide evidence that this was considered and why no action was taken for three months.

Response:

1. Planning Enforcement investigations are undertaken in accordance with our published Planning Enforcement Guidance (2017): North Tyneside, which can be found [here](#)

Regard is had to planning legislation and national planning practice guidance in undertaking investigations and taking action. Enforcement and post-permission matters, which can be found [here](#)

2. No consultation was undertaken with an Equalities Officer or equivalent. Therefore, there are no documents to provide.



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3. A letter to request the submission of a retrospective planning application was sent to the shop operator in November 2021. This letter was generated by the Authority planning system and no copy was saved, therefore cannot be provided.

There was no other written communication between the planning enforcement team and the Londis shop operator. The planning enforcement officer initially visited the premises on 13 October 2021 and spoke with staff present. His notes are set out below:

“I visited the shop and spoke with the manager. He didn’t know whether the sign was theirs or Londis. This was not the sign I had suspected but a smaller freestanding unit situated within the shop, approx. 300mm from the shop window. The regs still apply and the advertising area measures 70 x 125cm = 0.875m² and therefore exceeding deemed consent limitations marginally. I gave the shop manager my contact details and asked that someone contact me to discuss this. They may make an application for consideration. Photos taken.”

A further visit by the Planning Enforcement Officer accompanied by the Planning Manager took place on 8 December 2021 and the notes of that visit are set out below:

“I spoke with the shop assistant who agreed to turn off the unit by unplugging the power supply. I explained that despite requests an application has not been provided and it should not be on. He said the shop manager should be in this afternoon and gave me his mobile number.”

4. Planning services were outsourced to Capita under a long-term contract that commenced on 1st November 2012. The arrangement will last until 2027. As this service is provided for the Council by Capita, which is a private company it is exempt from the provisions of the Freedom of Information Act.

North Tyneside Council employs three staff in the planning team. The posts and the dates equality training was most recently undertaken are set out below. Training is required to be completed every 3 years.

Planning Manager – training last undertaken 24/01/2022

DC Area Manager – training last undertaken 18/11/2020

Principal Planning Officer – training last undertaken 09/11/2020

The training is provided by North Tyneside Council and comprises an online course.

As part of the new starter induction programme, all new staff are required to complete a range of training, which includes equality and diversity.



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5. The complaint investigated was received on 22 September 2021 from a local Councillor. Investigation began on 8 October 2021 with a first visit on 13 October 2021 when the shop manager was asked to contact the planning enforcement officer. It is normal practice to make contact with the perpetrator and discuss a breach of planning control before taking action and to invite a planning application where this is appropriate. This was followed up with calls to the shop to progress this matter when the operator was requested to reduce the brightness of the screen and switch it off when the shop was closed.

A further complaint was received on 2 November 2021 and this made specific reference to a person with a disability. It was explained in correspondence of 23 November 2021 that “Where an advert has been installed without permission formal enforcement action can be taken but in accordance with national policy and guidance, it must be proportionate to the breach of planning control to which it relates. Many breaches are resolved via the submission of a retrospective planning application. If it is considered that a retrospective application is likely to be supported and there are no clear reasons for refusal enforcement action would not be expedient to pursue. In the context of the advertisement you have brought to our attention, the Enforcement Officer has visited the premises again and asked that the manager to switch the advertising display unit off when the shop is closed and to reduce the brightness when it is in use. The operator has been advised that the advert requires consent and requested to submit an application so that this can be considered by the LPA. To date this has not been submitted but the enforcement case remains open. An application seeking advertisement consent will allow the Council, as local planning authority, to consider this appropriately. I will share the information provided with the planning team and ask the Planning Officer to research your particular circumstances in more detail when considering this application.”.

By 8 December 2021 the advertisement remained operational and no application had been submitted and so during a further visit the advertisement was unplugged.

No further action was taken as the advertisement was not observed to have been switched on again. No application was submitted.

In terms of how the impact of the advert on the person with protected characteristics was considered, consideration of this impact led to officers requesting a retrospective application for the advert so that these impacts could be considered. In accordance with national enforcement guidance, if not for this impact, the advert was considered to be acceptable on its planning merits and no action would have been progressed.