

Record of Delegated Non Executive Decisions by Officers

1. Authority for the removal and destruction of unauthorised adverts and structures securing the adverts across the Borough

Delegation Reference: LG52

The Council's scheme of delegation, within the authorisations given to the Head of Law and Governance at LG52 (i) to "serve, vary or withdraw advertisement removal or defacement notices".

This decision has been delegated to one or more officer(s) under:

- (a) A specific express authorisation (provide the date, report and decision of Council, Committee or Sub-Committee etc which delegated this to the specific officer(s))
- (b) a general authorisation to take such decisions **and**, the effect of the decision is to:
- (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position.

Insert a cross in the appropriate box(es)

2. Name and Title of Decision Maker

Vivienne Geary, Head of Law and Governance

3. Details of any Conflict of Interest and any Dispensation granted in respect of such Interest

None

4. Executive Summary(To be taken from written report)

This is one of two decisions relating to actions required to progress the removal of unauthorised signage located on the highway at Whitley Road, North Tyne Industrial Estate. The removal of the signs is a two stage process. This first stage is to serve notice on the owner of the signs to advise of the Authority's intention to remove them, and recover removal costs, if not removed within a specified period (not less than 22 days). Authorisation for the service of the notice falls within the remit of the Head of Law and Governance. Authorisation for its removal falls to the Head of Environment, Housing & Leisure and is subject of a separate report and decision.

The unauthorised signs are business adverts which are being displayed in contravention of Regulations (The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 made under section 220 Town and Country Planning Act 1990. To secure their removal authorisation is sought to invoke Sections 225 and 225A of the Town and Country Planning Act 1990 which allows the Authority to write to the person responsible for the advert (s), giving them a time frame for removal. If it is not removed the Authority will remove and destroy the advert. The costs of removal and destruction can be reclaimed from the person responsible. The notice also relates to the removal of the structures to which the adverts are fixed.

5. Alternative options considered

Prosecution can be considered for placement of the advert however this does not remove the advert. The proposed method will ensure removal.

6. Decision(s)

Authorise the issue and service of removal notices under Section 225 and 225A of The Town and Country Planning Act 1990 (as amended) in relation to unauthorised signs on the highway at Whitley Road, North Tyne Industrial Estate, as shown on the site plan attached to the report, and to undertake further associated actions.

7. Reasons for the Decision(s)

The display structures, by reason of their size, number, and positioning are visually inappropriate and incongruous resulting in unacceptable harm to the amenity of the surrounding area. The prominent positioning of the unauthorised display structures constitute an unduly dominant feature resulting in loss of visual amenity for the surrounding area, creating unnecessary clutter and constituting a potential danger to the safe operation of the road network. The unauthorised display structures are therefore contrary to policies. The owner has not removed them voluntarily and removal with cost recovery is considered to offer the best outcome in terms of removing the adverts from the highway

8. Date Decision Made

29 March 2018

9. Date Of Publication

5 April 2018