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| <b>Committee:</b><br>General Purposes<br>Committee  | <b>Date:</b><br>22 October<br>2008 | <b>Classification:</b><br>Unrestricted                | <b>Report No:</b> | <b>Agenda Item<br/>No:</b> |
| <b>Report of:</b><br>The Monitoring Officer   |                                    | <b>Title:</b><br>Constitution – Additional delegation |                   |                            |
| <b>Originating Officer(s):</b><br>Isabella Freeman, Assistant Chief<br>Executive (Legal Services) &<br>Monitoring Officer |                                    | <b>Wards Affected:</b><br>All                         |                   |                            |

## 1. **SUMMARY**

- 1.1 Power to serve notices to remove unlawful advertising hoardings and structures is currently delegated to the Corporate Director, Communities, Localities and Culture. A major campaign to remove such hoardings and to deal with any new ones which may appear in the build up to the 2012 Olympic Games is being undertaken by the planning enforcement section of the Development and Renewal Directorate. It would be appropriate for the Corporate Director, Development and Renewal to be authorised additionally to carry out functions under Section 11 London Local Authorities Act 1995.

## 2. **RECOMMENDATIONS**

- 2.1 The Committee is recommended:
- (i) to authorise the Corporate Director, Development and Renewal to exercise the Council's powers under Section 11 London Local Authorities Act 1995, and
  - (ii) the Council's Constitution be amended accordingly

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**Local Government Act, 1972 Section 100D (as amended) "Background Papers" used in the preparation of this report, given limited circulation in conjunction with this report on CD/ROM**

Brief description of "Background paper"  
of holder and address where open

Name and telephone number

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### **3. BACKGROUND**

- 3.1 Section 11 of the London Authorities Act 1995 provides that a London Borough Council may serve a notice upon a person who appears to be responsible for the erection or maintenance of a hoarding or other structure for the display of advertisements which does not have deemed or express planning consent, requiring its removal within 21 days. The Council has power to remove the hoarding or structure and recover its costs if the notice is not complied with
- 3.2 As a local act function the Council may decide whether it is to be regarded as an executive function or a non-executive function and has determined it to be a council function. The Council has delegated the function to the Corporate Director, Communities, Localities and Culture (Constitution, paragraph 3.1.2 item 3, page 67).
- 3.3 Hitherto the Council has not used the power extensively but delegated it to the Corporate Director, Communities, Localities and Culture as it was anticipated that any use would be associated with that Director's responsibilities for the Council's highway functions.
- 3.4 In the preparation for the 2012 Olympic Games Tower Hamlets has been identified as a prime area for unlawful advertising and from an initial survey it is estimated that there are currently a hundred large scale unlawful advertising hoardings many of which cover significant building features and distract drivers. It is intended to use Section 11 to eradicate the current unlawful structures and in respect of any new ones which may emerge in the build up to the Olympics.
- 3.5 This is being dealt with as a planning enforcement matter rather than solely in connection with highways responsibilities as some of these hoardings are placed on both public and private land somewhat removed from the highway and consequently it would be appropriate for the Corporate Director, Development and Renewal to be given delegated authority to serve notices under Section 11 in the same way as the power is already delegated to the Corporate Director, Communities Localities and Culture and it is so recommended.

### **4. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 4.1 There are no financial implications arising from this report.

**5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 5.1 The power under section 11 London Local Authorities Act 1995 is exercisable by the Council and it is for the Council to determine who is authorised to undertake the function. There is no legal or constitutional difficulty in the power being delegated to more than one director.

**6. EQUAL OPPORTUNITIES IMPLICATIONS**

- 6.1 None.

**7. ANTI POVERTY IMPLICATIONS**

- 7.1 None.

**8. ONE TOWER HAMLETS CONSIDERATIONS**

- 8.1 A campaign to eradicate unlawful hoardings across the borough will result in a less cluttered environment and one which is safer for motorists who might otherwise be distracted. In the build up to the Olympic games in 2012 a more attractive environment will enhance both the borough and the host city.

**9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 9.1 The removal of unlawful advertising hoardings will provide a more natural environment and effect a saving in the use of power.

**10. RISK MANAGEMENT IMPLICATIONS**

- 10.1 None.