

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 17 DECEMBER 2002

ILLEGALLY PLACED SIGNS ON THE ROAD NETWORK

Report by Director of Development Services

1. PURPOSE OF REPORT

- 1.1** The purpose of the report is to inform the Committee of the increasing level of signs illegally placed in and around the limits of the road network and of the actions being taken by the Head of Roads and Transportation to remedy this situation.

2. BACKGROUND

- 2.1** There has been an increasing proliferation of signs illegally placed around the road network. These include advertising signs for commercial gain, signs advertising events or campaigns and assorted posters wishing "happy birthday" etc.
- 2.2** The signs/posters are often placed on the footway, on the road verge or in the centre of roundabouts, affixed to streetlighting columns or other street furniture, road signs and bridge parapets over live roads. Apart from being unsightly there is a grave danger that the distraction of drivers attempting to read such signs may result in a momentary lapse of concentration which may lead to a road accident. These signs can also damage the structure to which they are fixed.

3. POLICY

- 3.1** The Roads (Scotland) Act 1984 Section 100(b) states that any person who without lawful authority affixes a poster, etc to a traffic sign, column or structure commits an offence. Signs/posters/banners affixed to traffic signs, lighting columns or other structures will be removed immediately by Roads Division staff. The only exceptions made to the application of the statutory provisions is temporary posters during election periods and 'AA' direction signs, both of which are authorised through other legislation.
- 3.2** Signs placed at the side of roads on verges or footpaths can cause an obstruction in terms of the Roads Scotland Act Section 59 and placing such signs without the consent of the Roads Authority in writing is an offence.

- 3.3** When detected the Head of Roads and Transportation requests that unauthorised notices be removed forthwith by the persons who placed them (if known) or has them removed by Roads Division staff. If the signs pose an immediate danger they will be removed at once by Roads Division staff. The costs incurred by the Council in the removal of these signs/posters are pursued with the persons responsible for their erection.
- 3.4** The only circumstances when roadside signs are permitted are where they are specifically authorised by other legislation or are approved advertising under the Town and Country Planning (Scotland) Act 1997 and do not form an obstruction. This includes a range of temporary signs specifically related to the sites at which they are located but does not cover general advertising or campaign promotion. Such advertisements require specific consent. Separate authorisation by the Roads Authority is required before any advertisements may be placed in a public road.
- 3.5** Over the last 9 months the Division has had to remove over 100 notices. The problem appears to have been increasing in recent months.

4. POLICY IMPLICATIONS

- 4.1** Nil.

5. LEGAL IMPLICATIONS

- 5.1** The Roads (Scotland) Act 1984 Section 100(b) states that it is an offence to affix unlawful signs to road structures, etc.
- 5.2** The Road Scotland Act 1984 Section 59 states that it is an offence to place or deposit anything on a road so as to cause an obstruction without the Roads Authority Consent.
- 5.3** To date no legal action other than to recover costs has been taken against offenders.

6. FINANCIAL IMPLICATIONS

- 6.1** The costs of removing illegal signs/posters is pursued with offenders.

7. RECOMMENDATIONS

- 7.1** The Committee is asked to endorse the continued application by the Head of Roads and Transportation of current procedures in relation to the authorisation of roadside signs and the removal of unauthorised signs.

Stephen Chorley
Director of Development Services
10 December 2002

LIST OF BACKGROUND PAPERS

Nil

**For further information on the contents of this report please contact Jim Kane
on 01563 576310.**

Implementation Officer: Jim Kane