

Report To: Communities Scrutiny Committee

Date of Meeting: 12 March 2015

Lead Member / Officer: Lead Member for Public Realm/
Head of Highways and Environmental Services

Report Author: Head of Highways and Environmental Services

Title: The removal of unauthorised signs from highway
land

1. What is the report about?

The Council's policy position in relation to the removal of unauthorised signs from highway land, and how the policy is being implemented.

2. What is the reason for making this report?

The issue of unauthorised signs was debated by the Communities Scrutiny Committee on 9 September 2014. The minutes of the meeting recorded the following:

In response to members' concerns the Head of Service agreed to apply a consistent approach to highway advertising – permitting short term advertising of community or charity events as long as they were not obstructing the highway or deemed to be a cause of danger. Any other type of advertising on the highway would be removed. Members highlighted the proliferation of signs in the Lon Parcwr area of Ruthin as an example of a location where action needed to be taken.

This report examines the extent to which the Committee's wishes have subsequently been met, and highlights some of the consequences in terms of complaints, i.e. from the businesses that used to advertise freely on highway land.

The report also commits the Council to exploring options that might be available in relation to tourism signs (so called brown signs) and the erection of neighbourhood signs in areas where several businesses coexist (e.g. trading estates).

3. What are the Recommendations?

That the Committee:

- 3.1 support the principles outlined in the guidance, and it's continued application;
- 3.2 express support for the Denbighshire officers who have to implement the policy, sometimes in difficult circumstances;
- 3.3 support the principle of claiming back costs from any serial offenders who choose to ignore written warnings, and continue to place signs illegally; and

- 3.4 note the separate initiatives that are being developed in relation to properly authorised signs and advertisements, especially tourism signs and neighbourhood signs (in areas where several businesses coexist),

4 Report details.

4.1 The policy that is being implemented

The latest guidance for officers is included as **Appendix One**. The council makes a distinction between commercial, and non-commercial/community event signs.

Appendix Two provides a list of examples, in order to illustrate how that distinction has been interpreted in practice. Because the policy specifically refers to types of unauthorised sign that *will* be tolerated, it is incorrect for people to refer to this as a “zero tolerance” policy. It isn’t.

Appendix three shows some photographs of examples, to assist the discussion.

4.2 Dealing with people whose signs need to be removed

Removal is undertaken in accordance with the policy. Dangerously sited signs are removed immediately, but in all other cases the owner is approached first and given the opportunity to remove the sign themselves and/or to relocate them to a more suitable location. Generally these discussions are civilised, but there have been occasions when officers have been threatened, subjected to verbal abuse, and even physical intimidation.

Unfortunately some businesses are ignoring the law and continuing to place their signs on the highway, despite being warned not to. Appendix three shows a sign that was removed unilaterally on 25 February, because it was deemed to be a safety hazard. Council officers had previously met with the sign owner several times, and established what was acceptable, and what was not. The owner had chosen to ignore the advice that had been given, and continued to place the sign in a hazardous location. This particular sign was in Lôn Parcwr, i.e. the location that committee members had highlighted as a problem area back in September. In cases such as this, the Council can seek to recover the costs associated with removal. Officers now wish to exercise this option, and would welcome member support for doing so. The option would only be exercised where advice has repeatedly been ignored, and a written warning had been issued (see recommendation 3.3)

4.3 Complaints about the attitude of staff

Some of the people who have had their signs removed have complained about the attitude of Denbighshire employees. Claims such as this are always treated seriously, and followed up. However, none of the claims made to date have proved to be well-founded. In one example; an officer was quoted as saying “*if you don’t shift it – I’ll take it and put it in the skip*”. The subsequent investigation concluded that this was more likely to have been a case of wilful misrepresentation by the complainant, and that there had (probably) been a much longer discussion with the council officer, and that it had been conducted in a civilised and proportionate manner.

4.4 Satisfying the business need to advertise.

The purpose of this report is to examine how unauthorised signs are dealt with. However, the Council *does* recognise the desire/need that exists for businesses to advertise legitimately. The Council would like to facilitate any such requests. To that end, some supplementary planning guidance has recently been drafted by the Council, and is currently being consulted upon. The guidance explains the rules and processes via which business can obtain permission for the erection of advertisements. It is included with this report as a separate attachment (Appendix 4).

In addition to this the Council has recently established a working group of Planning, Economic Development, and Highway officers, to explore options for businesses to apply for tourism signs (so called brown signs) and to facilitate the erection of neighbourhood signs in areas where several businesses coexist, such as trading estates, However, this can only be done on the basis that any costs associated with providing the signs would be met by the businesses themselves.

5. How does the decision contribute to the Corporate Priorities?

The removal of unauthorised signs assists in the delivery of the Council's public realm strategy and the corporate clean and tidy streets priority.

Providing advice and support to business that wish to advertise is consistent with the Council's economic ambition priority.

6. What will it cost and how will it affect other services?

Costs are constrained by service budgets. No extra resources have been taken on to implement the policy.

7. What are the main conclusions of the Equality Impact Assessment (EIA) undertaken on the decision?

The EIA has not been revisited for this update report.

8. What consultations have been carried out with Scrutiny and others?

The Clean Streets Strategy was consulted upon with all Denbighshire County Council members and Communities Scrutiny endorsed the plan in September 2013. The Council had already consulted with City, Town & Community Councils, the voluntary sector, and Natural Resources Wales. This particular delivery aspect was debated at the Communities Scrutiny meeting of 9 September 2014.

9. Chief Finance Officer Statement

Not obtained (no cost implications – update report only).

10. What risks are there and is there anything we can do to reduce them?

Unauthorised signs can constitute a road safety hazard. That is why proper control is essential. There is a risk of reputational damage when businesses complain about sign removal. This risk is mitigated by implementing the policy, in a fair and equitable manner, and by explaining the rationale behind the policy (see appendix A).

11. Power to make the Decision

Section 111 Local Government Act 1972 and Section 2 Local Government Act 2000 as general powers, enable the Council to make decisions such as this, and article 6.3.3(a) of the Council's Constitution sets out scrutiny's role with respect to policy development.

Contact Officer

Head of Highways and Environmental Services

Tel: 01824 706801