

<b>Item No.</b> 18.	<b>Classification:</b> Open	<b>Date:</b> 18 June 2019	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Introducing a Council advertising policy in Southwark	
<b>Wards or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Evelyn Akoto, Community Safety and Public Health	

## **FOREWORD – COUNCILLOR EVELYN AKOTO, CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH**

Fast food advertising and ads targeting children specifically have increased dramatically over the years, at the same time, the levels of obesity has also skyrocketed. It is difficult to deny the link between increased fast food advertising and childhood obesity. Greater exposure to the advertising of unhealthy foods will increase the consumption of these foods. As one of the boroughs with increasing child obesity rates, I want to tackle this head-on by making the healthier choice the easier choice for everyone.

I want to reduce unhealthy food advertising and at the same time encourage children and young people and families and carers to buy healthier options as well as cook more healthily. I am not banning food and drink brands nor the advertising by restaurants and takeaways. What I want to see is the promotion of healthier products rather than the advertising of sugary drinks and high fat, sugar and salt items. I am also introducing a ban on the advertising of alcohol. The banning of the advertising of unhealthy products will support my commitment to create a healthier Southwark. I strongly welcome the introduction of the new healthier advertising policy for Southwark.

## **RECOMMENDATIONS**

That the Cabinet:

1. Agree the adoption of the proposed new advertising policy for Southwark Council (Appendix 1) for all council sold advertising opportunities within the borough, including through any council letting or leasing arrangements.
2. Note that there will be a phased implementation, that is, as and when existing contractual arrangements come up for renewal.
3. Note that officers will also be contacting existing contract holders to voluntarily adopt the new policy before their contracts come up for renewal.
4. Request a report back in twelve months time to provide an update on the advertising policy and the impacts.

## **BACKGROUND**

5. Advertisements influence the lifestyle choices individuals make. A report published in 2018 by Cancer Research UK found young people who recalled

seeing junk food adverts every day were more than twice as likely to be obese<sup>1</sup>. The same study identified 87% of young people found adverts for high fat, salt and sugar products appealing, with three quarters tempted to eat a product after seeing such an advert. As a borough, we want to ensure advertisements promote healthy lifestyle choices to all our residents.

6. On the 25 February 2019, Transport for London (TfL), with the support of the Greater London Authority, implemented a junk food advertising ban. The ban is for advertisements of all food and non-alcoholic drink products that are high in fat, salt or sugar (HFSS). It has been implemented across the whole TfL estate, including the Underground, buses, Overground, Docklands Light Railway, taxi wraps and all TfL owned bus stops. This accounts for approximately 40 per cent of London's out of home advertising by revenue.
7. A public consultation by the Greater London Authority, launched in May 2018, found 82% of Londoners support a junk food advertising ban.
8. There is momentum across London boroughs to adopt a similar advertising policy to TfL. In addition the government is currently consulting on a television and online watershed for HFSS adverts aimed at children.
9. Similar junk food advertising policies have already been successfully implemented in other countries. For example, since January 2018, Amsterdam has banned the advertisement of unhealthy products aimed at children and young people across all 58 subway stations in the city. In Sao Paulo, all outdoor advertising has been banned since 2007 under the Clean City law. Sao Paulo viewed outdoor advertisements as 'visual pollution' that had the potential to be detrimental to the city's health. Preventing the advertisement of HFSS products is a recommendation of the World Health Organisation.
10. The proposed council advertising policy builds on the London momentum and ensures that advertising in Southwark, that may have a negative influence on health and wellbeing, is not placed through the council. It is an example of how the 'health in all policies' approach is being implemented across the council.
11. Additionally, advertisements through the council's advertising opportunities must not cause offence, be contrary to the Council Plan commitments and strategic aims and must uphold and not be detrimental to the council's reputation and corporate identity.
12. The new proposed advertising policy in Southwark reflects the Public Services (Social Value) Act 2012. The Act states that all public bodies are required to consider how their services impact on the economic, social and environmental well-being of the area.
13. Banning the advertising of unhealthy foods will reduce demand, de-normalise unhealthy foods and create a healthier urban environment. Comparison can be made with the banning of the advertising of tobacco products by the Tobacco Advertising and Promotion Act 2002. The latter has contributed to the de-normalisation of smoking and the reduction of smoking<sup>2</sup>.

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<sup>1</sup> <https://www.cancerresearchuk.org/about-us/cancer-news/press-release/2018-01-15-teens-likely-to-crave-junk-food-after-watching-tv-ads>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2002/36/contents>

## **The Southwark advertising policy**

14. The proposed policy (Appendix 1) states that Southwark Council will not accept advertisements that conflict with the promotion of an active and healthy life. Advertisements must also not have any adverse impacts on achieving the commitments within the Council Plan.
15. The proposed new advertising policy will apply but not be limited to the advertising opportunities across the borough as listed in Appendix 2.
16. Southwark's current guidelines on advertising in public places (Appendix 3) will still be upheld alongside the new policy.
17. The proposed advertising policy has been informed by guidance from Transport for London (TfL) for foods with high fat, sugar, salt (HFSS) content and the Advertising Standards Agency for more responsible advertising relating to broader advertising categories.
18. Southwark is adopting the TfL guidance on HFSS. Southwark has amongst the highest rates for childhood obesity nationally. Almost 40% of 10-11 year olds in Southwark are overweight or obese. This continues into adulthood, with just under 60% of the adult population overweight or obese. Creating an environment where the healthier option is the easier choice is an important part of a whole systems approach to promoting healthy weight in Southwark, as detailed in the Southwark Healthy Weight Strategy. The new advertising policy complements other initiatives in Southwark that work with local caterers and retailers to provide affordable, good quality, healthy options across the borough. Such initiatives include the Good Food Retail Plan and the Healthier Catering Commitment.
19. Southwark has amongst the highest alcohol related hospital admissions due to accident and injury, high prevalence of alcohol related disease and alcohol related cause of deaths. For this reason, alcohol is included in the advertising ban.
20. The council retains the right to decline advertisements from any organisation, individual, event or campaign that it considers inappropriate. Specifically, the following advertisement categories will not be permitted by the council:
  - Nudity, pornography, prostitution or sexual messaging services
  - Gambling and betting
  - Weaponry advertisements including knives
  - 'No win, no claim' services, payday lenders or pyramid promotional schemes
  - Advertisements with discriminatory and hate-related content
  - Illegal substances
  - Alcohol and tobacco products
  - HFSS food and HFSS non-alcoholic drink products.

## **Exemption process for considering appeals for high fat, sugar, salt (HFSS) products**

21. The Southwark advertising policy, like TfL's, uses the Nutrient Profiling Model (NPM) to identify food and drink products that are HFSS. The NPM does not differentiate between products on the basis of typical portion size or manner of consumption. Southwark Council recognises that the adoption of NPM could lead to unintended consequences, in that some products that are not believed to make a contribution to childhood obesity could become restricted.
22. Therefore, in line with the TfL guidance, it is proposed that Southwark follows an exemption process for considering appeals relating to HFSS food and non-alcoholic drink products. This exemption process is described in more detail in the policy (Appendices 1 and 4).
23. It is the responsibility of the advertiser or brand to demonstrate that the product meets the exemption process. Any potential exemptions will be reviewed by the council on a case by case basis but will be informed by TfL guidance to ensure consistency for brands.
24. In addition, the exemption process will allow for dialogue with advertising agencies in reviewing and updating this policy.

## **Policy implications**

25. The new advertising policy directly supports three key council Fairer Future Commitments:
  - A healthier life
  - A great start in life
  - A safer community
26. The advertising policy operates within and supports the delivery of the Health and Wellbeing Strategy, the Healthy Weight Strategy, the Tobacco Control and Smoking Cessation Strategy, the Mental Health and Wellbeing Strategy and the Early Years Foundation Stage Framework.
27. Southwark is also one of the boroughs piloting superzones – a healthier 400m radius around schools. The schools involved in the pilots have discussed that unhealthy advertising is addressed as part of the superzones approach.
28. The advertising policy has been developed with cross departmental input and support, including from Culture and Events, Communications, Property, Planning and the Chief Executive's Office.

## **Community impact statement**

29. It is envisaged that this policy will have a positive impact on a wide range of groups and the wider community. There are no specific negative equality implications arising directly from this policy.
30. The advertising policy aims to improve the health and wellbeing of Southwark's communities and residents by reducing the exposure to potentially detrimental lifestyle choices.

31. The advertising policy specifically bans discriminatory and hate related content and will take into consideration any advertisements that impact negatively on age, disability, faith, gender, ethnicity or sexual orientation.

### **Legal implications**

32. In the acknowledgement of contracts already in place, this policy will only come into effect for all new or renewals of leases and advertising contracts from 1st July 2019. This will also reduce any financial impacts the policy has on revenue. All current advertising providers within the borough will be contacted and encouraged to adopt the new advertising policy in advance of their contract renewal date.
33. As implementation will be phased due to varying contract renewal dates (Appendix 4), it will be possible to monitor the commercial impact of the policy and agree any revisions as appropriate.
34. The policy follows the Advertising Standards Agency guidelines and TfL's policy to remove any ambiguity amongst advertising agencies that could render the media estate unviable.
35. Officers will continue to work with the GLA, to learn from the implementation of the TfL policy and from their evaluation.
36. More broadly, a recent Ofcom report calculated that a HFSS ban on primetime television would have a 'modest' impact on food manufacturers' advertising revenue.

### **Financial Implications**

37. There are five large hoarding sites in the borough, which generate approximately £155,000 annually and there are nineteen JC Decaux screens across the borough that generate approximately £110,000 every year (Appendix 2). The total income of £265,000 received from such advertising opportunities is directed to fund Council services and priorities.
38. While the financial impact of this new advertising policy cannot be quantified at this stage, there is a risk that the proposals may reduce the current advertising income received by the council. This potential risk will be mitigated by Officers working with the advertising providers to ensure the sites can still be marketable and commercially viable.
39. The financial impact of this proposal will be monitored and reported as part of the council's revenue budget monitoring process.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

40. The council as a landowner is able to generate income from advertising displays that are situated across the borough. The report identifies how an advertising policy in relation to these displays will support the council in carrying out its statutory functions, particularly in relation to public health. Section 111 of the

Local Government 1972 gives a local authority powers to do “any thing ...which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions”.

41. The report also refers to the Public Services (Social Value) Act 2012 and notes that all public bodies are required to consider how their services impact on the economic, social and environmental well-being of the area. This policy will assist the council in performing this duty.
42. Under section 149 of the Equality Act 2010, in making this decision the Cabinet must comply with its public equality duty which requires it to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
43. The community impact statement set out in the report indicates that no negative impacts on those with protected characteristics have been identified and positive impacts are noted and these are relevant matters to be taken into account in discharging that duty.
44. The establishment of this policy is an executive function which can be determined by the Cabinet in accordance with the Local Government Act 2000.
45. It is noted that this policy will sit alongside the guidelines attached in appendix 3 which are in place to ensure the relevant highways and planning regulations are adhered to when dealing with requests to advertise in public spaces.

#### **Strategic Director of Finance and Governance (FC19/001)**

46. This report is requesting cabinet to agree to adopt the new advertising policy for Southwark Council as reflected in paragraphs 1-4. Full details and background are provided within the main body of the report.
47. The strategic director of finance and governance notes that there is a potential risk that this new approach may result in the reduction of advertising income currently achieved by the council but officers will be working with the advertising providers to mitigate such risks.
48. It is noted that close and robust monitoring will be required to evaluate the financial impact of this new policy and this will be incorporated within the council's budget monitoring process.
49. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Healthy Weight strategy: Everybody's business 2016-2021	Public Health 160 Tooley Street London SE1 2QH	Jin Lim Jin.lim@southwark.gov.uk
<b>Link (please copy and paste into your browser):</b> <a href="http://moderngov.southwark.gov.uk/documents/s63091/Appendix%201%20Healthy%20Weight%20Strategy%202016%20-%202021.pdf">http://moderngov.southwark.gov.uk/documents/s63091/Appendix%201%20Healthy%20Weight%20Strategy%202016%20-%202021.pdf</a>		
Transport for London's advertising policy	Greater London Authority City Hall, SE1 2AA	
<b>Link (please copy and paste into your browser):</b> <a href="http://content.tfl.gov.uk/tfl-advertising-policy-250219.pdf">http://content.tfl.gov.uk/tfl-advertising-policy-250219.pdf</a>		

## APPENDICES

No.	Title
Appendix 1	Advertising policy
Appendix 2	Advertising opportunities in Southwark
Appendix 3	Advertising in public spaces: Guidelines for using outdoor advertising in Southwark
Appendix 4	Exemption process diagram

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Evelyn Akoto, Community Safety and Public Health	
<b>Lead Officer</b>	Kevin Fenton, Strategic Director of Place and Wellbeing	
<b>Report Author</b>	Becky Steele, Public Health Policy Officer (Obesity & Physical Activity)	
<b>Version</b>	Final	
<b>Dated</b>	7 June 2019	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	7 June 2019	

### Southwark Council advertising policy

#### Policy context

Southwark Council does not support advertising that is contrary to the [Council Plan](#) aims and commitments. Of particular relevance to the advertising policy is the council commitment to promote a healthier and great start in life<sup>3</sup>.

The advertising policy reflects both the Advertising Standards Authority<sup>4</sup> (ASA) guidelines on prohibited categories as well as Transport for London's (TfL) guidelines on advertising food and non-alcoholic drink products that are high in fat, salt and sugar (HFSS).

#### Advertising policy

This policy is applicable to all advertising opportunities through the council, including through any third party letting or leasing arrangements.

Advertisements of any of the following products or services will not be permitted by Southwark Council:

- Alcohol and tobacco products
- Food and non-alcoholic drinks that are high in fat, salt and sugar (HFSS)
- Drugs/ illegal substances
- Nudity, pornography, prostitution or sexual messaging services
- Gambling and betting
- Weaponry including knives
- No win, no claim services, payday lenders or pyramid promotional schemes
- Hateful or discriminatory content.

With regards to alcohol, this includes any 'incidental' references to alcohol, even if the alcoholic drink is not the subject of the advertisement. Alcohol-free alternatives can be promoted.

With regards to HFSS, the policy does not ban whole brands or organisations from advertising, as they are able to promote healthier alternatives. Further information is provided below.

All advertisements also need to comply with the council's broader [guidelines](#) on advertising in public spaces.

The council retains the right to decline advertisements from any organisation, individual, event or campaign that it considers inappropriate.

#### Policy implementation

This policy will come into effect for all new leases from **1<sup>st</sup> July 2019\*** and for all current leases as they come up for renewal.

All current advertising providers within the borough will be contacted and encouraged to adopt this policy, in advance of their contract renewal date.

The advertising policy will be reviewed annually.

\*This date may change to be the start of the next month, following cabinet approval.

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<sup>3</sup> <http://www.southwark.gov.uk/council-and-democracy/fairer-future/fairer-future-commitments?chapter=7>

<sup>4</sup> [https://www.asa.org.uk/type/broadcast/code\\_section/10.html](https://www.asa.org.uk/type/broadcast/code_section/10.html)

## HIGH FAT, SALT, SUGAR (HFSS) PRODUCTS

Young people who recall seeing junk food adverts every day are more likely to be obese<sup>5</sup>. Southwark has amongst the highest rates for childhood obesity nationally. Almost 40% of 10-11 year olds in Southwark are overweight or obese. This continues into adulthood, with just under 60% of the adult population overweight or obese<sup>6</sup>.

In February 2019, Transport for London (TfL) introduced an advertising ban on all food and non-alcoholic drink products that are high in fat, salt and sugar (HFSS). This ban is across all advertising opportunities on the TfL estate (including bus stops, taxi wraps and stations). The ban focuses in particular on products that contribute to childhood obesity.

To ensure consistency across London and to remove any ambiguity of what can be advertised, with regards to food products and non-alcoholic drinks, the HFSS elements of this policy is based on TfL's advertising ban. TfL developed their policy with the Greater London Assembly (GLA). More information can be found [here](#).

1. Advertisements of food and/or non-alcoholic drink products rated high in fat, salt and/or sugar (HFSS) will not be permitted
  - This includes advertisements where there is a range of food/non-alcoholic drinks featured, and at least one is a non-HFSS product. For example, when promoting a meal within a restaurant or from a delivery service
  - All products within the advert need to be non-HFSS
2. All food and non-alcoholic drink brands, service companies or ordering services can advertise providing it is their healthier options, consisting of non-HFSS products only.
  - Brand only adverts must promote healthier options (i.e. non-HFSS) as the basis of the copy
3. Advertisements cannot show or feature HFSS products 'incidentally', even if they are not the subject of the advertisement
  - This can include being referenced through text or graphic
  - Additionally, this includes any products that are not specifically identifiable but can still be assessed for a HFSS status
  - Where a food or non-alcoholic drink item is featured incidentally and does not relate to a specific identifiable product, which can be assessed for its HFSS status, advertising copy may be rejected by Southwark Council on the basis that the advertisement still promotes the consumption of HFSS products

The UK Nutrient Profiling Model (NPM), developed by the Food Standards Agency, is to be used to identify HFSS products that contribute to childhood obesity. The NPM is available [here](#).

### Potential exemptions on HFSS products

The council retains the right to decline advertisement from any organisation, individual, event or campaign that it considers inappropriate.

If a food or non-alcoholic drink product within an advertisement is rated HFSS, it will not be permitted. However, if an advertiser or brand does not believe the product contributes to childhood obesity, they can complete an exemption form for the council to review.

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<sup>5</sup> <https://www.cancerresearchuk.org/about-us/cancer-news/press-release/2018-03-15-obesity-risk-doubles-for-teens-bombarded-with-junk-food-adverts>

<sup>6</sup> Public Health Outcomes Framework

Any potential exemptions will be reviewed by the council on a case by case basis, with all decisions being made in accordance with TfL's guidance.

A HFSS food or non-alcoholic drink product will be permitted by the council if it is not contributing to childhood obesity and can demonstrate this through the following criteria:

- The product must not be on Public Health England's sugar or calorie reduction [list](#). The list categorises foods and drinks of concern for obesity prevention. For example:
  - Breakfast cereals
  - Yoghurts
  - Sweet spreads and sauces
- The product must be the healthiest option available by the organisation or brand
- The product must not generally be consumed by children
- The presentation of the product or the advert should not be intended to appeal to children. For example:
  - Include a toy, gift or prize
  - Use licensed characters, cartoons, animals or fairy tales
  - Have a child-friendly product name
  - Use colourful exaggerated graphics

It is the responsibility of the advertiser or brand to demonstrate that the product meets the above criteria.

The exemption form is available on the council's website. A separate exemption form will need to be completed for every HFSS product within the advertisement. An exemption form can only be resubmitted if new evidence is presented.

**Reviewed 24<sup>th</sup> April 2019**

**Advertising opportunities in Southwark**

**Large hoarding and digital sites:**

- Five hoarding sites in the borough, with different contracts:

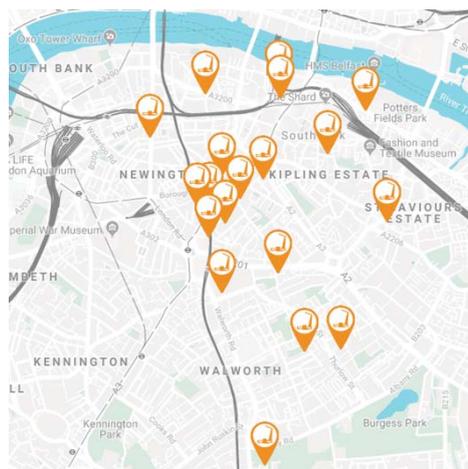
Address	Operator	Contract expiry date
Seven Islands leisure Centre	Roadside Media Ltd	23.06.20
563 Old Kent Road	Primesight Ltd	24.03.20
709 Old Kent Road	Maxx Media	N/A
182 Tower Bridge Road	Daylight Media	11.06.20
West Lane	Primesight Ltd	03.11.21

**22 electronic displays**

- The displays and advertisements are all managed by JCDecaux
- The contract with JCDecaux ends 31<sup>st</sup> March 2021
- The displays are located:
  - Waterloo Road
  - Newington Causeway
  - Southwark Park Road (x3)
  - Camberwell Road (x3)
  - Lower Road
  - Rotherhithe New Road (x3)
  - Newington Causeway (x2)
  - Borough Road
  - Southampton Way (x2)
  - Walworth Road
  - Lower Road

**29 smart benches**

- Contract with the Strawberry Smart benches network



**One bus shelter**

- The council only owns one bus shelter. The rest are owned by TfL
- The one bus shelter is on South Croxted Road, Dulwich and is not used for advertising

There are no advertisements on the council website and Southwark Life only uses council generated or NHS advertisements.

## APPENDIX 3

### **Advertising in public spaces: Guidelines for using outdoor advertising in Southwark**

This set of guidelines is to assist groups in the community as well as departments of the council to appropriately advertise events and activities lawfully.

With hundreds of events, festivals and activities happening across Southwark every year we are always looking for ways to advertise to the public. Different types of marketing ensures that as many people as possible become aware of them as possible. We use posters, leaflets, flyers, postcards, texting, social network sites and websites and street banners to get our message across.

The Town and Country Planning Control of Advertisements Regulations 2007 says that all posters, banners or flags require advertisement consent unless they fit under a number of categories where there is automatic or “deemed” consent. This is national legislation, which Southwark is required to comply with, and is responsible for enforcing.

Southwark Council has implemented a green action plan and sustainability policy 2004 and with partners are influencing a reduction in carbon dioxide emissions, improvement in air quality, reductions in the use and waste of water and implementing a climate change strategy. When advertising in Southwark organisations are required to ensure that they are green and that they recycle waste appropriately.

#### **Priorities**

Southwark Council has a series of priorities for the borough. The advertising in public spaces policy should positively contribute to our core priority of making Southwark a cleaner, greener and safer borough whilst supporting the promotion of community focussed activities and events in a safe and lawful manner.

Making Southwark Cleaner and Greener through the enhancing and improving the quality of the urban environment, promoting the use and enjoyment of Southwark’s built heritage, green and open spaces, and local areas.

#### **Community Cohesion**

As a Council we are committed to ensuring all communities are represented and active in the life of the borough. Through arts, culture and heritage communities can connect through shared activities and sharing experiences. The policy allows equal access to communities to advertise in public spaces.

#### **Criteria for advertising in a public space**

Organisations must apply for written advertisement consent for any poster, banner or flag which does not come under one of these categories before it can be displayed. These categories are within the Town & Country Planning Control of Advertising Regulations 2007.

#### **Category 1**

##### **Exemptions for Flags**

You don’t need permission if you want to display the country’s national flag, the flag of the Commonwealth, the EU or the UN or of an English County or a saint (e.g. St George’s Cross).

A flag must be displayed by itself. Neither the flag nor the flagpole can display additional advertisement or subject matter (e.g. a Union Flag and an advertisement for a sporting event would require advertisement permission).

## **Category 2**

### **Exemption for advertisements of local authorities and partners**

Southwark Council is able to display an advertisement in relation to any of its services that helps the success of those services.

If the event or activity is funded by, supported by or in partnership with Southwark Council then it is included in this category.

Any banners displayed under this exemption must not exceed 1.55m<sup>2</sup> in area (e.g. 1 metre by 1.55 metres or 0.5 metres by 3.10 metres).

## **Category 3**

### **Exemption for miscellaneous advertisements relating to the premises on which they are displayed**

An advertisement can be displayed for the purposes of identification, direction or warning with respect to the land or building on which it is displayed.

These signs must not exceed 0.3m<sup>2</sup> in area (e.g. 0.1 metres by 0.3 metres).

## **Category 4**

### **Exemption for temporary advertisements announcing local events**

This exemption applies to religious, educational, cultural, political, social or recreational activities. Advertisements must be temporary to be exempt. Events and activities under this exemption must not be promoted or carried out for commercial purposes.

An advertisement under this category must not exceed 0.6m<sup>2</sup> in area (e.g. 0.2 metres by 0.3 metres) and cannot be displayed more than 28 days before the first day of the event and must be removed within 14 days of the last day of the event. There is no limit on the number of such advertisements that can be displayed.

## **Category 5**

### **Exemption for balloons**

An advertisement can be displayed on a balloon providing the balloon is not more than 60m above ground level and providing there is not more than one balloon on the site. Balloons cannot be displayed in conservation area, such as Dulwich Park. This type of advertisement cannot be displayed for more than 10 days in any calendar year on any one site. If you are thinking about using balloon to advertise your event you will also need to speak to the Civil Aviation Authority.

**If the advertiser fits in one of the 5 categories they must follow the guidance notes below.**

1. No advertisement shall be displayed at road junctions, as this will cause distraction to drivers, cyclists and pedestrians and increase the likelihood of road traffic accidents.
2. It is unacceptable for anyone to advertise at a road junction, on a crossing or on traffic lights. Advertisements posted here will be removed.
3. No advertisements are to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
4. No advertisement shall be sited or displayed so as to:

- a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b. obscure any traffic sign, railway signal or aid to navigation by water or air;
  - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  7. Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
  8. The co-ordination of applications will be through the public realm division.

**If the advertisement does not fit into one of the 5 categories the advertiser will need to apply for advertisement consent and obtain that consent before the advert is displayed.**

This involves submitting an application form and plan, along with the current application fee of £335 per site. The application form is available at <http://www.southwark.gov.uk/YourServices/planningandbuildingcontrol/planningapplications/planningapplicationformsfees.html> or by contacting the planning department on 020 7525 5403.

An application could cover multiple displays on a single site. The council has eight weeks to make a decision on the application, after which the applicant can appeal if a decision has not been made. The applicant can also appeal if advertisement consent is refused.

In addition to the Advertising Regulations the council will also take account of its Unitary Development Plan when deciding if planning permission can be granted. This states that advertisements will only be permitted where they:

- do not harm amenity or compromise safety, including security: and
- do not obscure highway sightlines and allow the free movement along the public highway by all its users including people with disabilities, especially the visually impaired: and
- are designed (including size, type and any illumination) to be appropriate within the context of the site and to be an integral and unobtrusive part of the character and appearance of the site and surrounding area: and do not cause light pollution.

### **Penalties**

Any person who displays an advertisement without the correct permissions is guilty of an offence. As a result they may be liable to a fine. Such a fine will be a maximum of £1000. In the case of a continuing offence the maximum fine is currently £100 for each day it continues.

### **Further advice**

For further information on the control of advertisements view "Outdoor advertisements and signs: A guide for advertisers" at <http://www.communities.gov.uk/publications/planningandbuilding/outdooradvertisements>

## APPENDIX 4

### Exemption process diagram

