**Policy title: Erection of Commercial/Advertising Signage on Council Land and Property by Third Parties**



**Policy Control**

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| **Policy reference:** | CS/12 |
| **Title of Policy:** | Erection of Commercial/ Advertising Signage on Council Land and Property by Third Parties |
| **Version:** | 2.0 |
| **Directorate / Departmental ownership:** | Corporate Services/Administration |
| **Officer responsible:** | Assistant Director Corporate Services (Administration) |
| **Date of ratification:** | 5 October 2015 |
| **Review date:** | June 2026 |
| **Equality screening and Rural Needs Impact Assessment completed by:** | Assistant Director Corporate Services (Administration) |
| **Equality screening and Rural Needs Impact Assessment date:** | 10 June 2022 |
| **Location where document is held and referenced:** | Responsible Department  Corporate Policy repository |

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| **1.** | **Title of policy** |
|  | Erection of Commercial/ Advertising Signage on Council Land and Property by Third Parties. |
| **2.** | **Statement** |
|  | Council approves the policy as a framework for processing applications from third parties to erect commercial/advertising signage on Council Land and Property. |
| **3.** | **Aim** |
|  | The aim of this policy is to ensure a consistent and equitable approach in processing applications by third parties who wish to erect commercial/advertising signage on Council Land and Property. |
| **4.** | **Scope** |
|  | The Council owns and manages Land and Property throughout its District for a range of purposes including for community, leisure and recreational activities.  These assets are recognised for their opportunities to generate other community benefits including:   * Promoting community activities, events and other entertainment * Displaying community artwork and project initiatives * Placing commercial advertisements which generate income within the District * Signposting community facilities.   The Council therefore wishes to specify the conditions under which its Land and Property may be used for commercial/advertising purposes in a way that ensures consistency in decision making and ensures that space is shared equitably, and public safety and amenity is not comprised.  This policy applies to all applications by third parties to erect commercial/ advertising signage on Council Land and Property. Non-compliance with the Council’s Policy and Procedures in relation to the erection of commercial/ advertising signage on Council Land and Property may expose the Council to a legal challenge by a third party.  In cases where third parties erect unauthorised commercial/advertising signage on Council Land and Property the Council reserves the right to remove same and affix the third parties with the cost of doing so. |
| **5.** | **Related policies and legislation** |
|  | Third parties engaged in the erection of unauthorised commercial/advertising signage on Council Land and Property may be liable to prosecution or a fine under the general legislation eg. that relating to fly-posing, graffiti and planning regulations. |
| **6.** | **Department and Officer responsible** |
|  | |  |  | | --- | --- | | Directorate / Department | Corporate Services/Administration | | Officer(s) responsible for developing the policy | Assistant Director Corporate Services (Administration) | |
| **7.** | **Policy approval process** |
|  | |  |  | | --- | --- | | **Meeting** | **Date** | | SMT | 1 September 2015 | | Strategy, Policy and Resources  Committee | 17 September 2015 | | Council Meeting | 5 October 2015 | |
| **8.** | **Review Date** |
|  | The policy will be reviewed in line with the Council’s agreed policy review cycle i.e. every 4 years (as per Council’s Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments. |
| **9.** | **Procedures and arrangements for monitoring the implementation and impact of the policy** |
|  | The Procedures at Appendix A (attached hereto) must be adhered to in the delivery of this Policy. |
| **10.** | **Equality Screening** |
|  | This Policy has been assessed under Newry, Mourne and Down District Council’s Equality Impact Assessment process and has been screened out as having no impact on any of the groups designated in Section 75 of the Northern Ireland Act 1998, the decision of the Council is therefore that the policy is not to be subject to an EQIA and no mitigating measures are required. |
| **11.** | **Rural Needs Impact Assessment**  This Policy has been assessed under Newry, Mourne and Down District Council’s Rural Needs Impact Assessment process and no rural specific indicators have been set. |

**Appendix A – Procedure on the Erection of Commercial/ Advertising Signage on Council Land and Property by Third Parties**

1. **Introduction**

Newry, Mourne and Down District Council (“the Council”) may receive requests from third parties to erect commercial/advertising signage on Council Land and Property. This procedure together with the corresponding policy sets out the policy and decision-making context in which such requests will be considered.

1. **Scope**

The purpose of the policy and procedure is to ensure consistency in decision making, maximising the benefits and return for the Council and reduce the potential for challenge by third parties.

1. **What is covered**

For the purpose of this policy and procedure:

1. **Advertising** means a display for the purposes of promoting a business, event or activity and includes banners; decorations such as flags, bunting and streamers; posters; moveable signs; directional signage; real estate/advertising boards
2. **Commercial advertising** means advertising for the purpose of promoting a profit generating business (not a community or charitable business)
3. **Third party** means any non-Council applicant including community organisations, commercial organisations and private individuals
4. **Council Land/Property** means any Land or Property under the ownership or control of Council
5. **Excluded from the Policy** advertising of a temporary nature by local community organisations for events and activities that are designed to support a charitable cause, enhance community welfare or promote community pride. A temporary event for this purpose will be taken to mean an annual event and not a regular weekly, fortnightly or monthly event.
6. **Roles and responsibilities**

Applications will be received and processed by the Assistant Director Corporate Services (Administration) who will undertake all relevant internal consultation prior to seeking approval or otherwise from a Director under Section 2.4 (Management of Land and Facilities) of Council’s Scheme of Delegation for Officers.

Directors will report to the relevant Committee on a bi-annual basis on the exercise of delegated decisions and authorisations in this regard.

1. **Criteria to be taken into account**

Each application will be considered on its own merits but in reaching a decision the following factors will be applicable:

1. Any successful applicant will be required to enter into an Agreement with Council which will cover inter alia provisions relating to insurance, liability, installation, maintenance and duration of agreement.
2. The proposed location and suitable of same.
3. The content and suitability of the advertising – Council will not permit advertising or the promoting of matters of a sexual or political nature or advocating illicit drugs or tobacco or any other product or services which Council may deem to be unsuitable.
4. Where appropriate applicants will be required to obtain all necessary statutory and other approvals before signage can be erected eg. planning and DfI (Roads Service) permissions
5. In the case of commercial advertising Council reserves the right to receive a fair and proportionate share of the income raised by the applicant and in that regard will consult its Commercial Valuer to determine a suitable figure.

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