



Subject:	Strategic project to obtain removal of deemed consent of estate agent signage in student areas.
Date:	14 th March 2017
Reporting Officer:	Phil Williams, Director of Planning and Place
Contact Officer:	Lisa Walshe (ext 2290)

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>Please see Note 1 in Part 3</i>		
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If 'No' please see Note 2 in Part 3</i>		

1.0	Purpose of Report or Summary of Main Issues
1.1	To update members on the project for the removal of deemed consent for estate agent signage in the Stranmillis, Queens and Holylands areas.
1.2	To seek Committee endorsement for the preferred option.
1.3	To seek authority to apply to the Department for Infrastructure (DfI) to serve a direction under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 restricting the display of lettings boards in the Stranmillis, Queens and Holylands areas in accordance with the Preferred Option set out in this report at paragraphs 3.9-3.11.

2.0	Recommendations
2.1	Members are asked to: <ul style="list-style-type: none">• Note the current position.• Endorse the Preferred Option for restricting signage set out at paragraphs 3.9-3.11.• Authorise the submission of a full report and proposal to DfI.

3.0	Main report
3.1	<p><u>Background</u> Members will be familiar with the strategic project ongoing to tackle the proliferation of estate agent signage in the areas of Stranmillis, Queens and the Holylands. It was agreed with Members that a proposal would be made to DfI following appropriate surveying and consultation under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 which permits the removal of deemed consent by the Department for Infrastructure (DfI).</p>
3.2	<p>Following data collection and liaison with DfI, Members were updated at the 15th November 2016 Committee of the consultation period for the proposal including two key stakeholder events (one for residents and the other for estate agents/landlords) at City Hall and the launch of a questionnaire consultation on Citizen Space which concluded on 9th December 2016.</p>
3.3	<p><u>Key consultation results</u> As part of a 12 week public consultation issued to key stakeholders seeking views on the display of To Let boards, there were 243 consultation responses to the questionnaire including 176 residents, 43 landlords and 24 estate agents.</p> <ul style="list-style-type: none"> • 86% agreed it was harming the appearance of the area • 82% agreed it was making the area less desirable • 78% agreed it attracted vandalism and burglaries (through appearance of empty properties) • 85% agreed it gives the impression that only students live in these areas
3.4	<p>The results show that 95.5% of residents, 69.8% of landlords and 41.7% of estate agents are in favour of some sort of restriction on To Let boards.</p>
3.5	<p>It is clear from the consultation that residents are in favour of a complete ban (67.6% favour a ban while 23.2% would prefer a restriction) while estate agents and landlords would prefer to retain the current regulations (70.8%). Of the 29.2% that would welcome a change, 43% favour restrictions while 57% would prefer a ban. Individual landlords are particularly concerned as they say are unable to use websites such as Property Pal or Property News because they are not registered agents. All stakeholders generally agreed that the current system requires change.</p>
3.6	<p><u>Policy Options</u> Complete ban – other jurisdictions have opted for a complete ban of estate agent signage rendering it a complete and simple solution to the problem. There is little enforcement monitoring to do as any signage is a direct offence.</p>
3.7	<p>Restricted signage – local authorities such as Cardiff and Newcastle permit restricted signage whereby small, flush signs are permitted but only at certain times. The number per street is also restricted, for example, each estate agent or landlord may only have one advertisement per street. This entails a larger enforcement resource implication, certainly initially, but acknowledges the difficulty that individual landlords have with advertising online.</p>

<p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p>	<p>Within the restricted signage option, there are a number of sub-options whereby the Council can choose the amount of time the signage is displayed, the number of signs per street etc.</p> <p><u>Preferred option</u> Officers have reviewed the evidence gathered and listened to the views of the key stakeholders and it is considered that the most inclusive and considered option would be a proposal for restricted signage which would balance the concerns of both residents and estate agents/landlords.</p> <p>It was clear through engagement with estate agents and landlords that their busiest time of year is between April and September. It would therefore seem appropriate to restrict the signage to these six months rather than the 3-month ban engaged in other cities such as Cardiff. This is also a gesture towards the residents' preference for a complete ban.</p> <p>The restricted signage would not be permitted on every dwelling, rather it is restricted to one sign per agent/landlord per street. A copy of draft guidance has been provided at Appendix A.</p> <p><u>Future implementation</u> Should DfI see fit to grant the revised deemed consent for these areas, Belfast Planning Service will continue its engagement with key stakeholders to ensure that the scheme is well publicised and support is provided to those operating within these areas.</p> <p>An enforcement strategy for dealing with the scheme will be implemented and will take a 'zero tolerance' approach to ensure fairness for all. It is envisaged this will involve a pro-active approach including surveying.</p>
<p>4.0</p>	<p><u>Finance and Resource Implications</u> There are no additional resource implications arising out of this submission and it is hoped that ultimately the successful implementation of this scheme will reduce the resources necessary to enforce estate agent signage in the area.</p>
<p>5.0</p>	<p><u>Asset and Other Implications</u> None.</p>
<p>6.0</p>	<p><u>Appendices</u> Appendix A – example guidance for the public on preferred option</p>

Criteria for acceptable boards

1. The use of letting boards will be **permitted from April 1st to September 30th** (inclusive) and **prohibited from October 1st to March 31st** (inclusive) every year. During the prohibited period properties will have to be advertised by other means.

2. **Only one board per building** will be permitted. **Only one board shall be permitted per landlord/agent per street.**

Houses converted into flats will only be allowed to have one board at any one time. The same applies to blocks of flats, where it may be appropriate to have one board by the main entrance. The Council would expect letting agents and landlords to reach an agreement as to the most appropriate solution and to make applications for consent if necessary.

3. a. **The board shall be mounted flush to the wall above the front door**, or if that is not possible, it shall be mounted flush to the wall on the street frontage elevation. In either instance, **no part of the board shall be higher than first floor window sill level**. No boards will be permitted on gable ends, blank or secondary elevations or on front boundary walls or other similar features.

b. Alternatively, if the board cannot be fixed flush to the wall (due to an irregular surface or the presence of decorative/architectural features) the board shall be displayed internally in a ground floor window facing the street frontage, but **not** in addition to a board displayed externally.

4. Each board shall have a **white background** and will conform to the following dimensions (height x width): **34cm x 48cm** or **48cm x 34cm**. This is the size used in other cities with similar controls and is large enough to enable the important information to be displayed clearly.

5. **One company logo per board will be permitted**, provided the logo **does not exceed one third** of the overall size of the advertising board. **Logos and text will be permitted in black and any one colour** provided it is a single uniform colour and **fluorescent colours are not used**. The Council will be happy to discuss the suitability of proposed boards.

6. Boards marked with **'Let by', 'Let', 'More Wanted'** or similar wording are **prohibited**.

7. **Letting boards shall be removed not later than 14 days after the granting of a tenancy for the room, house or flat to which it relates.**

Letting boards shall not be displayed other than in the calendar year for which the tenancy is available. This is in line with an existing condition in the Advertisement Regulations for boards that benefit from deemed consent. Regular inspections will be carried out and reports of non-compliance will be followed up. Where it suspects that this criterion has not been complied with, the Council may take appropriate action.

Correct Use of the Criteria: Guidance Notes

1. The use of letting boards will be permitted from April 1st to September 30th (inclusive) and prohibited from October 1st to March 31st (inclusive).
2. Only one board per building will be permitted. Only one board shall be permitted per landlord/agent per street.
3. a. The board shall be mounted flush to the wall above the front door, or if that is not possible, it shall be mounted flush to the wall on the street frontage elevation. In either instance, no part of the board shall be higher than first floor window sill level
OR
b. be displayed internally in a ground floor window facing the street frontage, but not in addition to a board displayed externally.
4. Each board shall have a white background and will conform to the following layout: 34cm x 48cm or 48cm x 34cm. No boards will be permitted on blank or secondary elevations or on front boundary walls or other similar features.
5. One company logo per board will be permitted, provided the logo does not exceed one third of the overall size of the advertising board. Logos and text will be permitted in black and any one colour provided it is a single uniform colour and fluorescent colours are not used.
6. Boards marked with "Let by", "Let", "More wanted" or similar wording are prohibited.
7. Letting boards shall be removed not later than 14 days after the granting of a tenancy for the room, house or flat to which it relates. Letting boards shall not be displayed other than in the calendar year for which the tenancy is available.

