

REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE - 22 MAY 2000

REPORT ON: UNAUTHORISED SIGNS, ADVERTISING BOARDS AND OTHER SUCH OBSTRUCTIONS ON ADOPTED ROADS

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 306-2000

1 PURPOSE OF REPORT

- 1.1 To recommend a policy for the control of unauthorised signs, advertising boards and other such obstructions on the public highways within the city.

2 RECOMMENDATIONS

I Unauthorised Signs in Roads Including Signs Fixed to Street Furniture

It is recommended that until all six of the proposed new poster towers have been installed by the City Council, the temporary protocol regarding limited advertising of local music events should continue. The removal of unauthorised signs should also continue particularly those advertising commercial and retail events. Once all six new poster towers are installed, it is recommended that a total ban be introduced on all unauthorised signs on roads including signs fixed to street furniture and that the Director of Planning and Transportation will be remitted to convene a meeting with all relevant parties to implement a control strategy.

II Obstruction on Roads - Advertising Boards.

It is recommended that there should be a total ban on advertising boards on adopted roads throughout the city which will be controlled under the Roads (Scotland) Act 1984 Section 59.

III Obstruction on Roads - Extension of Shop Premises onto the Footway.

It is recommended that the Council adopt a controlled policy to only permit shopkeepers to display and sell goods on the footway immediately outside their premises in the city centre and other designated shopping areas and where there remains a minimum width of footway to permit the safe passage of pedestrians.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report other than the recovery of expenses when an offending person fails to remove an obstruction after being served notice under Section 59 of the Roads (Scotland) Act 1984.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The control and removal of unauthorised advertising will provide more pleasant and safer routes for pedestrians and vehicular traffic and avoid undue clutter on the streets.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The control and removal of advertising boards will provide safer routes for visually impaired pedestrians by avoiding the creation of potentially dangerous obstructions.

6 BACKGROUND

- 6.1 The following provides a brief overview of the current practice in controlling:

- i Unauthorised Signs in roads including signs fixed to street furniture;
- ii Obstructions on roads:
 - a Advertising Boards
 - b Extension of shop premises onto the footway

- 6.2 i Unauthorised Signs in roads including signs fixed to street furniture

At the Policy and Resources Committee on 14 September 1998 a report on "Local Event Advertising (Flyposting)" was approved (Article IV refers).

In summary, the report recommended that no fixing of signs to street furniture/flyposting will be allowed in Dundee after six additional dedicated poster towers have been installed. At the moment only three of the six are in place at South Tay Street, Victoria Road and Pennycook Lane. However, until such time that they are all in place a temporary protocol has been agreed which allows limited advertising of local music events at particular street locations, generally in the vicinity of the two universities.

This co-operative approach has been monitored and controlled by the City Centre Manager, proving to be an innovative success with many local authorities both north and south of the border either visiting or contacting the Council for advice on how to set up similar systems in cities within their own authorities.

- ii Obstructions on Roads (a) Advertising Boards

There is no policy or control presently in place regarding advertising boards.

- ii Obstructions on Roads (b) Extension of Shop Premises onto Footways

Cafe/public house tables and chairs extending onto the footway for the consumption of food and drink directly outside premises is controlled by licensing legislation and by planning legislation through planning permissions for change of use. There are currently no controls on other such uses, eg shop displays extending onto the footway.

7 PROPOSALS

7.1 Whilst recognising that there is a major problem in Dundee regarding item 6.2 (i) above it is recommended that, until all six of the new notice boards have been installed, the present practice of allowing limited advertising of local music events and removing unauthorised signs (particularly advertising commercial and retail events) should be continued. It is proposed that a meeting be held with all departments concerned (ie Economic Development, Environmental and Consumer Protection, Leisure and Parks etc) and the Police to implement a control strategy following installation of these further notice boards.

7.2 The obstructions on roads by both 6.2 ii(a) advertising boards and ii(b) extension of shop premises are discussed in more detail below.

7.3 Advertising Boards

There is a perception that 'A' Boards obstructing footways in City Centre and other shopping areas are causing significant problems. If a total ban were to be implemented then this could create some adverse reaction from businesses, particularly small businesses. However, this could be preceded by an advertising campaign leading up to the implementation date after which the policy would be policed by staff from the Economic Development Department and the Planning and Transportation Department.

If an owner refused to remove an 'A' Board after being approached by staff from either the Economic Development Department or the Planning and Transportation Department, then Roads (Scotland) Act 1984 Section 59 would be invoked (See Section 7.5.3 below).

7.4 Extension of Shop Premises

Some shop displays extend on to the footway, although this practice is not perceived to cause any major problems, the Council could adopt a controlled policy which would continue to permit such extensions:

- a in City Centre or other designated shopping areas (as detailed in Appendix 1), and
- b where there is a minimum width of footway remaining to allow safe passage of pedestrians (ie an absolute minimum of 1.2m but desirable minimum of 1.8m dependent on location, pedestrian flow etc).

This would be policed and controlled in a similar way to 'A' Boards. An extension of shop premises would be treated as an obstruction on roads and if the extension was not removed after an instruction from staff from either the Economic Development Department or the Planning and Transportation Department then the Roads (Scotland) Act 1984 Section 59 would be invoked (see Section 7.5.3 below).

7.5 Means of Control

- i Unauthorised Signs on roads including signs fixed to street furniture

It is an offence under Section 100 of the Roads (Scotland) Act 1984 to affix within a road an unauthorised sign, punishable by a fine.

The Act only provides a power to the Council as Roads Authority to execute works and thereafter recover their reasonable expenses thereof if the Council has served notice on the party under one of the relevant provisions of the Act requiring that party to carry out these works themselves. **This power is not available in relation to an offence falling within Section 100. Thus any action is dependent on the views of the police and procurator fiscal.**

ii Obstructions on Roads

It is an offence under Section 59 of the Roads (Scotland) Act 1984 to place or deposit anything in a road so as to cause an obstruction. However, if the obstruction is not removed by the offending person on being required to do so by the Roads Authority or the Police then the Roads Authority or the Police can remove the obstruction and recover such expenses as are reasonably incurred in so doing from the said person.

8 CONSULTATIONS

- 8.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, Director of Environmental & Consumer Protection, Director of Economic Development, Director of Leisure & Parks, Director of Public Relations, the Chief Constable and Legal Manager, have been consulted and are in agreement with the contents of this report.

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IFS/EN

11 May 2000

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APPENDIX 1**DESIGNATED SHOPPING AREAS**

City Centre
Lochee High Street
Albert Street
Perth Road
Brook Street, Broughty Ferry
Hilltown