

**Renfrewshire Council
Scrutiny Board**

**Illegal Signage Across
Renfrewshire**

APPROVED

by Renfrewshire Council
8 September 2005

Report 5: 2004/2005

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Illegal Signage Across Renfrewshire

Approved by Renfrewshire Council: 8 September 2005

Convener: Councillor Terry Kelly (Labour)

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Department of Planning and Transport

Report by
the Scrutiny Board

LEAD OFFICER

ILLEGAL SIGNAGE ACROSS RENFREWSHIRE

1. Introduction

- 1.1 The Scrutiny Board has decided to investigate the subject of illegal signage in Renfrewshire due to the recent proliferation of such signs and the problems which are being created as a result. Complaints are being received from the public and through elected members about the concentration of illegal signage developing in some areas and the effect these are having on amenity and environmental quality of the area, and in many cases public safety.
- 1.2 The types of signage subject to the investigation all tend to be temporary and include fly posting, commercial signs/advertisements, estate agent signs, banner signs and "A" boards outside shops.

2. Scope of the Review

- 2.1 The Scrutiny Board meeting on 14th February 2005 established the scope of the review and the approach to be taken in the investigation. It was agreed that witnesses would be called and information gathered under the following Headings:
 - Extent of the problem
 - Effects of the illegal signage
 - Current action being taken by the Council
 - Current resources available and being utilised by the Council
 - Adequacy of the current legislation and Council policies
 - Changes proposed to improve or remedy the situation

3. Evidence gathered in the Review

- 3.1 **Graham Wyllie**, Principal Engineer, Roads Maintenance and Lighting Section of the Council's Roads Division gave evidence to the Board on the current action by the Roads Division in dealing with the problem. Mr Wyllie's evidence can be summarised as follows:

Extent of the problem

Illegal advertising signs have always been a problem throughout Renfrewshire, although there are some "hot spots" by certain groups in various areas. The impact on the environment by this signage is more noticeable as it is always placed on main roads or local distributors for

maximum impact. There has always been a significant level of complaint, however recently estate agents signage has become the dominant subject.

Categories of Signage

There is an assortment of signs which can affect the roads division, which include:

- Fly posting which can be stuck to lighting columns and control boxes. Visually obtrusive and damage can occur to protective coatings during removal.
- Notices erected on lighting columns and sign poles by means of string/ tape/ mechanical fixings.
- "A" boards erected outside shops, normally small independent shops hoping to attract passing trade.
- Banner signs fixed to guard-rail, mainly at roundabouts, but can occur outside schools
- Community signs can vary from bunting over the road, to banners or notices attached to columns and poles. Normally for a local non profit making event such as Sma' Shot day, Lilies day, school Xmas fayres, etc.
- Direction signs, e.g. to new housing developments, can be for a commercial return or to indicate a route for construction traffic.
- Political signs used during elections

Perpetrators

There are a large number of perpetrators including:

- Estate/ Letting Agents
- Commercial bodies including Internet based Business, entertainment and retail services
- Housing Developers for directing construction traffic and potential buyers
- Community bodies including local communities and educational establishments
- Political bodies

Estate Agents Signs

The increase in the problems with estate agents signs is possibly caused by the slowdown in the housing market and a more aggressive attitude by both sellers and the agents. Modern housing estate layouts formed by a distributor road with several culs-de-sac or short residential roads with traffic calming is making the directions to a particular house more complicated. The plethora of signs at the end of short culs-de-sac is evidence of the requirement for more detailed directional instructions from estate agents.

Commercial Signs

Addressing the problems of the commercial signage on the road network is a major problem with existing resources. Whereas estate agents work in their own area, commercial firms can advertise many miles from their premises.

There are a limited number of estate/ letting agents and a great number of commercial firms involved. The signage used by this sector is varied and range from a boards outside shops, to banners for superstores and major chains, to small stickers for entertainment or Internet firms. As it is not possible to identify the firms concerned prior to advertising appearing, a different approach to the problem has to be considered.

The roads division are not able to take account of the commercial viability of local firms and their consideration is limited to public safety.

In the main this has been to approach the businesses on an individual basis and warn them of the illegal nature of this signage, however this has had limited success.

Other Signage

Election posters are managed in line with Council Policy. Community signing is considered and where possible written authorisation is granted for the short term erection of signs. There are a number of conditions applied including location, insurance and removal.

Number of Signs Reported

At present we do not record the complaints regarding illegal signage, although all complaints are inspected. The level is on average 2 - 3 complaints per week, although there are often multiple locations reported.

Locations of Concentrations

Estate/ Letting agents signage is a problem in Houston, Crosslee, Paisley and Bridge of Weir.

Commercial signage problems are continual at Hillington, Linwood Road and some other commercial areas.

Effects of illegal signage

Public Safety

There are a substantial number of dangers associated with illegal signs which include;

- Obscuring the visibility of drivers at junctions
- Drivers can be distracted by brightly coloured signs which are designed to attract attention.
- Drivers attempting to follow a route on the temporary signs, which are often erected at the most dangerous locations (at junctions, not in advance of the turn) rather than concentrating on their driving.
- Insecure signs which blow off into traffic or pedestrians, distracting drivers or causing actual damage to pedestrians or vehicles. The signs will

eventually land on the road where they can obstruct the drainage, or on the

- Loose signs which slip down poles and can obstruct or scratch pedestrians or cars. On one occasion the illegal sign slipped down to cover a push button on a pedestrian crossing, to the obvious danger of children or visually impaired.
- The fixings for the signs can cause damage to the plastic/ galvanised protective coatings of sign poles shortening their life spans.
- Plastic ties which are becoming more prevalent rarely have the tail of the tie removed. This is an obvious danger to pedestrians as ties are often left at face height. It should be noted that banners illegally attached to pedestrian guard-rail will have ties at eye level for children which is extremely worrying.
- Banner signs attached to guard-rail obscure children from drivers.
- The safety of persons erecting the signs should not be underestimated. Many signs are erected on central reserves by persons using a ladder leaning against the pole. Small diameter poles can be very slippery and the possibility of a ladder slipping off a pole in wet conditions is significant, in the central reserve there is fast moving traffic on both sides. Council staff often take the same risks when removing the signs.
- Obstructions on footways and footpaths can cause problems of access for prams and wheelchairs, which if forced onto the adjacent road can have problems accessing the footway on the other side of the obstruction as well as the obvious danger of such vehicles being on the road at any time.
- It appears that some farm animals have eaten signs blown into their fields and asphyxiated due to the polythene covers.

Current action

All complaints are inspected, and where a danger to the public is found, action to remove the offending sign is taken. In October 2004, the roads division wrote to over 40 estate and letting agents, warning them of their legal obligations and warning of the £25 removal charge made by the Council. Any illegal estate agent signs located since then have been removed with charges being sent to offenders. To date charges totalling £1,425 (57 signs) have been issued, with further charges of £825 (33 signs) for removal and £1020 for storage of the removed signs in the process of being issued.

Current resources

The Roads Division has no dedicated enforcement officers, all statutory notices and follow up action is carried out by staff who deal with a number of other duties. Illegal signage has been afforded a lower priority in the workload than other matters such as water discharging onto the road, illegal skips or mud on the road. However, due to the increase in the number and locations of the illegal signage, some action has been taken.

Costs Involved

The charge of £25 was adequate in 1997 and has not been amended, however due to the multiple signs at each location, it is probable that our costs are being covered.

Adequacy of the current system

Legislation & Policies

The complimenting nature of the legislation and Council Policies are suitable for the problems involved.

Control of road signage is given through the Roads (Scotland) Act 1984, in three different sections.

Section 100 states “A person who without lawful authority or reasonable excuse.....(b) paints or otherwise inscribes or affixes upon the surface of a road or upon a tree, sign, milestone, structure, or works in or on a road, a picture, letter, sign or other mark commits an offence.

Section 59(1) is used where the sign is considered to cause an obstruction, including visibility, to the safe passage of pedestrians or vehicles.

Section 83 covers the situation of a sign which is not on the public road, but on nearby land and obstructs the visibility of Drivers.

It should be noted that there is no right of appeal to the Council to a notice served under the Roads (Scotland) Act 1984, any appeal has to be made directly to the Sheriff Court within 28 days of the date of the notice. Where an offence has been committed, the roads division is restricted to reporting the matter to the Police or Procurator Fiscal for possible prosecution. Renfrewshire Council (Roads & Transportation Committee) has also made policy regarding signage.

Election Posters on Street Furniture	23 April 1997
Fly Posting on Roads Signs, Lighting Columns & Street Furniture	30 July 1997
Attachments of Notices, signs & other fittings to Lighting Columns	4 March 1998

Resources

Dealing with illegal signage will continue to be an action undertaken by Roads Division Inspectors, as they also monitor issues such as illegal footway crossovers, interference with road drainage systems, overhanging trees and hedges and mud on the road. It is hoped that repeated charges and the cost of replacement to the bodies concerned and a review of Inspector workloads and priorities will improve the current situation

3.2 **John Smart**, Principal Officer, Development Control Section of the Planning Division gave evidence to the Board on the current action by the Planning Division in dealing with the problem. Mr Smart's evidence is summarised as Follows:

Extent of the problem

Categories of signage

The types of signage involved is as specified in Para 3.1 of the report to the Scrutiny Board on 14 February with the proviso that the attachment of temporary banners to the elevations of public houses, hotels and shops is also a feature of the use of unauthorised signage in Renfrewshire.

Perpetrators

Estate agents, letting agents, housing developers, promoters of concerts and publicans are the main sources of unauthorised signage.

Number of signs reported

No specific count is kept of the number of signs where action has been taken but in the last period for which figures are available 1 April 2004 to 30 September 2004 there were 7 recorded cases of enforcement action relating to adverts. This is fairly typical of activity over the last few years with action largely driven by the level of public complaint. It should be noted that the complaints generally relate to multiple signs so the number of signs involved with these cases will be significantly more than 7.

Locations of concentrations

Craigends, Houston
Hillington IE
Inchinnan Road near Blythswood IE
Centre of Bridge of Weir
Phoenix Retail Park
All major road junctions throughout Renfrewshire

Effects of illegal signage

Public safety issues with distraction of drivers particularly at key points on the road network e.g. at roundabouts and junctions.

Sporadic and indiscriminate advertising results in clutter and detracts from the appearance of areas particularly in Conservation areas and within landscape settings of residential areas.

The method of fixing by means of nail gun or paste may permanently damage buildings.

Current Action

Essentially reactive at present. When a complaint is received it is always investigated. If on roads furniture Roads division are advised for their action. otherwise we identify perpetrator and serve notice on them to remove the signage. If not removed voluntarily the Roads Division arranges to have them Removed.

Section 187 of the Town and Country Planning (Scotland) Act 1997 provides the power to remove or obliterate placards and posters.

Advertisements which contravene the Advertisement regulations are unauthorised and any person displaying an advertisement in contravention of the regulations is guilty of an offence and liable on summary conviction to a fine. The Head of Planning and the Principal Development Control officer have delegated powers to take action using Section 187.

Current resources

The Planning enforcement team consists of one qualified planner and a planning inspector who are responsible for dealing with all enforcement matters. Advertisement enforcement is only a very small proportion of the total workload. Other than the checking of identified key development sites for compliance with conditions the service is complaint driven.

Adequacy of the current system

The legislation is adequate with powers to remove and obliterate offending signs along with the theoretical possibility of prosecution.

The Council guidance in respect of advertisements is currently being revised and the issue of these types of advertisements can be included in the revised Document.

To adequately deal with the problem of illegal signage, greater priority will require to be given to this issue by enforcement staff.

- 3.3 **Jim Kerr**, Assistant Managing Solicitor in the Legal Services Division, gave evidence to the Board on the legal context within which the Council must work. Mr Kerr's evidence is summarised as follows:

Statutory Remedies

1. Enforcement

(a) Planning

In terms of the Advertisement Regulations, the display of an advertisement without advertisement consent or in breach of the standard conditions gives the planning authority the right to serve an Advertisement Enforcement Notice on the owner and the tenant of the land and on any person known to the

planning authority to be displaying the advertisement. The purpose of the Notice is to secure compliance with the Regulations and can require removal of the advertisement.

The definition of advertisement in the Regulations is very widely drawn and almost certainly covers all of the categories of signage about which the Board has already heard evidence.

The process is not speedy and gives the persons on whom the Notice is served a right of appeal. Experience has shown that an appeal is often lodged without prospect of success and to delay removal simply because of the financial benefits which an advertisement brings. If an appeal is submitted, it takes on average 5 months to deal with one which proceeds on written submissions and double that period if there is a public local inquiry.

(b) Roads

Section 83 of the Roads (Scotland) Act 1984 deals with prevention or obstruction of view at corners, bends and junctions. This is achieved by the service of an Obstruction Notice on the owner or occupier giving him not less than 28 days to alter any advertising hoarding. A Notice can also be served on the owner or occupier restraining him from allowing any advertisement hoarding to be erected. There is a right to object in writing to a Notice within 28 days of receipt stating grounds of objection. Whether a Notice should be withdrawn or modified is decided in accordance with procedures set down in the Act which provide for arbitration by a single arbiter where the parties agree to this and, in default, by the Sheriff. The person served with a Notice can consent to the Roads Authority carrying out work on his behalf to comply with the Notice. There is however a major qualification on the use of a Notice as the person served with one is entitled to recover his reasonable expenses incurred in complying with it from the Roads Authority.

2. Prosecution

(a) Planning

Whether or not the planning authority serves an Advertisement Enforcement Notice, the display of an advertisement in breach of the Advertisement Regulations is an offence and a person guilty of an offence is liable on conviction to a fine and to a daily penalty in the case of a continuing offence. It is entirely a matter for the Procurator Fiscal to decide whether to prosecute or not. The role of the planning authority is restricted to reporting to the Procurator Fiscal.

The maximum fine is £200 and the daily penalty is £20 for each day. These figures were set in 1984 and have not been revised since then.

(b) Roads

In terms of Section 59 of the Roads Act, it is an offence to put anything in a road which causes an obstruction unless the roads authority has consented

in writing. If there is no consent, the person responsible for the obstruction can be asked to remove it by the roads authority. It is an offence not to remove the obstruction forthwith.

In terms of Section 83 of the Roads Act, it is an offence not to comply with an Obstruction Notice.

In terms of Section 100 of the Roads Act, it is an offence without lawful authority or reasonable excuse to affix a picture, letter, sign or other mark to the road surface or to a traffic sign or milestone on or in a road.

Again, for all of these offences, it is entirely a matter for the Procurator Fiscal to decide whether to prosecute or not. The role of the roads authority is restricted to reporting to the Procurator Fiscal.

Generally, offences under the Roads Act are tried summarily and the penalty is the statutory maximum. For a breach of Section 59 the maximum is £200, for a breach of Section 83 the maximum is also £200 and for a breach of Section 100 the maximum is £1,000.

3. Direct Action

(a) Planning

A planning authority may remove or obliterate any placard or poster which is displayed in breach of the Advertisement Regulations. The terms “placard” and “poster” are not defined and the ordinary meanings of these words therefore apply. The right to remove or obliterate can only be exercised if the planning authority has given two days prior written notice, provided, of course, that the placard or poster identifies the person who displayed or caused it to be displayed.

If the steps required by an Advertisement Enforcement Notice, such as removal of the advertisement, are not taken, then the planning authority can enter into the land and take the steps themselves.

(b) Roads

In terms of Section 59 of the Roads Act, where a person has been requested to remove an obstruction by the roads authority and has not complied with that request or the person who placed the obstruction in the road cannot be traced or in an emergency, then the roads authority may remove the obstruction itself.

4. Recovery of Costs

(a) Planning

The legislation which gives the planning authority the power to remove advertisements displayed in breach of the Advertisement Regulations does

not, except in the case where the planning authority has opted to use the cumbersome Advertisement Enforcement Notice procedure, confer an express right to charge for the removal or obliteration of an advertisement. The Notice procedure does expressly confer on the planning authority the right to charge if the planning authority requires to carry out the steps themselves. In the absence of an express right to charge, the Council could only charge if there was a power by necessary implication. There is no such implication in the legislation. It follows that the Council has no right to charge for the removal or obliteration of advertisements. Charging for the removal or obliteration of advertisements cannot therefore take place as the law presently stands.

(b) Roads

Section 59 of the Roads Act expressly confers on the roads authority the right to charge such expenses as are reasonably incurred for the removal of obstructions. On that basis the fee of £25 presently charged is lawful however it is unlikely to be lawful to charge for the storage of obstructions removed.

5. Interdict

Interdict may be granted by the Court as it thinks appropriate for the purpose of restraining or preventing a breach of planning control by virtue of Section 146 of the Planning Act. In this context the Court means the Court of Session or the sheriff.

An interdict does not act retrospectively, its benefit is that it applies a future prohibition and prohibits recurrence. In addition there are no criminal consequences. The interdict itself is only an order which the Defender may or may not comply with. If he breaches it then this is potentially a contempt of court.

Contempt of Court

This is a matter that the Council solicitor raises through the civil court but requires the Procurator Fiscal to concur with the Contempt of Court Application.

The defender can either admit or deny the breach. If he admits the breach, the Sheriff can impose a penalty of a fine or in some cases imprisonment. He can also order defendants to pay money as a guarantee against repetition of the breach.

If the defender denies the breach the case is continued to a further hearing where witnesses from both sides give evidence. If the Sheriff is satisfied that the breach is proved he convicts for Contempt of Court and can impose the same range of penalties mentioned above.

Timescales

Interim interdict - Undefended action could take only a few weeks.

- Defended action could take six months.

Breach of interdict - Undefended approximately two months.

- Defended action could take several months longer.

- 3.4 The Depute Procurator Fiscal, **Daniel Kelly**, was interviewed concerning the prospect of using prosecution as a remedy for offenders. It is only the Procurator Fiscal that takes a prosecution to court with the role of the Council being to bring the matter to the Procurator Fiscal and provide the necessary evidence and witnesses as required.

Mr Kelly confirmed that the Procurator Fiscal would in principle support the Council with the prosecution in selected cases where the circumstances merited such action and the evidence was significantly robust.

The Procurator Fiscal can take action at several levels. He can issue a warning letter or levy a fine without the need for court proceedings resorting to Court only in default. Alternatively, he can go directly to court depending on the Circumstances.

The **Association of Estate Agents** were consulted regarding for sale and directional signs remote from the properties for sale. Confirmation was received that the Code of Practice issued by the Association to its members stated that they must conform to the legislation covering the erection of signs. It is therefore the case that signs that are erected in breach of planning legislation are also against the Code of Practice of the Association.

3.5 **Benchmarking of Other Authorities**

In order to ascertain the experience of other local authorities in relation to illegal signage and to consider whether Renfrewshire could benefit from their policies and actions, a number of Local Authority's were consulted. The surrounding authorities of Glasgow City Council, East Renfrewshire, Inverclyde and South Ayrshire were consulted. In addition, the Council's of Manchester City and London Borough of Camden were approached as it was known that both these Council's were active in this field. A summary of the information obtained from these Councils is set down below.

Glasgow City Council:

Estate Agents Signs

They have not really had a problem with this, they have had one complaint, over the past few months. Their Department has taken an informal view, however, where the proliferation reaches unacceptable levels we will take action.

It is their interpretation of the legislation that where a sign is erected on common open land which is part of a housing estate, it has deemed consent. They are of the opinion that as the house owner has an interest (part owner) in the land, they can display the for sale sign.

Fly Posting on Street Furniture

Roads Division previously carried out removal on a rotational basis, but it was labour intensive and could not be sustained. They now react on an adhoc basis, in particular to those signs that are considered hazardous to road safety. They also carry out site visits relative to specific signs following complaints from planning/public. Where signs are removed for safety reasons they are normally dumped.

East Renfrewshire Council

Estate Agents Signs

They have a problem similar to ours, it is continuous. They normally write to the offending estate agent (sometimes several letters) and request removal in 14 days. Quite a large number are successfully dealt with in this process. They have not taken any formal action in this respect.

Fly Posting on Street Furniture

Roads Division, take direct action, and act on a complaint from the public or officer(s). They may destroy the sign immediately (where it has been a serious danger to road safety) and sometimes store for a week. They call the person responsible where they have information. No costs sought.

Inverclyde Council

Estate Agents Signs

Do not have a significant problem. Planning react to complaints from the public/officers. Where it occurs planning, will deal with signage on private land. There Roads Service will deal with signs on non trunk roads, while we advise AMEY of problems on the Trunk Road. Planning Section contact - Julie.

Fly Posting on Street Furniture

Roads Division react to complaint(s), not significantly high. When they receive a report, they approach company to remove, then they remove if necessary. They have no specific budget, they store the signs for a short while then destroy them. They do not charge.

South Ayrshire Council

Estate Agents Signs

Only two occasions in the last year where this was a problem. The signs were erected in front of CCT cameras. Agents contacted and they were removed.

Fly Posting on Street Furniture

Where fly posting is a problem they serve S. 187 notices with 48 hours for removal (serve on the venue, irrespective of who put it up. When a problem occurs they undertake sweeps for the removal, a.s.a.p. They do not store signs.

Estate Agents Signs

Similar problems as us, undertaken on ad hoc basis related to complaints received. Enfor. Off. Has standard letter that he sends out immediately, giving **48 hours for removal**, or he removes and destroys. One interesting initiative - he also aims his letters at the property seller and has had better results in this area.

Fly Posting on Street Furniture

Works with roads closely, try and trace responsible person, send letter giving 5/7 days for removal then removes and destroys.

Manchester City Council

Estate Agents Signs

Legislation is different in England. Where there has been almost permanent display of signs on blocks of flats they approach agent and request removal. The onus is on advertiser to give evidence of the flats for sale.

Fly Posting

They go straight to prosecution after giving letter with 21 days for removal. They have a city wide broad policy for assessing adverts. They have a section of "direct works" called operational services (01610954-9000) who will remove signs where necessary.

London Borough of Camden

Estate Agents Signs (& satellite dishes)

It is about 5 - 7% of complaints but Members consider it to be high profile and therefore a lot of resources are devoted to this issue. They have recently been reorganised as a result and have employed two planning inspectors

(one post currently out for recruitment). These are not qualified planners but have been PACE trained (Police and criminal Evidence).

The unauthorised display is a criminal offence and they go straight to prosecution following a letter. The London Authorities also have powers under S.11 of The London Authorities Bill, which allows them access anywhere, to remove unauthorised signs.

In special areas, such as Conservation Areas/Listed Buildings, they have a Regulation 7 Order, which is a Direction restricting deemed consent. In these areas, they go straight to prosecution.

Fly Posting

Part of the Environment Department is the "Streets Division". This team have a specific budget from Central Government under a scheme called, "The Boulevard Project". Some of this budget is used for fly posting. They have adopted an imaginative approach to fly posting, as they have a particular problem with one company who advertises music events. They serve Anti Social Behaviour Orders (ASBO) on the responsible company. Planning are also now pursuing a new initiative, with S.215 Notices (Wasteland Notice). They have a particular problem with telecommunication companies erecting telephone boxes/stands so that they can display adverts.

4. Conclusions of the evidence submitted

- 4.1 Illegal signage is proliferating throughout the Renfrewshire area, especially on street furniture and areas adjacent to roads. Over 100 complaints are being received per year, both directly from the public and through elected members.
- 4.2 Effects of illegal signage are twofold. Firstly, the environment is damaged and the image of an area affected by the untidy visual intrusion these signs make, especially when concentrated in particular areas. Secondly, public safety can be prejudiced by the obstruction of traffic signs, blocking of sight lines at junctions and footpaths made dangerous by "A" boards on footpaths outside shops.
- 4.3 Current action by Roads and Planning officers is intermittent and limited by the priority given to this issue. The action is reactive and is not adequately dealing with repeat offenders who repeatedly replace signage that the Council has removed.
- 4.4 A number of Council policies have been approved, setting down remedial action by both the Roads and Planning Divisions. Although these appear adequate, they would benefit from consolidation and updating following this report.
- 4.5 Existing legislation offers a number of remedies and appears adequate as the basis for action. The options available are:

Enforcement action:

Enforcement under the Planning Act involves lengthy formal proceedings, possibly involving a public inquiry and therefore would not be appropriate for the short term type of illegal signage the subject of this review. Enforcement under the Roads legislation also involves formal procedures with arbitration and possibly involvement by the Sheriff and is again considered inappropriate.

Prosecution:

Prosecution also involves formal proceedings and will require the support of the Procurator Fiscal. In the majority of cases prosecution would be seen as over reaction but where an offender repeatedly defies the law, this course of action could be justified. The Procurator Fiscal has indicated his support in principle for prosecution on a strictly selective basis where the circumstances justify this level of action.

Direct Action:

The legislation of both Planning and Roads Divisions allows the Council to take direct action to remove illegal signage. This is a quick and effective method of dealing with many of the incidents but is frustrated by repeat offenders who replace signage that has been removed by the Council.

Direct action also requires an administrative process, the cost of which cannot be fully recovered from the offenders.

Interdict:

The legal remedies described above only deal with signage retrospectively. The Council cannot use these methods to prevent illegal signage being erected in the first place.

The benefit of interdict is that it can be used proactively to legally prevent signage being erected. The Council can apply to the court to obtain an interdict against a party to prevent them erecting signage within a given area. Default by the party concerned can lead to contempt of court with consequential penalty imposed by the court.

- 4.7 Unfortunately the costs of direct action to remove signage are not recoverable through Planning legislation and only partially recoverable through Roads

Legislation.

- 4.8 Benchmarking of other authorities was useful but it has not shown that the problem is uniform in other authorities. Some authorities suffer from similar proliferation of illegal signage as Renfrewshire but in others it does not appear

to be a serious issue. Similarly some authorities take a strong line and are very active in taking direct action to remove signage and also in some cases prosecution is a remedy that is used effectively.

- 4.9 Any signage erected by members of the Association of Estate Agents that is in breach of Planning legislation is also contrary to the Code of Practice of the Association.

5. Alternative Opportunities

- 5.1 In carrying out this review, consideration has been given to identify alternative opportunities for advertisement of local businesses or services and events. The demand obviously exists and is being met by the ad hoc erection of signage of widely varying quality on street furniture etc. in a very arbitrary manner without any control.
- 5.2 The Department of Planning and Transport has recently been investigating the possibility of a street furniture advertising strategy where the Council would enter into a commercial contract with an advertising company. The contract would allow the company to erect advertising panels of agreed size and design on certain lighting columns, roundabouts and possibly boundary signs in return for an annual payment to the Council.
- 5.3 This type of advertising strategy is now common with local authorities on the Continent and many English Councils. Several Scottish Councils are also now entering into such contracts as the income to the Council can be significant and maintenance costs of certain street furniture items is borne by the advertising Company.
- 5.4 It is considered that this type of advertising, properly regulated by the Council through a commercial agreement, could provide the facility for many of the commercial advertisers that currently erect illegal signage. However, the advertising company would of course charge a commercial rate and many of the companies currently erecting illegal signs may not be willing to pay such charges. In addition, the location and type of street furniture signage envisaged by such a strategy would not serve the purpose of estate agents.
- 5.5 It is emphasised that the potential for an advertising strategy for Renfrewshire is at an early stage of investigation by the Department and will be the subject of a report to the appropriate Board in due course.

6. Assessment of Options to Remedy Situation

- 6.1 Current legislation provides an adequate basis for the Council to take action to remedy or significantly reduce the problem of illegal signage. The Council has the ability to take direct action to remove signs and also to prosecute and serve interdict. It is however accepted that enforcement action through service of enforcement notices would not normally be effective with this type of signage. It is suggested that a strategy based on direct action be adopted with the use of prosecution and interdict only where essential. Direct action

could deal with many of the signs and thereby reduce the numbers considerably.

- 6.2 The problem of repeat offenders where the same party simply replaces the signs removed by the Council can be tackled by prosecution and interdict. It is suggested that these actions be used selectively as they are costly and time consuming but when justified, the Council should be prepared to use these legal processes.
- 6.3 To adequately deal with the problem of illegal signage along the lines suggested above, the Council will require to give a higher priority to this issue and use resources to step up the level of activity that will be required.
- 6.4 A number of policies have been approved by the Council in recent years relative to different aspects of illegal signage and it is suggested that these are consolidated and amended by the appropriate Boards as a result of this scrutiny review.
- 6.5 It is considered that the removal of illegal signage will be more effective if alternative opportunities are made available for companies to advertise locally. The current investigation being carried out by the Department of Planning and Transport into a street furniture advertising strategy is therefore of direct relevance. It is suggested that this investigation be completed as a priority and the results submitted to the Council.
- 6.6 In respect of Estate Agents signage, it is suggested that an approach be made to the Association of Estate Agents to request that they enforce their Code of Practice insofar as it relates to signage by their members in the Renfrewshire area.

7. Recommendations

- 7.1 That the Council agree to:
 - a) give additional priority to the issue of illegal signage by reviewing the workloads of Planning Enforcement staff and Roads Inspectors and raising awareness of the issue amongst staff;
 - b) use all legal remedies available but principally direct action with prosecution and interdict selectively employed;
 - c) consolidate and amend Council policies as required as a result of this Review.
 - d) remit the Director of Planning and Transport to bring a report regarding a potential street furniture advertising strategy to the Council.
 - e) approach the Association of Estate Agents to request that they enforce their Code of Practice insofar as it relates to signage by their members in the Renfrewshire area.

