



Derby City Council

**Planning, Housing and Leisure Board**  
**28 January 2014**

Report of the Strategic Director of  
Neighbourhoods

# ITEM 12

## To Let Boards - Update

### SUMMARY

- 1.1 At the Planning, Housing and Leisure Board meeting of 24 July 2012, members received a report on private sector housing – standards and issues related to rented properties'. At this time members enquired about the display of letting boards which appeared to breach Town and Country Planning (Control of Advertisements) Regulations. It was reported that the then Head of Development Management was investigating the issue.
- 1.2 The purpose of this report is to allow the Board to receive an update on the current situation and action that has been taken to combat the breach of regulations.

### RECOMMENDATION

- 2.1 To discuss the content of the update and to make appropriate comments or recommendations in relation to adopting a corporate, Council-wide, approach to investigating this type of breach.

### REASONS FOR RECOMMENDATION

- 3.1 To ensure that Planning, Housing and Leisure Board is kept informed of the position regarding the enforcement of regulations for the display of To Let / For Sale Boards.

### SUPPORTING INFORMATION

- 4.1 It was last reported to this Board meeting that dealing with the proliferation of 'To Let' Boards in certain residential areas of the City (mainly student areas) has become impossible because of the lack of resources and the prioritisation of the sole Planning Enforcement officers' workload.

'To Let', 'Let By' and 'For Sale' boards all have deemed consent under Class 3(A) of the advertisement regulations, subject to certain conditions, regarding location, size and time limits for removal of the boards after sale or completion of let, (14 days in each case).

In spite of letters to all the Estate Agents and Letting Agents within the City in December last year reminding them of their responsibility under Class 3(A) complaints are still being received from the public about boards being permanently left up in residential areas after properties have been let.

In March 2009 a project to identify illegal boards was conducted by the Enforcement Section which was then at full strength. The individual Letting Agent considered to be the worst in the City for none compliance with the regulations was targeted as part of that project. 17 properties being marketed by this particular Agent in one area of the City were visited on 3 occasions over a period of one month. Each property was visited and photographed on each occasion and all were displaying boards from the Agent saying 'Let By'.

The photographs and schedule together with other information was submitted to our Legal Division for consideration of prosecution proceedings being commenced against the Agent. In spite of the unauthorised display (over 14 days) being one of strict liability, substantive questions were raised by our Legal Division that required even more investigative work.

Even with two officers at the time, because of the enormous amount of investigative work that would need to be devoted to this matter, observations from our Legal Division and after consultation with the Head of Planning, it was decided to abandon the project.

Because of the proliferation of these boards throughout the City and the amount of resources and time required to pursue the problem a corporate approach needs to be considered as it is not possible for the now sole enforcement officer to effectively deal with this matter.

To assist with this approach, using previous experience, a proforma has been devised (Appendix 2) that could potentially be used by any authorised officer / elected member to address this type of breach. I would stress that this project cannot be accommodated within the caseload of the enforcement officer. Should members agree, it could be piloted by interested Members and other enforcement teams across the Council and any legal action progressed would be used as initial test cases for the project. Your views are sought on the scope / content of the proforma and the overall rationale of this approach.

<b>OTHER OPTIONS CONSIDERED</b>
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5.1 None.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Paul Clarke - Head of Planning
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Neil Jackson 01332 641657 email: <a href="mailto:neil.jackson@derby.gov.uk">neil.jackson@derby.gov.uk</a> None Appendix 1 – Implications Appendix 2 – Draft proforma

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 None arising directly from this report.

**Legal**

- 2.1 Section 21 (3) of the Local Government Act 2000 requires that the power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power to recommend that the decision be reconsidered by the person who made it.

**Personnel**

- 3.1 None arising directly from this report.

**Equalities Impact**

- 4.1 Effective scrutiny benefits all Derby people.

**Health and Safety**

- 5.1 None arising directly from this report.

**Environmental Sustainability**

- 6.1 None arising directly from this report.

**Property and Asset Management**

- 7.1 None arising directly from this report.

**Risk Management**

- 8.1 None arising directly from this report.

**Corporate objectives and priorities for change**

- 9.1 The information set out in this report supports the corporate priorities to ensure the people in Derby will enjoy good quality services that meet local needs and being

safe and feeling safe.