

Scrutiny Review Outline

Review Topic	The Impact of For Sale & Letting Boards
Working Group Members	To be confirmed
Key Officer Contact	To be confirmed
Officer Support	To be confirmed
Rationale	<p>In Autumn 2014, councillors in Leamington were approached by local residents and the Leamington Society concerning the unsightly proliferation of estate agent letting boards at certain times of year and in certain locations in the town.</p> <p>There has subsequently been significant media coverage on this topic from Leamington Courier and Observer and BBC Coventry & Warwickshire radio.</p> <p>There are other councils that have successfully adopted a Regulation 7 Direction of the Town & Country Planning Act which restricts for sale and letting boards in specified localities.</p> <p>If the council finds a satisfactory resolution to this problem, it will clean up certain parts of the District and in particular Leamington and would be popular with settled and student residents.</p> <p>Any restrictions on letting boards will not have an adverse effect on estate agent and letting agents' trade.</p>
Purpose/Objective of Review	<p>The objectives of this review are to:</p> <ul style="list-style-type: none"> • Determine the scale of the problem and those areas where the issue is problematic • Significantly reduce the number of unwanted letting and for sale boards in the District, in particular in parts of Leamington • Provide guidance to letting and estate agents • Create a more effective approach to enforcement
Scope of the Topic	<ul style="list-style-type: none"> • Assess the current provision for regulating letting and for sale boards and correct arrangements for enforcement • Determine if there are areas where a different regulation and/or enforcement regime is required • Determine if Regulation 7 Directions are appropriate and if so, for which areas •
Indicators of Success	<ul style="list-style-type: none"> • Control of Letting Boards in key areas particularly in Leamington • Robust guidance offered to estate agents • Enforcement of existing and future regulations • If considered appropriate, a successful application to the Secretary of State for a Regulation 7 Direction of the Town & Country Planning Act

	<ul style="list-style-type: none"> • Approval of proposals by Executive/Council 	
Specify Evidence Sources	<ul style="list-style-type: none"> • Briefing document – see appendix A • Guidance from Secretary of State • Experience of other councils that have imposed a Regulation 7 Direction • Existing estate and letting agencies' policies and voluntary codes • 	
Specify Witnesses/Experts	<ul style="list-style-type: none"> • WDC planning officers and town centre development officers • Officers or members from councils that have adopted a Regulation 7 Direction • Other experts as appropriate 	
Specify Site Visits	Leamington north and south town and other locations as appropriate	
Consultation with Stakeholders	<ul style="list-style-type: none"> • Portfolio holder • Letting agents • The Leamington Society • Residents in selected locations • University of Warwick Students Union • Other stakeholders as appropriate 	
Level of Publicity	WDC press release when a result is determined	
Barriers/dangers/risks	None identified	
Projected Start Date	Draft Report Deadline	
Meeting Frequency	Projected Completion Date	
Date to evaluate impact		
Methods of tracking / Evaluating		

Appendix A

Briefing Note

Restrictions on Letting Boards in areas of Royal Leamington Spa

The purpose of this briefing note is to explain to Members the position regarding the proliferation of letting boards and the concerns expressed from residents about the impact they have on their areas, and to explore the options available to the Council in controlling such advertisements.

Letting Boards are classed as a type of advertisement and are regulated by the Local Planning Authority under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. However, letting boards are a class of advertisement that benefits from 'deemed consent' and does not require express consent.

Under the regulations estate agents and landlords are allowed to put boards up advertising the property providing that they meet conditions. Where these conditions are not met, enforcement action can be taken which can be time consuming particularly if the breach allegedly relates to the board not being removed after a let. In some cases, landlords legitimately argue that one room in the property is still vacant and therefore they are permitted to retain the board.

The National Planning Policy Framework sets out the Government's planning policies for England. The Framework states that before a direction to remove deemed consent is made for specific advertisements, local planning authorities will be expected to demonstrate that the direction would improve visual amenity and there is no other way of effectively controlling a particular class of advertisement.

Over the last year or more, there have been a number of residents and organisations that have raised concerns regarding the proliferation of letting boards in parts of Leamington town and the impact they have on the environmental quality of the area. Residents believe that the boards are being left at properties for a considerable time after the properties have been let as it is an opportunity for them to advertise the letting agent. The impact of the boards causes a negative impact on the visual amenity and public safety of the area. In areas of high student population, a large number of boards high-lights the fact that there is likely to be a higher number of laptops and other high value electronic goods and due to their housing arrangements are an easier target for thieves. Controlling letting boards would ease to identify vacant and student occupied properties and help reduce crime. In terms of visual amenity, the areas of concern are primarily terraced streets with small or no front garden areas, providing streets with long views, inevitably creating more of an impact.

As Members will be aware, an Article 4 direction and policy controlling the concentration of houses in multiple occupation is already in place, due to the concern regarding clusters of student accommodation and the impact they have on areas of the town.

Officers have written to the letting agents and have visited them to reinforce the regulations by advising them of the need to remove boards within fourteen days of the property being let, but co-operation has been limited. As a consequence of this and in discussion with the Leamington Society, who have taken a particular interest in the topic, officers have explored what other authorities have done to deal with the same issue. Some of the key issues faced are:

- Difficult to police as the regulations allow the let board to stay in situ until 14 days after the let has been agreed
- We would need to constantly drive around the district to identify those that have been left for more than 14 days
- Demonstrating it is expedient to take action- harm to amenity or public safety
- Burden of proof in respect of prosecution, clear dated photos to show the display let agreed for more than 14 days.
- Reliant on the public to monitor when lets have been agreed.
- Where there are more than one let in the building, agents are entitled to keep the board up until all lets are agreed

Therefore, the options considered are as follows:

Option 1: Do nothing.

Clearly, doing nothing is not an option due to the concerns expressed above.

Option 2: Voluntary code.

Experience from other authorities is that having a voluntary code has only a small degree of success as a number of agents do not sign up to the code. There is no incentive for them to do so.

Option 3: Restriction on Letting Boards through the use of Regulation 7

Lettings could be restricted with a ban on boards between October and January unless they have express consent. This is the period of the year when the impact is at its most intense.

Option 4: Complete ban unless they have express consent with a Regulation 7 direction in place.

This would ensure that restrictions were in place to control the number of boards as they would require express consent. However, before any decision is taken to progress this option, there is a significant amount of further evidence gathering necessary. It would therefore, be appropriate to set up a working group with residents, members and officers to ensure that consultation is carried out with all stakeholders, such as residents, community groups, landlords, letting agents, and the police.

Conclusion:

Officers are of the view that a working group should be formed, which will undertake further research and consultation to understand the views of all stakeholders. The outcomes will then be reported to Members to identify the way forward.

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28 Jan 2015

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