

# **Nottingham City Council**

## **ASB Team**

# **Deemed Consent for Travelling Entertainment Permits**

Version 4 – January 2020

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## Deemed Consent for Travelling Entertainment Permits

**Version:** 4

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**Team:** Nottingham City Council ASB Team

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**Date of next review:** January 2022

**Status:** V4 in force

### Reviews

Date	Issue prompting review	Outcome
2012	Protocol adopted	
2018	Change in staff	David Scothern's name included as contact
<b>2020</b>	<b>Change in staffing</b>	<b>Contact changed to ASB Team inbox</b>

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Advertising of Travelling Entertainment  
using Deemed Consent provisions  
pursuant to Town and Country Planning  
(Control of Advertisements) (England)  
Regulations 2007 as amended by the  
Town and Country Planning (Control of  
Advertisements) (England) (Amendment)  
Regulations 2012

**If you intend to advertise a travelling circus, fair or entertainment within the  
City of Nottingham, YOU MUST FOLLOW THE PROCEDURE OUTLINED IN  
THIS DOCUMENT**

## 1. Deemed Consent

Section 224 (3) of the Town and Country Planning Act 1990 (TCPA) makes it an offence for any person to display an advertisement in contravention of “the Regulations”.

The relevant current regulations are the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (TCPA Regs)

Regulation 4 of the TCPA Regs states broadly that no advertisement may be displayed unless consent for its display has been granted by the local planning Authority or Secretary of State (express consent) or by Regulation 6 (deemed consent).

Regulation 6 of the TCPA Regs confirms that deemed consent is granted for the display of advertisements of any class specified in Part 1 of Schedule 3 of those regulations, subject to both the Standard Conditions and the conditions and limitations that are specified in respect of each particular class of advertisement

Regulation 8 of the TCPA Regs gives the local planning authority the ability, if it is satisfied that it is necessary to do so to remedy a substantial injury to the local amenity, or a danger to members of the public, to serve a notice of discontinuance for the display of a particular advertisement or the use of a particular site.

## 2. Travelling Entertainment

Class 3F of Part 1 of Schedule 3 of the TCPA Regs grants deemed consent for advertisements relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place within the locality.

The consent is subject to a variety of specific conditions and limitations namely

- No advertisement may exceed 0.6 square metres in area.
- No advertisement may be displayed earlier than 14 days before the first performance or opening of the entertainment at the place specified.
- The advertisement shall be removed within 7 days after the last performance or closing of the specified entertainment.
- At least 14 days before the advertisement is first displayed, the local planning authority is to be notified in writing of the first date on which, and the site at which, it is to be displayed.
- Illumination is not permitted.

- No part of the advertisement may be more than 4.6 metres above ground level (or 3.6 metres in an area of special control).

### **3. Standard Conditions**

The deemed consent is also subject to the Standard Conditions set out in Schedule 2 of the TCPA Regs and which include the following

- No advertisement is 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.
- 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, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 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.
- 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.
- 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.

### **4. Compliance with Town and Country Planning Act Regulations**

Any person or body intending to rely on deemed consent for the advertising of a travelling circus, fair or similar travelling entertainment pursuant to Class 3F of Part 1 of Schedule 3 of the TCPA Regs must comply strictly with all of the conditions set out in those regulations.

Nottingham City Council will look to take legal action, pursuant to Section 224 (3) of the TCPA against any person displaying an advertisement for a travelling circus, fair or similar travelling entertainment in contravention of the TCPA Regs.

## 5. Address and Contact Details for Notifications

Any person wishing to notify the local planning authority of the date and sites at which it is proposed to display advertisements shall send details of the same to the two following addresses by hard copy or email

ASB Team  
Community Protection  
Nottingham City Council  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Email: [asbteam@nottinghamcity.gov.uk](mailto:asbteam@nottinghamcity.gov.uk)

Development Management  
Nottingham City Council  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Email: [development.management@nottinghamcity.gov.uk](mailto:development.management@nottinghamcity.gov.uk)

## 6. Pro-forma for Notifications

A suggested form of notification is attached to this protocol.

When providing details of the sites at which advertisements are to be displayed, sufficient detail should be provided to clearly identify the precise intended location of each advert.

For example, it will not be deemed sufficient to simply say that an advertisement will be placed on a given street. Details will need to be given to confirm where on the street the advertisement will be placed i.e. “on railings outside number 23”.

A copy of the proposed advertisement shall also be provided at the time of the notification.

## 7. Acknowledgement of Receipt

Nottingham City Council will acknowledge receipt of all notifications received within 5 working days.

## 8. Contact details for further information

If you require any further information please contact

ASB Team  
Nottingham City Council  
Community Protection  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Email: [asbteam@nottinghamcity.gov.uk](mailto:asbteam@nottinghamcity.gov.uk)

For more information about how we process your data please go to the Nottingham City Council, website at <https://www.nottinghamcity.gov.uk/privacy-statement/>. If you do not have access to a computer, please let us know and we can arrange to send you a paper copy of our privacy notice

**NOTIFICATION FORM IN RESPECT OF THE PROPOSED ADVERTISING OF TRAVELLING ENTERTAINMENT UNDER DEEMED CONSENT PROVISIONS**

NAME OF ADVERTISER

ADDRESS OF ADVERTISER

CONTACT TELEPHONE NUMBER

EMAIL ADDRESS

EVENT NAME

EVENT LOCATION

EVENT DATES

NUMBER OF ADVERTISEMENTS PROPOSED

SPECIFIC LOCATION OF EACH INDIVIDUAL ADVERTISEMENT.

Continue on a separate sheet if required.

SIGNED.....

NAME.....

A COPY OF THE PROPOSED ADVERTISEMENT MUST BE ATTACHED TO THIS APPLICATION FORM.