

CODE OF PRACTICE
FOR AFFIXING TRAFFIC SIGNS
AND STREET LIGHTING TO
BUILDINGS IN LONDON

JUNE 2015

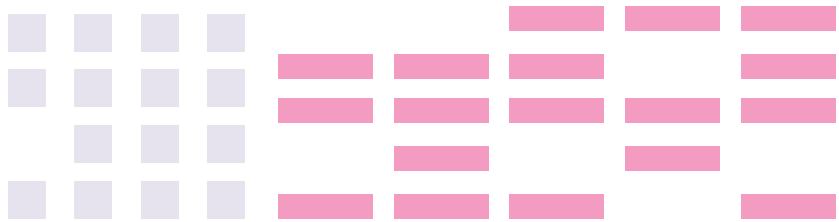


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**Permit
holders
only**

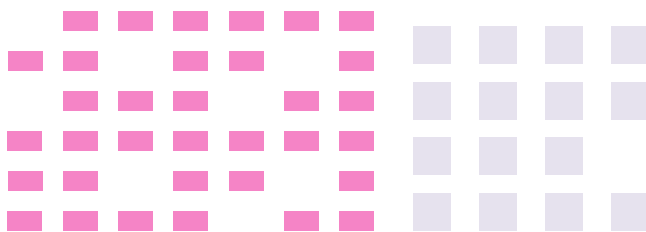


1 INTRODUCTION

- 1.1. 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 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 achieve their objectives is by utilising existing building infrastructure to attach street lighting and signs
- 1.2. London authorities have previously been able to install signs and lighting on buildings but permission had to be obtained from the building owner before any works could commence. This was often difficult to obtain, costly to administer, and took a considerable amount of time to implement.
- 1.3. The London Local Authorities and Transport for London Act 2013 has amended the requirements for affixing traffic signs and street lighting to buildings in London so that London authorities must follow a notice procedure rather than obtain consent from the building owner. This gives London authorities powers more in line with those currently enjoyed by the City of London Corporation.
- 1.4. This Code of Practice explains the legislation and outlines good practice procedures that London authorities should follow to ensure that they fully comply with the legislation. It should help ensure a consistent approach. It is also intended for others such as developers and property owners who may become involved in the process.

2 RELEVANT LEGISLATION

- London Local Authorities and Transport for London Act 2013. Part 2(4) ([link](#))
- Public Health Act 1961. Section 45
- Road Traffic Regulation Act 1984. Section 74
- Land Compensation Act 1961. Section 5
- Town and Country Planning Act 1990. Sections 262-162
- Human Rights Act 1998
- Equalities Act 2010



3 GLOSSARY OF TERMS

“the Act” means the London Local Authorities and Transport for London Act 2013.

“borough council” means London borough council.

“street lighting” means such lamps, brackets, pipes, electric lines and apparatus as may be required for the purposes of street lighting.

“London authority” means a borough council or Transport for London, as the case may be.

“operational land” in relation to statutory undertakers is defined under section 263 and section 264 of the Town and Country Planning Act 1990 as (a) land which is used for the purpose of carrying on their undertaking; and (b) land in which an interest is held for that purpose.¹

“relevant owner” – For the purposes of section 45 of the Public Health Act 1961 and section 74 of the Road Traffic Regulation Act 1984, the Relevant Owner of a building (i.e. the person on whom the notices must be served) is:

- (i) A person who occupies the building under a lease or tenancy which has more than five years left to run or;
- (ii) The person receiving the rack rent, which is the best market rent obtainable for the building (including the agent or trustee of the person receiving this rent) or the person who would receive it if the building were let at the best market rent available.

“statutory undertaker” is defined under section 262(1) of the Town and Country planning Act 1990 as ‘Persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator.’

“theatre” is defined as any building or part of a building used wholly or mainly for the public performance of plays, and ‘public performance’ and ‘play’ have the same meanings as in the Theatres Act 1968, but with the words ‘dance performance’ substituted for ‘ballet’.

“traffic sign” includes any apparatus required for the illumination of a traffic sign which forms part of the sign.

¹ There are further provisions outlined in section 263 and section 264 of the Town and Country Planning Act 1990 defining operational land, and this legislation should be consulted fully to confirm the status.

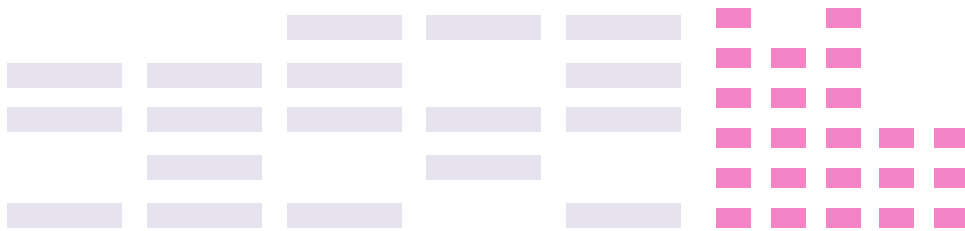


4 THE POWER

- 4.1. A London authority may affix traffic signs and street lighting to a building provided they have complied with the notice requirements set out in the Act.
- 4.2. If a building forms part of the operational land of a statutory undertaker different requirements apply. See paragraph 11 below.
- 4.3. The authority must also be satisfied in each case that the public interest justifies the interference with the property owner's rights to enjoyment of their property.

5 THE REQUIREMENT TO SERVE A NOTICE

- 5.1. Not less than 56 days before the London authority proposes to commence works to affix street lighting or a traffic sign to a building, the London authority must serve notice in writing on the relevant owner of the building of their proposal (the Notice).
- 5.2. The identity of the "relevant owner" as defined should be checked with the land registry to ensure that the appropriate body or person receives the Notice. Where there is ambiguity as to the identity of the relevant owner, a copy of the Notice should also be sent to the building address marked "owner or occupier".
- 5.3. In situations where it is unclear who the relevant owner is, for example where the building is multi occupancy with differing lease expiry dates, it is recommended that the London authority should:
 - (i) Contact the occupier in writing and ask who is responsible for the lease at the point where the signs and/or lighting are to be affixed; and failing this
 - (ii) Contact the land registry.



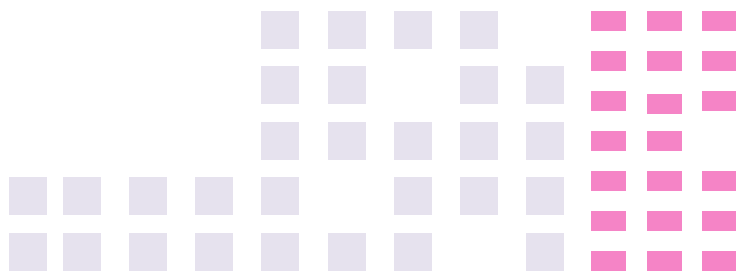
6 CONTENT OF THE NOTICE

6.1. The Notice must:

- a. state that the London authority proposes to affix street lighting or a traffic sign to the building;
- b. describe the street lighting or traffic sign, giving its approximate dimensions;
- c. specify where on the building the London authority proposes to affix it and the means by which it is to be fixed;
- d. specify the date, or the earliest date, on which the London authority proposes to begin the work;
- e. specify a period of not less than 42 days from the date of service of the Notice during which the relevant owner may make representations to the London authority about the proposal;
- f. inform the relevant owner of his rights to compensation for damage which might be suffered by or in consequence of the affixing of the street lighting or traffic sign;
- g. inform the relevant owner that if no representations are made within the period specified in the Notice for doing so the London authority may proceed with their proposal without further notice.

6.2. The purpose of the Notice is to provide the owner of the building with sufficient information about the proposed affixing of the street light or traffic sign to the building. It is recommended that the Notice also:

- a. state that the London authority will have regard to any representations made by the relevant owner within the period specified;
- b. make reference to a plan or drawing for the purposes of explaining where the London authority proposes to affix the street light or traffic sign;
- c. state the materials the London authority proposes to use to affix the street light or traffic sign;
- d. state that the owner of a building may be entitled to compensation if he suffers damage by, or in consequence of, the affixing of a street light or traffic sign to the building, or by, or in consequence of, the London authority altering, removing, repairing or maintaining any street light or traffic sign which the London authority has affixed to the building;

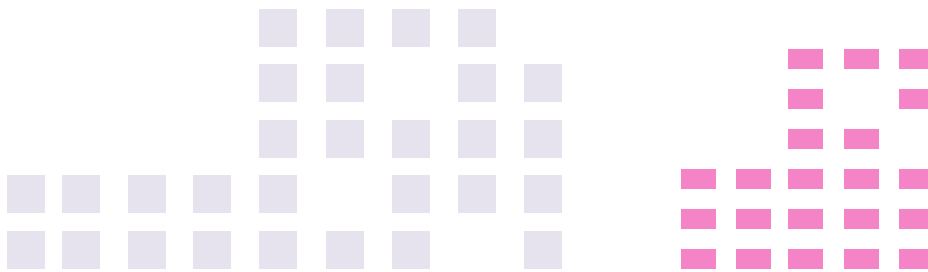


- e. state that, in the event of an owner of a building being entitled to compensation, the level of compensation will be determined, where there is a dispute, by the Upper Tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, Rules 2 to 4 of the Rules set out in section 5 of the Land Compensation Act 1961 will apply;
 - f. include the name and contact details of an officer of the London authority with whom the recipient of the notice will be able to discuss the Notice.
- 6.3. It would be considered good practice to agree a date or date range with the relevant owner for the works where possible. There may be circumstances where it may not be practicable to complete the entire works on the agreed date or within the agreed date range, or where the London authority believes that there is a reasonable possibility that the works date may need to be adjusted, for example because of:
- (i) difficulties in coordinating with the electricity connection provider or; -
 - (ii) events outside the control of the London authority such as demonstrations or other special events; or
 - (iii) a request to alter the date being made under section 16(2) of the Traffic Management Act 2004 (the exercise of any power to regulate or co-ordinate the uses made of any road);

A model notice can be seen in Appendix 1.

7 ADDITIONAL INFORMATION SUPPLIED WITH THE NOTICE

- 7.1. The London authority should provide any relevant additional information that would help illustrate and explain the look, weight, size and placement of the proposed light or sign and its fittings. Such information may include detailed design drawings, plans and elevations, photographs and written product specifications.
- 7.2. The Notice should also contain details of any future service and maintenance required including any Wayleave Agreements if required.



8 SERVICE OF THE NOTICE

- 8.1. The Notice and any other notice served under part 2 of the Act may be served by post.
- 8.2. Where the person on whom a notice is served is a corporate body, the Notice or document is duly served if it is served on the secretary or clerk of that body.
- 8.3. The proper address of any person in relation to the service on him is, if he has given an address for service, that address, and otherwise
 - a. In the case of a secretary or clerk of a corporate body, the registered and principal office of that body; and
 - b. In any other case, his last known address at the time of service
- 8.4. If the name or address of the relevant owner cannot be ascertained after reasonable enquiry, a London authority's Notice proposing to commence works to affix street lighting or a traffic sign to a building under paragraph 5.1 may be served by addressing it to the name or by the description of "owner" of the land (describing it) either leaving it in the hands of the person who is, or appears to be resident or employed on the land or leaving it conspicuously affixed to an object on or near the land.
- 8.5. It is recommended that any notice served by post should be sent by recorded delivery.

9 EXPIRY OF NOTICE

- 9.1. If a London authority specifies the earliest date on which the London authority proposes to begin the work in the Notice, the London authority may not begin work after the expiry of four months beginning with that date. This however does not prevent the London authority from serving a fresh notice.

10 REPRESENTATIONS

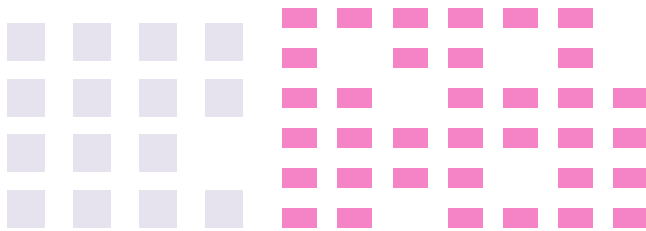
10.1. Having considered any representations made by the relevant owner within the specified period, the London authority shall decide whether to:

- (i) proceed with their proposal;
- (ii) proceed with their proposal modified to take account of the representations made;
- (iii) not proceed with the proposal.

10.2. If the relevant owner has made representations, the London authority shall serve notice of the decision on the relevant owner. This notice shall comply with paragraphs 8.1- 8.3 and 8.5 above.

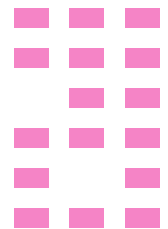
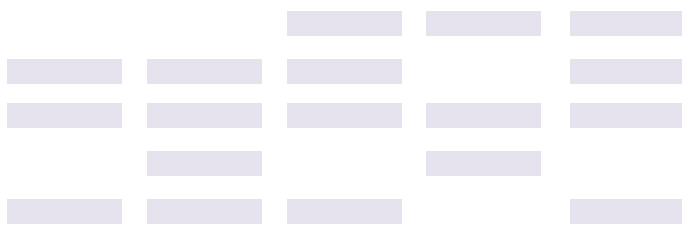
10.3. The notice of the decision would normally be in the form of a letter to the relevant owner. Where appropriate it is recommended that this notice should respond to the representations made and where the London Authority has decided to proceed with the proposal, it should outline the date of commencement of the works.





11 STATUTORY UNDERTAKER'S OPERATIONAL LAND

- 11.1. If a building forms part of the operational land of a statutory undertaker, the London authority must obtain the statutory undertaker's written consent before anything can be affixed to the building.
- 11.2. Consent may be given subject to reasonable conditions (including the payment of reasonable expenses in dealing with the request for the consent, but no other payment) and shall not be unreasonably withheld.
- 11.3. Where a London authority serves a notice on a statutory undertaker requesting consent to the affixing of anything to the building and the statutory undertaker does not within a period of 56 days beginning with the date on which the notice is served:
 - (i) give their consent unconditionally;
 - (ii) give it subject to conditions;
 - (iii) refuse it,the consent will deem to have been withheld.
- 11.4. Where the London authority is of the opinion that that the consent required is being unreasonably withheld or subject to unreasonable conditions, the London authority may apply to the magistrates' court, who may either:
 - (i) allow the 'traffic sign or light in question to be fitted subject to such conditions, if any, as it thinks fit; or
 - (ii) disallow the application.



12 LISTED BUILDINGS

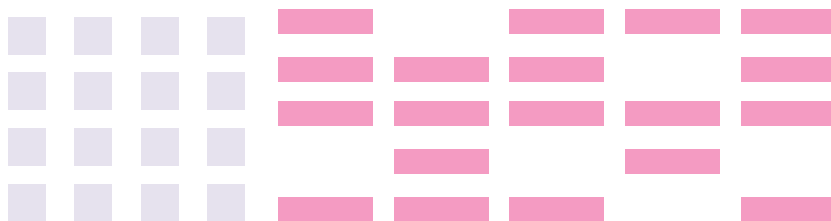
- 12.1. No street light or traffic sign will be attached to a building which is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 without the London authority first having obtained listed building consent from the local planning authority or Secretary of State.
- 12.2. Advice on how to obtain listed building consent should be sought from the relevant local planning authority.

13 THEATRES

- 13.1. Sections 4 and 5 of the Act and this Code of Practice do not apply in respect of a theatre. Therefore to fix a street light or traffic sign to a theatre building, agreement with the relevant owner must be sought as with previous arrangements.

14 ONCE STREET LIGHTS OR TRAFFIC SIGNS HAVE BEEN AFFIXED

- 14.1. Where street lighting is affixed to a building
 - a) the London authority shall have the right as against any person having an interest in the building to alter or remove them, or to repair or maintain them
 - b) the owner of the building may give the London authority by whom they were affixed not less than fourteen days notice requiring them at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.



15 RESPONSIBILITY FOR MAINTENANCE, INSPECTIONS AND ELECTRICITY SUPPLY

- 15.1. London authorities should ensure that they have specific agreements in place with the relevant owner allowing access for the maintenance and service of equipment.
- 15.2. London authorities should ensure that they have provided separate electricity supply to the equipment, where required.
- 15.3. Despite councils having comprehensive rights under respective legislation to alter, remove, repair and maintain lighting and traffic signs, authorities may still wish to enter into Wayleave Agreements. These document terms and conditions of consent.
- 15.4. A Wayleave Agreement is an agreement under which a property owner gives a service provider (for example, an electricity or telephone services provider) a right to install equipment on, passing through or over the owner's property. This agreement also provides access for any service, maintenance or repair of any equipment.
- 15.5. Whilst building occupiers may be able to enter into Wayleave Agreements, they will often need consent of the building owner. It is therefore preferable under this Code of Practice that any Wayleave Agreements are made at the time of serving the notice on the relevant building owner.
- 15.6. The agreement should include details of access and notice periods. This should clearly indicate what work need to be done, and how long the work is likely to take. This should also outline whether it is anticipated that the works will affect the traffic sign or light.
- 15.7. The length of an agreement will usually depend on local negotiations, and may be linked to the length of tenancy. Any termination period from both parties should also form part of the agreement.

16 RECORD KEEPING

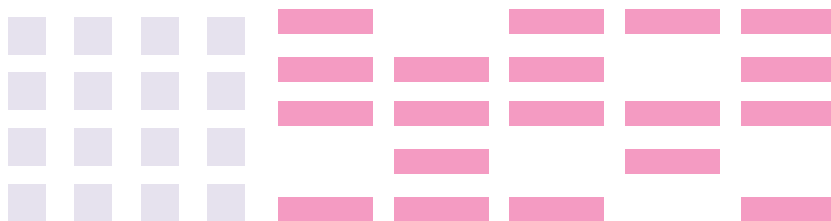
- 16.1. As with Traffic Management Orders, all records of any activity regarding the installation from the service of the original notice to the ongoing maintenance reports should be kept by the London authority and maintained for as long as the traffic signing and/or street lighting is place and in accordance with the London authority's data retention policy.

17 APPEALS AND COMPENSATION

- 17.1. If the owner of a building suffers damage by, or in consequence of, the affixing to the building of street lighting or a traffic sign by a London authority, or by or in consequence of the London authority's exercise of the rights to alter or remove, or to repair or maintain the street lighting or traffic sign conferred by section 45(5) of the Public Health Act 1961 and section 74(5)(a) of Road Traffic Regulation Act 1984 respectively, he shall be entitled to be paid compensation by the London authority.
- 17.2. In the case of dispute, compensation will be determined by the Upper Tribunal (Lands Chamber).
- 17.3. Where compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, Rules 2 to 4 of the Rules set out in section 5 of the Land Compensation Act 1961 (c. 33), shall apply.
- 17.4. Details of the Upper Tribunal (Lands Chamber) can be found at the following link.
www.gov.uk/appeal-upper-tribunal-lands/overview

18 LONDON AUTHORITY RECOMMENDATION

- 18.1. If by affixing a street light or traffic sign to a building, a street light or traffic sign located on the pavement has become redundant, it is recommended that the London authority remove the redundant street light or traffic sign (including any post onto which it is mounted) and make good any damage caused to the pavement by its removal. In some cases however, this may need to remain.



APPENDIX 1 - MODEL NOTICE

London Local Authorities and Transport for London Act 2013

Notice to the relevant building owner

Notice is hereby given by (the Authority) of the proposal to attach a street light/ traffic sign to the external wall of the following building:

Building Address

Full details of the proposals together with diagrams, dimensions and materials used are outlined in the schedule below /attached schedule

(Schedule)

It is proposed to undertake these works not less than 56 days from the date of this notice. We would be looking to schedule these works between the following dates (date or date range specifying date/ earliest date that the Authority proposes to commence works)

There may be circumstances where it may not be practicable to complete the entire works on the agreed date or within the agreed date range, or where we believe that there is a reasonable possibility that the works date may need to be adjusted, for example because of:

- Difficulties in co-ordinating with the electricity connection provider or;
- Events outside the control of the Authority such as demonstrations or other special events; or
- A request to alter the date being made under section 16(2) of the Traffic Management Act 2004 (the exercise of any power to regulate or co-ordinate the uses made of any road.

Representations

The relevant owner may make representations to the Authority within a period of 42 days from the date of service of this notice.

The Authority will have regard to any representations made within a period of 42 days from the date of this notice and respond to them before affixing a street light or traffic sign to the building.

If no representations are received within 56 days from the date of service of the notice, the Authority may proceed with the proposal to affix the street light or traffic sign as indicated.

The relevant owner may be entitled to compensation if he suffers damage by, or in consequence of the affixing of a street light or traffic sign to the building. The building owner may also be entitled to compensation for by, or in consequence of the Authority altering, removing, repairing or maintaining any street light or traffic sign which the Authority has affixed to the building.

In the event of an owner of a building being entitled to compensation, the level of compensation will be determined, where there is a dispute, by the Upper Tribunal, and, so as far compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, Rules 2-4 of the Rules set out in section 5 of the Land Compensation Act 1961 will apply.

Any Representations should be sent to: provide contact name

Date:

Contact: Name

Contact details

Signed:

London Councils
59½ Southwark Street
London SE1 0AL
www.londoncouncils.gov.uk
020 7934 9999

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