



**THE ADOPTION OF SECTION 4 AND 5 OF THE LONDON LOCAL
AUTHORITITES AND TRANSPORT FOR LONDON ACT 2013**

COUNCIL MEETING DATE 30 th November 2016	Classification: Open If exempt, the reason will be listed in the main body of this report.
Ward(s) affected All	
Cabinet Member Cllr Feryal Demirci, Cabinet Member for Neighbourhoods, Transport, & Parks	
Group Director Kim Wright, Group Director Neighbourhoods and Housing	

1. CABINET MEMBER'S INTRODUCTION

- 1.1 Installation of signage and lighting is essential for displaying information and for general safety, however the posts and poles on which they are mounted can be obstructive and aesthetically unappealing. Hackney Council should encourage design that reduces street clutter to improve the urban landscape.
- 1.2 The adoption of Section 4 and 5 of the London Local Authorities and Transport for London Act 2013, will enable borough Officers to develop designs that reduce posts and street clutter and will provide confidence that the designs can be achieved.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 The London Local Authorities and Transport for London Act 2013 Section 4 and 5, has amended the current legislation by enabling more powers to be able to attach street lights and signs to buildings. This will result in improved public realm schemes by reducing street clutter. The Council now needs to adopt this Act to allow Officers to be able to function more efficiently on service tasks such as affixing light and signage around the borough.

3. RECOMMENDATIONS

3.1 Council is recommended to:

- i) **To adopt sections 4 and 5 of the London Local Authorities and Transport for London Act 2013 ("the Act") so that its provisions enabling the Council to affix traffic signs and street lighting to buildings shall apply to the London Borough of Hackney from the day appointed for this purpose;**
- ii) **To fix the Appointed Day, from which the adopted provisions in paragraph 3.1(i) above take effect, as 15 January 2017 pursuant to section 3 of the Act;**
- iii) **Delegate power to the Group Director, Neighbourhoods and Housing to publish notices of the aforementioned resolutions pursuant to section 3(4) of the Act;**
- iv) **Delegate power to the Group Director, Neighbourhoods and Housing to exercise powers under Section 4 and 5 of the Act for the purpose of affixing traffic signs and street lighting onto buildings.**

4. REASONS FOR DECISION

- 4.1 To reduce street clutter and unnecessary street furniture in the borough.
- 4.2 To provide an alternative to the current process that can see permission difficult to obtain, costly to manage, and take a long time to implement.
- 4.3 To facilitate smart design options (i.e catenary lighting) and streamline installation options relating to lighting and signage.
- 4.4 To enable the powers of Section 4 and 5 of the Act for their use within the London Borough of Hackney.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 An alternative option would be to remain with the status quo. This has been rejected due to the benefits the Act will provide, as explained in this report.

6. BACKGROUND

- 6.1 Authorities in London are continually searching for ways to improve the urban landscape by reducing street clutter and removing unnecessary street furniture. Whilst it is important, and in many cases a legal requirement, for an authority to install traffic signs to provide highway users with essential traffic management and safety information, the posts to which they are attached can be unsightly and a hindrance to pedestrians. Particularly those with visual impairments and highway users with wheelchairs or prams. Similarly whilst street lighting improves safety on London's streets, the required lamp columns can also have a detrimental effect on the streetscape. Growth projections indicate that there will be increasing demand for space as the numbers of highway users grow and use intensifies. One of the ways that London authorities can reduce on-street clutter is by attaching street lighting and signs to existing building infrastructure.
- 6.2 London authorities have previously only been able to install signs and lighting on buildings with permission of the building owner using a Wayleave agreement (which may include a continual annual payment). These are often difficult to obtain, costly to administer, and can take a considerable amount of time to implement.
- 6.3 Sections 4 and 5 of the London Local Authorities and Transport for London Act 2013 ("the Act") have amended the requirements for affixing traffic signs and street lighting to buildings in London so that, if adopted, London authorities can follow a notice procedure rather than obtaining express consent from the building owner. In practice, this

allows the Council to fix street furniture to properties where it considers it in the public interest to do so without the building owners' consent, provided that efforts have been made to notify the building owner in accordance with the Act. Building owners will be given opportunity to make representations, which the Council must have regard to, and shall be entitled to compensation for any damage.

6.4 Subject to Full Council's approval of this report, the Council intends to exercise powers under the Act having regard to the 'Code of Practice for Affixing Traffic Signs and Street Lighting to Buildings in London', published by London Councils. The Code explains the legislation and outlines good practice.

6.5 While many sections of the Act came into operation following it receiving Royal Assent, Sections 4 (except subsection (13)) and 5 will only come into operation on the appointed day by resolution of the Council. This report recommends that the appointed day be 16th January 2017 as this will allow a noticing period of at least one month after that the Act has been adopted at full Council.

7. Conclusions

7.1 The benefits of adopting Section 4 and 5 of the Act include reducing the difficulty to obtain permissions, reducing the cost to administer agreements, and a reduction in time it can take to implement infrastructure.

7.2 The 'Code of Practice for Affixing Traffic Signs and Street Lighting to Buildings in London' outlines good practice and should be used by the Council in conjunction with Section 4 and 5 of the Act.

7.3 Approval granted by the Group Director, Neighbourhoods and Housing (or another officer as set out in the Group Director's Scheme of Delegation) shall be obtained on all individual schemes prior to powers being exercised under the Act.

8. Equality Impact Assessment

8.1 An Equality Impact Assessment (EIA) has been completed in an effort to ensure that the proposal does not disadvantage any group, body, or association.

8.2 The EIA is attached as **Appendix 1**. The results of the EIA have determined that no particular group, body, or association will be disadvantaged due to the adoption Section 4 and 5 of the Act.

9. Sustainability

- 9.1 The adoption of Section 4 and 5 of the Act will enable an ongoing power to installing fixings for lighting and signs with the knowledge that fixing to buildings is a feasible option that will aid in the reduction of street clutter across the borough.
- 9.2 There are no environmental issues associated with the adoption of the Act and any associate works.

10. Consultations

- 10.1 The Council is not required under the Act to consult prior to passing a resolution to adopt section 4 and 5, however, it must publish notice of the resolution in a local newspaper and the London Gazette.
- 10.2 Prior to any individual schemes being implemented, the Council must make efforts to notify any building owners' who may be affected in accordance with the Act. Should a landowner have a material objection, this must be considered and acted on accordingly.

11. Risk Assessment

- 11.1 A risk assessment has been produced as part of the review to adopt Section 4 and 5 of the Act. This has been included as **Appendix 2**.
- 11.2 A site specific risk assessment will be completed by the specialist contractor prior to commencing the direct action works. This includes a structural survey to any properties.

12 COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 12.1 This report makes recommendations at Section 3 to seek approval for the adoption of sections 4 and 5 of the London Local Authorities and Transport for London Act 2013, which permits London Local Authorities to affix signage and lighting to private properties without the need for prior agreement.
- 12.2 Although the Council is not required to adopt this Code, it is considered prudent that the Council exercises its powers in order to ensure consistency of application and to reduce the risk of challenge from building owners. The current arrangements require the authority to enter into wayleave agreements with owners.
- 12.3 Before making a decision as to whether or not to proceed with affixing signage or lighting to a building, officers must have regard to statutory notice procedures in each individual case that it seeks to exercise its

powers. Officers must be satisfied that, in each case, the public interest justifies the interference with the property and robust assessments are carried out to mitigate financial, reputational and health and safety risk as identified in Appendix 2.

- 12.4 There may be notional savings from the reduced administration of these agreements, the reduced cost of any disputes which require magistrate's court decision and any wayleave agreements which entail annual payments. Any compensation costs to owners as a result of the adoption of this Act are unlikely to exceed those made under the current arrangements.

13. COMMENTS OF THE DIRECTOR OF LEGAL

- 13.1 Section 4 of the London Local Authorities and Transport for London Act 2013 (the "Act") amends existing legislation and creates new provisions enabling the Council to affix traffic signs and street lighting to buildings in the borough through a notice procedure rather than obtaining consent from the building owner.
- 13.2 If the Council wishes to use these provisions in the Act, it must pass a resolution fixing the date from which these powers shall take effect (known as the appointed date). In accordance with the Council's Constitution, the adoption of this Act is a function reserved to Full Council.
- 13.3 Prior to any London borough passing a resolution, a code of practice must be published by a joint committee in accordance with the Act. This requirement was discharged by London Councils publishing a 'Code of Practice for Affixing Traffic Signs and Street Lighting to Buildings in London' in June 2015 following approval of its Transport and Environment Committee. Although the Council is not required to adopt this Code, it is considered prudent that the Council exercises its powers having regard to it in order to ensure consistency of application and to reduce the risk of challenge from building owners.
- 13.4 The Council is required to publish notice in a local newspaper and in the London Gazette after it has passed a resolution to adopt sections 4 and 5 of the Act. The notices must advise of the passing of the resolution, the date that the sections shall come into operation and the general effect of the same. There must be a minimum period of at least one month between publication of the notice in the London Gazette and the appointed day on which the powers come into effect.
- 13.5 Once the Act has been fully adopted, the Council must follow statutory notice procedures in each individual case that it seeks to exercise its powers. These notice requirements seek to ensure that any owner is informed prior to any traffic sign or street lighting being affixed to their

property, is provided with sufficient information in respect of the works and is afforded opportunity to make representations.

- 13.6 Before making a decision as whether or not to proceed with affixing signage or lighting to a building, the Council must have regard to relevant representations made by the owner of any building which will be affected. The Council should also be satisfied that, in each case, the public interest justifies the interference with the property owner's right to enjoyment of their land and property.
- 13.7 Under the Act, and other relevant legislation, an owner of a building will be entitled to compensation if their property suffers damage through the affixing to the building of a traffic sign or lighting.
- 13.8 The Act provides for separate procedures in relation to buildings owned by statutory undertakers, where prior consent is required prior to traffic signs or lighting be affixed.

APPENDICES

Appendix 1 – Equality Impact Assessment

Appendix 2 – Risk Assessment

Background Paper

None

Report Author	Josh Wright, Project Engineer joshua.wright@hackney.gov.uk Tel: 020 8356 8995
Comments of the Director of Legal	Robert Walker, Licensing and Planning Lawyer Robert.Walker@Hackney.gov.uk Tel: 020 8356 3578
Comments of the Group Director of Finance and Corporate Resources	James Newman – Head of Finance james.newman@hackney.gov.uk Tel:020 8356 5154

