

ASSEMBLY

2 December 2015

Title: Adoption of London Councils' Code of Practice for Affixing Traffic Signs and Street Lighting to Buildings in London	
Report of the Cabinet Member for Regeneration	
Open Report	For Decision
Wards Affected: All	Key Decision: No
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Accountable Divisional Directors: Jeremy Grint, Divisional Director of Regeneration and Robin Payne, Divisional Director of Environmental Services	
Accountable Directors: Chris Naylor, Chief Executive and Claire Symonds, Strategic Director of Customer, Commercial and Service Delivery	
Summary <p>The London Local Authorities and Transport for London Act 2013 has amended the requirements for affixing traffic signs and street lighting to buildings in London. Councils can now follow a notice procedure rather than obtain consent from the building owner. This gives London authorities powers similar to those currently enjoyed by the City of London Corporation.</p> <p>While London authorities have previously been able to install signs and lighting on buildings, permission had to be obtained from the building owner before any works could commence. This was often difficult to obtain, costly to administer and took a considerable amount of time to implement.</p> <p>New powers in the Act mean boroughs now only need to give building owners 56 days' notice of their plans to put up signs and lights, rather than obtain formal consent. The Council may use these powers once it formally adopts London Councils' Code of Practice (CoP), which explains the legislation and outlines good practice procedures which should be followed to ensure a compliant and consistent approach across schemes. The Council must also fix a date on which the provisions shall come into effect and that date must allow for the Council to give at least one month's notice by way of publication of the passing of the resolution in a local newspaper and in the London Gazette.</p> <p>Under the legislation, property owners still have the right to challenge these decisions before they are carried out. Additional rules and exemptions apply to listed buildings, theatres and buildings owned by statutory undertakers.</p> <p>For Barking and Dagenham, this legislation is particularly relevant to a new lighting scheme currently planned for East Street in Barking Town Centre. The proposed scheme will replace the existing lamp columns with high quality 'catenary' (suspended) lighting</p>	

hung between and fixed to buildings on either side of the high street. However, the ownership status of many buildings on East Street is complex and securing permission from each individual building owner would be difficult and highly time-consuming.

Adopting the London Council's Code of Practice will greatly reduce the time, cost and risk of successfully designing and implementing a transformational new lighting scheme for East Street, and provides a clear and transparent process for other projects in the borough where lighting or signage needs to be fixed to a private property.

Recommendation(s)

The Assembly is recommended to:

- (i) Note the new powers in the London Local Authorities and Transport for London Act 2013 (the 2013 Act) with regard to the erection of signage and street lighting on buildings in private ownership;
- (ii) Agree to adopt the London Council's Code of Practice "Affixing Traffic Signs and Street Lighting to Buildings in London" in relation to the London Local Authorities and Transport for London Act 2013 Part 2(4) with effect from 1 February 2016 to enable the Council to exercise the new powers; and
- (iii) Authorise the Strategic Director of Customer, Commercial and Service Delivery to publish notice of the passing of the resolution in recommendation (ii), in accordance with the requirements of section 3(4) of the 2013 Act.

Reason(s)

The new powers in the Act and the adoption of the CoP will facilitate the design and delivery of future lighting and signage schemes which require fixings to buildings in private ownership. It will ensure that lighting and signage are located in the best locations possible and reduce the need to install unnecessary street furniture.

The new legislation and adoption of the CoP will enable a new lighting scheme for East Street to be progressed, as part of a £1.4m high street improvement programme to upgrade the public realm and enhance the appearance and layout of Barking Market. The project will **encourage civic pride** and **grow the borough** by investing in the borough's public spaces and enhancing the borough's image to attract investment and business growth.

1. Introduction and Background

- 1.1 Authorities in London are continually searching for ways to improve the urban landscape by reducing street clutter and removing unnecessary street furniture. One of the ways being increasingly explored by London authorities is utilising existing building infrastructure to attach street lighting and signage.
- 1.2 This approach is being explored for East Street in Barking Town Centre. East Street is currently undergoing a £1.4m high street improvement programme which includes proposals for a 'catenary' lighting scheme, where high quality, low-energy LEDs are

suspended on wires fixed to buildings on either side of the high street. The existing lamp columns on the high street would be removed to allow for a more uniform, centralised layout of market stalls to be created across East Street. This in turn would help make the high street a smarter and more accessible public space.

- 1.3 While London authorities have previously been able to install signs and lighting on buildings, permission had to be obtained from the building owner before any works could commence. This was often difficult to obtain, costly to administer, and took a considerable amount of time to implement. East Street is no different, with approximately 70 high street buildings under different freehold and leasehold ownerships, including some which are held by offshore investment companies and others which have complex ownership arrangements.
- 1.4 The London Local Authorities and Transport for London Act 2013 ('the Act') has amended the requirements for affixing traffic signs and street lighting to buildings in London in order to reduce the need for authorities to more and more street furniture and reduce the time and cost of putting up signs and lights. Councils can now follow a notice procedure (56 days) rather than obtain consent from the building owner, giving London authorities powers similar to those currently enjoyed by the City of London Corporation.
- 1.5 The Council may use these powers once they formally adopt London Councils' Code of Practice (CoP). The CoP clearly explains the legislation and outlines good practice procedures which London authorities should follow to ensure that they are fully compliant and ensure a consistent approach. Under the legislation, property owners still have the right to challenge these decisions before they are carried out.
- 1.6 The Council must also fix a date on which the provisions shall come into effect. The date must allow for the Council to give at least one month's notice by way of publication of the passing of the resolution in a local newspaper and in the London Gazette. The date proposed is 1 February 2016 to enable sufficient time for the notices to be published.

2. Proposal and Issues

- 2.1 The new powers in the Act allows the Council, as a London authority, to affix traffic signs and street lighting to a building provided they have complied with the notice requirements set out in the Act. The authority must also be satisfied in each case that the public interest justifies the interference with the property owner's rights to enjoyment of their property.
- 2.2 The London Councils' CoP provides clear and transparent guidance on the Act, including:
 - The requirement to serve a notice, including a notice period of not less than 56 days before works commence.
 - The contents of the notice and additional information to be supplied, such as design drawings, specifications and wayleave (legal) agreements if required.
 - How the notice should be served to the building owner.
 - How representations by the relevant building owner against a light or sign fixing should be considered.

- When additional consent outside the power of the Act is required (e.g. statutory undertakers, listed buildings and theatres).
- Responsibility of maintenance and inspections.
- Appeals and compensation in relation to damage caused by a sign or lighting fixing.

- 2.3 The CoP document has also been designed as an informative and accessible tool to help property owners understand their rights under the legislation.
- 2.4 The Council will not incur any cost in implementing these guidelines. In the unlikely event that a case for affixing lighting to a particular building is taken to appeal, a cost may be incurred. The CoP provides guidance on representations and appeals.

3. Options Appraisal

- 3.1 In order to use the new powers available through the Act, the Council must formally adopt the London Councils' Code of Practice (CoP).
- 3.2 Alternative Option 1 - If the Council chooses to use the new powers for affixing traffic signs and street lighting to buildings afforded to it in the Act, but chooses NOT to formally adopt the London Councils' CoP:

The CoP is not legislative, but as it has been agreed by the London Councils joint committee (which includes Barking and Dagenham) that all boroughs must have regard to it. Any significant deviation with what has been written could lead to potential challenge from a building owner and from the Upper Tribunal (Lands Chamber) in the unlikely event that a compensation claim was to proceed that far.

- 3.3 Alternative Option 2 - If the Council chooses NOT to formally adopt the London Council's CoP for affixing traffic signs and street lighting to buildings and chooses NOT to utilise the new powers afforded to it in the Act:

Consent for affixing signage or lighting to a privately owned building would have to be obtained from each individual building owner. For the East Street lighting project and future lighting and signage schemes involved buildings in private ownership, this will be a lengthy and unnecessary administrative process which would delay the scheme design and implementation and incur additional costs as a result.

4. Consultation

- 4.1 The CoP guidelines were formally approved at the June 2015 meeting of London Councils Transport and Environment Committee: (<http://www.londoncouncils.gov.uk/node/26371>).
- 4.2 The Council must publish notice of its adoption of the CoP before being able to exercise the new powers as stated in Paragraph 1.6. The Council is required to serve notice (56 days) to the building owners of any intention to install signage or lighting to their building.
- 4.3 In 2013 several public consultations were held to discuss options for improving the quality, appearance and layout of the East Street public realm and Barking Market. The consultation included proposals for replacing the existing lamp columns with a new high quality 'catenary' or suspended lighting scheme fixed between buildings.

- 4.4 114 responses were received from local residents, business and market traders. 65% of respondents were supportive of the proposed lighting scheme, 22% were against, 11% had no view on the matter and 2% provided no response to the particular issue.

5. Financial Implications

Implications completed by: Carl Tomlinson, Finance Group Manager

- 5.1 There are no specific financial implications for the Authority in respect of adopting this code of practice. If adopted, however, the code of practice will assist in the implementation of public realm improvements with greater speed and in a more cost effective way.
- 5.2 With specific reference to the proposed catenary lighting scheme in East Street, Barking, this is part of the current financial year's capital programme project for Barking Town Centre and will be funded from a number of external sources including Transport for London, The Mayor's High Street fund, New Homes Bonuses and Section 106 income.

6. Legal Implications

Implications completed by: Dr. Paul Feild, Senior Corporate Governance Solicitor

- 6.1 This legislation is adoptive and the Act requires the Assembly to approve the Guidance and set an appointed day for when it shall come into effect(see S.1(3), S.3 and S.4 of the Act). The resolution will need to be announced in a local paper and the London Gazette.

7. Other Implications

- 7.1 **Risk Management** – Adopting the CoP ensures due process is being followed and reduces the risk of challenge from building owners. The risks associated with installing lighting and signage on buildings in private ownership will be determined on a case by case basis.
- 7.2 **Contractual Issues** – If required, wayleave agreements between the Council and individual building owners will set out arrangements relating to the Council and/or its contractors having access to the building for the purpose of the installation, repairs and maintenance.
- 7.3 **Staffing Issues** – None anticipated.
- 7.4 **Corporate Policy and Customer Impact** - The new powers in the Act and CoP will enable new lighting and signage schemes to be delivered which encourage civic pride and help grow the borough, through investing in the borough's public spaces and enhancing the borough's image to attract investment and business growth. Building owners can still challenge the decision and the Council will follow the Code of Practice to ensure consistency of application.

- 7.5 **Safeguarding Children** – The new powers in the Act and the CoP will enable the Council to fix lighting and signage in the most appropriate locations in the borough without having to resort to installing more street furniture. They will enable new lighting schemes to be brought forward, such as the one proposed for East Street, which will help make the borough’s public spaces safer and more accessible places for children.
- 7.6 **Health Issues** – None anticipated, although this will be determined on a case by case basis.
- 7.7 **Crime and Disorder Issues** - The new powers in the Act and the CoP will enable new lighting schemes to be delivered that improve the quality of lighting in public areas. Reducing street furniture also reduces the risk of vandalism and graffiti in the public realm.
- 7.8 **Property / Asset Issues** – The new powers in the Act will reduce the amount of street furniture required to install lighting and signage across the public realm and on public highways.

Public Background Papers Used in the Preparation of the Report:

- London Councils’ Code of Practice for Affixing Traffic Signs and Street Lighting to Buildings in London: <http://www.londoncouncils.gov.uk/node/27122#>

List of appendices: None