

APPENDIX 4

Fixed penalty notices/fines

Issuing of fixed penalty notices/fines for unauthorised advertising

We issue fixed penalty notices to both individuals and businesses who are responsible for displaying or erecting advertisements in breach with planning control, these advertisements including estate agent boards and shop signs.

We issue £100 fixed penalty notices, commonly known as fines, to anyone in breach of advertisement control. The Magistrate's Court can also issue fines of up to £2,500 to those who repeatedly offend and for more serious environmental crimes.

What is a fixed penalty notice?

A fixed penalty notice is a fine. If a council officer believes that you are in breach of advertisement control she or he may issue you with a fixed penalty notice. If you pay the fixed penalty notice within 14 days of the issuing date the fine will be reduced to £60. Once you have paid the fixed penalty notice, no further action will be taken regarding the notice.

Why have I been issued with a fixed penalty notice?

You have been issued with a fixed penalty notice because you, or your business, have been identified as being responsible for the advertisement.

An officer has inspected the advertisement and found that it is in breach of the Town and Country Planning (Control over Advertisements) (England) Regulations 2007 (the Regulations).

Fixed penalty notices are issued for adverts in breach of advertisement control these include shop signs and estate agent boards, please see schedule 3 of the Town and Country Planning (Control over Advertisements) (England) Regulations 2007 (the Regulations).

What powers does the council have to issue a fixed penalty notice?

The council is entitled to issue a fixed penalty notice in respect of unauthorised advertisements pursuant to Section 15 and 16 and Schedule 2 of the London Local Authorities Act 2004 (LLAA 2004) and Section 224(3) of the Town and Country Planning Act 1990.

Can I contest my Fixed Penalty Notice?

An officer will ensure that there is evidence of an offence before issuing a fixed penalty notice. We will review your case if you feel a mistake has been made and the advertisement is lawful with reference to the Regulations.

If you wish to seek a review of your case, you need to write a letter within 2 weeks of the notice being issued. Please quote the fixed penalty notice number, located in the top right hand corner of the notice, and send it to:

Director of Planning,
Planning Division
160 Tooley Street
London SE1 2HZ
Planning.enforcement@southwark.gov.uk

You will be notified of the outcome of your appeal and if you are not successful you will be required to pay the full fine of £100 within two weeks of the decision.

When do I have to pay the fixed penalty notice?

You must pay the £100 notice within 28 days of receiving the fixed penalty notice, or £60 with the early payment discount, if you pay within 14 days. If you are sending a letter seeking a review, do not pay the fixed penalty notice until you have received a final decision letter from us.

What happens if I do not pay the fixed penalty notice?

We may start court proceedings and you may be liable for a fine of £2,500 for failing to pay the fixed penalty notice.

How do I make a payment?

Please ensure you have the Fixed Penalty Notice that you are paying and a pen to hand so you can enter all the details and take note of the reference number given

Phone the Planning Administration team on 0207 525 5403/ 5447 between 9am and 5pm, Monday to Friday, and ask the Support Services Officer to take a telephone credit or debit card payment, quoting the reference number on the fixed penalty notice. That payment will not show on our system for 24 hours, but the time of the telephone call will be the payment date.

If payment is made by cheque it should be payable to London Borough of Southwark and sent to

Director of Planning,
Planning Division
160 Tooley Street
London SE1 2HZ

The notice reference number needs to be written on the back of the cheque and a copy of the notice should be stapled to the cheque

However, the date of payment will be when the cheque is processed, not when it might be assumed that it has been received. Payment by telephone is therefore more secure in terms of ensuring that payment takes place before any deadline given in the notice.