

Advertising for Farmers' Markets – Response to Notice of Motion to Council Development Control, item 8

Committee:	Development Control	Agenda Item
Date:	22nd February 2006	8
Title:	Advertising for Farmers' Markets – Response to Notice of Motion to Council on 13th December 2005	
Author:	John Mitchell, 01799 510450	Item for decision

Summary

At full Council on 13th December a Notice of Motion was proposed to seek a more relaxed regime for advertisements relating to community events and farmers' markets. The motion is set out below

Recommendations

The current control of advertisements regime has protected the countryside and towns from unpleasant advertising clutter since 1948. Any relaxation of the Control of Advertisements Regulations could have a lasting detrimental effect on the appearance and character of the District. It is recommended that no action be taken over the motion.

Background Papers

Town and Country Planning (Control of Advertisement Regulations) 1994 and 1996

Impact

Communication/Consultation	Widespread consultation is required if the Council agrees the motion
Community Safety	Inappropriately displayed advertisements may give rise to hazards to road safety
Equalities	To relax some forms of advertisements would give rise to considerable pressure to relax others, with the consequent adverse effect on the appearance of the district
Finance	None
Human Rights	See equalities above
Legal implications	The display of an advertisement without the

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	necessary consent is a criminal offence
Ward-specific impacts	All wards
Workforce/Workplace	None

Situation

The minute of the Council meeting of 13th December reads:

“Members considered the following Notice of Motion which had been proposed by Councillor Tealby-Watson and seconded by Councillor Jones.

“Uttlesford District Council believes

1. That the current stringent guidelines on the advertising of local community events put unnecessary restrictions on advertising events which benefit local community societies, fundraising and smaller enterprises such as farmers' markets.
2. That as advertising for such events is often only needed for a matter of days it should be treated differently from similar hoardings and advertisements relating to purely commercial activity or to permanent signage.
3. That in a rural community good quality banners and hoardings are a valuable way of notifying a dispersed population of forthcoming events which are, in these cases, to their own benefit.
4. That the increasing popularity of events such as farmers' markets are an essential funding plank for community venues hosting these events and that undue restrictions on advertising have a detrimental affect on attendance, which in the long term could result in their failure and subsequent loss of income to our community facilities. The same is true for amateur arts productions and local fetes and carnivals.

Uttlesford District Council therefore resolves to lobby the ODPM to review its guidelines and the legal requirements for advertising of local community events. The Council notes that electoral advertising is already exempt from many of the regulations and urges the ODPM to look at practical ways to extend these exemptions for short-term advertising of events where the benefit is primarily to the community rather than commerce.

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Uttlesford District Council further resolves to instruct its legal counsel to use its best endeavours to discover ways in which advertising signage may be erected for short periods without violating current planning law and that a report be made to the Development Control Committee, in the first instance, within six weeks from this date”.

The Chief Executive suggested that the Notice of Motion should be considered by the appropriate committee and the Executive Manager Development Services would take a report to that committee in support of the Motion.

The mover and seconder of the Motion accepted an amendment that the Council should not write to the ODPM at this stage.

RESOLVED that the Notice of Motion as amended be referred to the Environment Committee for further consideration.”

Report Detail

The Environment Committee referred the motion to the Development Control Committee

The Town and Country Planning (Control of Advertisement) Regulations do permit temporary advertisements in many circumstances (known as deemed consent). These include the matters such as sales of goods or livestock, and any local community event that is not promoted for commercial purposes. In the case of sales of goods etc (farmers' markets) the sign has to be displayed on the land on which the sale is taking place up to 28 days before the event and must be removed 14 days afterwards. There are several limiting criteria, eg restricting the size of the sign to 1.2 sq m and the height of lettering etc.

In the case of local community events similar (but reduced) restrictions on dimensions apply but importantly there is no constraint on location, so events can be publicised in a number of locations off site. Again the adverts can be erected 28 days before the event and have to be removed 14 days afterwards.

Any signs which exceed the criteria in the Regulations require express advertisement consent from the Council. Officers take a strong line with illegal advertisements, as they can easily cause considerable environmental harm.

The Advertisement Regulations are a means of protecting the environment, both urban and rural, from ugly, cluttering and disfiguring signs. Unlike most planning contraventions, the display of an advertisement without express or deemed consent is immediately a criminal offence.

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Members will be aware the both English Heritage and CPRE are running campaigns to prevent illegal advertising through English Heritage's Save our Streets campaign and the CPRE's roadside advertising campaign.

Officers consider that roadside and off-site advertising are only one means of publicising a local event, and that other means, such as the Parish Magazine, or leaflets, or an advert in the local paper, should be employed. In the circumstances it is considered that no change to the Regulations should be sought.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Relaxing control would lead to unsightly advertising clutter in towns, villages and the countryside	High if control relaxed as a result of council representations	high	none