

Committee(s):	Date(s):	Item no.
Planning and Transportation Committee	11 May 2011	
Subject: Sponsorship of Waste Recycling Bins	Public	
Report of: City Planning Officer	For Decision	
<p style="text-align: center;"><u>Executive Summary</u></p> <p>1. This report updates members on arrangements (insofar as they impact on issues of advertisement consent) approved by Port Health and Environmental Services Committee, Policy and Resources Committee and Streets and Walkways Sub-committee in September and October 2007 regarding the provision of waste recycling bin units on footway (pursuant to the City’s powers under S.185 Highways Act 1980). Arrangements were pursued on the basis that the provider, Renew, would display public information on screens built into the units. Such display would benefit from deemed advertisement consent under Regulation 6 and Schedule 3 Part 1 of the Town and Country Planning (Control of Advertisement) Regulations 2007 (“2007 Advertisement Regulations”). The provider’s proposals have now evolved in response to the development of their business model, and Renew have requested that in addition to the screens a sponsorship logo be displayed on the unit itself [as illustrated at Appendix 1]. The logo and related wording would require advertisement consent. This report evaluates the principle of whether the proposed sponsorship logo would be likely to cause harm to amenity. The report advises that subject to the display being limited to the modest and discreet character proposed either beneath the screens or on the top, in principle (and without prejudging individual applications), such proposals would not normally cause harm to amenity. The report therefore recommends that the City Planning Officer be given delegated authority to determine applications which may be submitted for advertisement consent for the displays beneath the screens described in this report and shown at Appendix 1.</p> <p>2. Recommendations</p> <p>It is recommended that the City Planning Officer be given delegated authority to determine applications for advertisement consent to display</p>		

logos and wording shown on waste recycling units beneath the display screens, subject to:

- (i) the scale and size of the display being restricted to the style shown beneath the screens OR on top of the unit in Appendix 1; and
- (ii) the City Planning Officer being satisfied that there are no site specific circumstances arising on a case by case basis, relating to highway safety or amenity, which raise issues not considered in this report; and
- (iii) the City Planning Officer first considering all relevant representations received in respect of site specific applications for advertisement consent.

Main Report

3. Background

At Port Health and Environmental Services Committee of 25th September 2007, Policy and Resources Committee of 18 October 2007 and Street and Walkways Sub-Committee of 22nd October 2007 it was resolved to approve proposals for the installation of up to an initial 100 sponsored recycling bins throughout the City. The proposals contemplated that the units would be manufactured and installed at the provider's expense (with the City undertaking regular waste collections at the City's cost). It was further contemplated that the units would incorporate display screens on which public information could be displayed (such as relating to travel information, news, financial messages, and, if required, emergency/security warnings). Such information would not require advertisement consent on the basis that it benefits from deemed consent under Regulation 6 and Schedule 3 Part 1 of the 2007 Advertisement Regulations ("functional advertisements of local authorities"), subject to all the information pertaining to the City's functions. A small sponsorship logo is proposed to be displayed on the top right hand corner of the screen, but it is not considered, on the basis of the designs shown to date (see illustration at Appendix 2) that these would be such as to disapply the deemed consent (A similar approach has been adopted in relation to the display screens on the Barclay's Cycle Hire docking station unit).

4. However, the provider has also requested that in addition, a sponsorship message along the lines of “ABC Company supporting Renew in partnership with the City of London” be displayed on the unit both on the top and below the screen. The proposed scale is as illustrated at Appendix 1. (The request has arisen due to the evolution and refinement of the provider’s business case and funding models). Such displays would require advertisement consent.

5. **Evaluation**

The City’s planning policies require that all advertising be discreet and restrained in keeping with the dignified character of the local area. The relevant policies are set out at Appendix 3. Applications for advertisement consent must be determined solely in the interests of amenity and public safety (see Regulation 3 2007 Advertisement Regulations). Although advertisements on street furniture are not normally permitted (see justification to UDP Policy ENV 30), on balance it is considered that the discreet and restrained nature of the proposed displays underneath the screens or on top of the unit would be unlikely, in themselves, to give rise to adverse amenity impacts when displayed on the proposed units, (subject to the display being either under the screen or on top of the unit, but not both, and subject further to site specific amenity and safety issues, including consideration of relevant representations received in response to specific applications). However, it is considered that the proposed lettering both beneath the screen and on top of the units would, if displayed on the same unit, be excessive and could not be said to be discreet. It is therefore considered that either one or the other, but not both, would be acceptable in principle.

6. The content of advertising material is outside of advertisement control and the local planning authority may not impose restrictions on content or subject matter, but it should be noted that (i) any information on screen falling outside the description of “functional advertisement of the local authority” would not benefit from deemed consent and would therefore be unauthorised; and (ii) the content is subject to separate control arrangements between the City as highway authority and Renew, which would allow an element of control over the wording of the messages displayed on the bin illustrated at Appendix 1.

7. **Proposal**

It is therefore proposed that the City Planning Officer be delegated authority to determine applications for advertisement consent for displays

either beneath the screens in the recycling units or on the top of the units in broad conformity with the details illustrated in Appendix 1. It is acknowledged that, on the basis of the in-principle evaluation, pursuant to such delegated authority, the City Planning Officer may consider it appropriate to grant the advertisement consents sought, subject to consideration of site specific circumstances and relevant representations. The outcome of specific applications cannot be pre-determined and nothing in this report or the in-principle evaluation is intended to prejudge the determination of individual applications on a case by case basis.

8. However, any consents granted would be on the basis that the displays permitted were carefully controlled to ensure they did not exceed the size and scale illustrated in Appendix 1. This would be achieved, as with all advertisement consents, by describing the permitted dimensions of the display in the consent. Displays exceeding the permitted dimensions would be unauthorised.
9. As regards colouring of the bins, it is proposed that the carcass of the bins be either black, navy or dark grey or other colour agreed by the City, and that in addition there may be two discrete colour stripes around the edges of the bins of not more than 2cms width, provided the colours of the stripes have first been agreed with the City under the contract. The colouring is not generally a matter falling within advertisement control. Reasonable controls would, however, be provided for by separate agreement.
10. In addition, the provider has also advised that it would wish to display across the screens larger “introductory” and “exiting” sponsorship messages flashing up for short periods between the public information displays. The proposed “flash” displays could take up to half the screen with a sponsor’s name or other commercial message. The provider has been advised that this would not be recommended because such displays would not conform with policy requiring advertising to be discrete, and further, the inclusion of such non-public information would result in the display screens no longer benefitting from deemed consent, and therefore being wholly unauthorised.
11. It is acknowledged that any applications by other providers, utilities or statutory undertakers in connection with similar street furniture should generally be treated in a consistent manner. However, these are not the subject of the proposed delegation and would be referred to your committee.

9. Conclusion

The recommendation would achieve the proposals set out in this report to the extent that they comply with planning policy.

Background Papers: Report to Policy and Resources Committee 18 October 2007; Report to Port Health and Environmental Services Committee 22 September 2009

- **Appendix 1 – Proposed Logo on Unit – illustrations**
- **Appendix 2 – Proposed Screen**
- **Appendix 3 – Planning Policies - Env30; Env31; CS10.**

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