

North Lanarkshire Council Report

Environment and Climate Change Committee

Does this report require to be approved? Yes No

Ref AMcP/JA Date 09/11/22

Illegal Signing and Attachments to Street Furniture

From Head of Regulatory Services and Waste Solutions

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Executive Summary

The purpose of the report is to seek approval of an amended policy which seeks to introduce a more proactive and efficient procedure to address illegal signs, and to introduce a policy for attaching fixings including bunting, signs, hanging baskets etc. that ensures the industry standard structural assessments are undertaken to ensure the stability of the asset and safeguard public safety.

Recommendations

It is recommended that Committee.

- (1) Agree that any illegal signs and fixtures on street furniture are removed by local teams or contractors appointed on behalf of the council and disposed of immediately.
- (2) Agree that signs and other fixtures would not be permitted on street furniture or lighting columns unless a robust design check is undertaken to ensure their stability and safeguard public safety.
- (3) Agree that all costs associated with such requests are met by the applicant.

The Plan for North Lanarkshire

Priority Improve North Lanarkshire's resource base

Ambition statement (17) Ensure we keep our environment clean, safe, and attractive

1. Background

- 1.1 The erection of signs, a-frame advertising, flags, bunting and for sale boards onto council owned street furniture including street lighting columns is problematic for most local authorities. This practice results in visibility being obstructed, signs being obscured, the structural integrity of the street lighting apparatus being compromised, creation of accessibility challenges for those with impairments and has a negative environmental impact on our local communities.
- 1.2 In the main, signs, flags, bunting and for sale boards are erected without consent from the council and this constitutes an offence under sections 59 and 100 of the Roads (Scotland) Act.
- 1.3 In 2007 the former Planning and Transportation Committee approved procedures for illegal signing to be removed by Environmental Health through their Environmental Protection Officers and since then the structure of the service has significantly changed.

2. Report

Signs

- 2.1 Signs placed on the road network are governed by the Traffic Signs Regulations and General Directions. This ensures that all road signs provided in Scotland, England and Wales comply with the agreed design standards, ensure a consistent message is provided to road users, provided in appropriate locations and as such enable the law to be enforced. Signs that are not contained within the regulations require specific authorisation from Transport Scotland and should comply with the design standards.
- 2.2 Any signs erected on the road network that do not meet the above parameters and do not have consent from the local authority would be considered illegal signs and as such the council has a responsibility to remove these signs. The procedures introduced in 2007 made provision for the removal of such signs.
- 2.3 Since the sign removal procedure was approved in 2007 the structure of council services has significantly changed. With the most recent change being approved at full council meeting on the 24 February 2020 where a motion was agreed to accept budget proposals, which included a £234,000 saving in the Protective Services revenue budget over the following 2 financial years.
- 2.4 This saving was specifically predicated upon Fair Trading Officers within Trading Standards, Environmental Protection Officers and Animal Welfare service areas. As a result of the savings from 1st April 2020, the Animal Welfare Service and the Environmental Protection Officers (EPOs) moved to statutory service provision only; and the number of permanent EPOs on the establishment subsequently reduced from 9 FTE to 5 FTE.
- 2.5 On 20 May 2021, the former Environment & Transportation Committee approved the 'Recover NL – Community Environmental Improvements' paper, which included £280,000 additional funding allocated within the Council's Covid Recovery Budget to temporarily support enforcement of environmental crime. Following approval at the Workforce Steering Group, this resulted in the creation of 3 FTE temporary EPO posts, for 23 months from the date of appointment to once more stand-up duties in respect of dog fouling, fly-tipping and littering enforcement work, in addition to statutory duties viz. abandoned vehicles, environmental statutory nuisance matters such as refuse

accumulations, and enforcement of vehicle emission and idling law. The 3 temporary FTE EPOs will be in place until September 2023 and the reduced level of resource back to 5FTE would be unable to address the issue of illegal signs.

- 2.6 The policy in 2007 introduced a procedure that allowed the recovery of costs for the removal and disposal of illegal signs. This meant that evidence relating to the sign, locations erected and company information needed to be gathered, then time given to the company to undertake the removal.
- 2.7 This process is particularly onerous on staff time particularly given the Roads teams have also reduced in size since 2007. It has also proven particularly difficult to obtain the correct information that would allow the legal process to be considered competent and for costs to be recovered. It is rare for widespread signing to be erected by the same company and in general, companies will erect a small number of signs at a specific location/ road. This means that the costs for gathering evidence and considering legal proceedings significantly outweighs the removal and disposal costs.
- 2.8 The proliferation of signs is particularly concentrated on busy roads and in and around town centres, however, they can be erected anywhere on the road network. There is anecdotal evidence of signs obstructing visibility to traffic signs and traffic signals and pedestrians (particularly children) and in locations where the individual erecting signs are placing themselves in danger as they are erecting signs on the road without the proper traffic management. The proliferation of signs can also have a significant adverse visual impact on the local environment and give the appearance that an area is not maintained. The provision of A-Frame type advertising signs on pavements also creates additional issues for those that have visual or mobility impairments as they become a barrier to accessibility.
- 2.9 If signs are removed in a more proactive manner this is likely be a deterrent to others considering installing illegal signs. To do this, it is proposed that sign removal is incorporated within normal roads and land maintenance operations where the signs can be accessed and removed safely. Any signs that have more robust fixings and are in locations that require traffic management or are at height, would be removed by the council's partners Amey Public Services LLP, or successor service provider beyond June 2024. Once removed all signs would then be disposed of immediately.
- 2.10 In changing the procedure, the council would accept that costs for the removal would not be pursued. However, given the difficulties in pursuing costs the new proactive approach would be more cost effective than the previous procedure and is likely to have a positive impact on the local environment.

Attachments to Lighting Columns

- 2.11 Lighting columns are often seen as convenient supports for attachments such as CCTV, banners, hanging baskets, smart city technologies and signage. However, the lighting column and foundation are not designed to specifically accommodate additional loading over and above the column bracket arm and lantern which are essential parts of the column structure, therefore additional attachments can potentially lead to the column structure and associated foundation becoming overloaded and could potentially lead to failure.
- 2.12 The erection of flags and bunting on street lighting columns has been particularly problematic over the last year with a significant number being erected following sporting events, jubilee celebrations, parades etc. and on a very limited number of occasions permission has been granted in the absence of a policy.

- 2.13 Whilst a visual examination of a street lighting column can be undertaken to help inform decision making, the condition of the column and foundation below ground cannot be determined. Therefore, to minimise the risk to the council and safeguard the public, it is recommended that industry standard structural inspections are undertaken before any attachment is fixed to a lighting column.
- 2.14 Although the service receives a small number of requests for flags and bunting to be attached to lighting columns, each request could involve a significant number of columns. Any structural assessment would require the engagement of a specialist contractor and as a result the service would incur significant costs. Given that this type of request is normally received a few weeks before an event and the majority are erected without consent, it is proposed that the council take the approach that attachments would not be permitted on street lighting columns, except where the applicant is willing to meet the costs associated with undertaking the appropriate inspections and sufficient time is provided to undertake the assessment.
- 2.15 Should any attachment be affixed to a lighting column in the absence of the official consent and/or inspection, then these will be removed immediately by the Council or a nominated contractor.

3. Measures of success

- 3.1 A reduction in the number of illegal signs erected on the road network and a quicker response time to remove any signs.
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5. Impacts (<http://connect/report-template-guidance>)

<p>5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact? If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.2 Financial impact Does the report contain any financial impacts? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts have been discussed and agreed with Financial Solutions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact? The council would meet the cost of removing signs from the existing roads maintenance budget, it is unlikely this would be a significant additional costs as historically the council has been unable to recover the costs from individual business and therefore met the costs from existing budgets.</p>
<p>5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts have been discussed and agreed with People and Organisational Development? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts have been discussed and agreed with Legal and Democratic Solutions? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.6 Technology / Digital impact</p>

Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?

Yes No

If Yes, please provide a brief summary of the impact?

Where the impact identifies a requirement for technology, has an assessment been carried out (or scheduled) by the Enterprise Architecture Governance Group (EAGG)?

Yes No

5.7 Environmental / Carbon impact

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes No

If Yes, please provide a brief summary of the impact?

5.8 Communications impact

Does the report contain any information that has an impact on the council's communications activities?

Yes No

If Yes, please provide a brief summary of the impact?

Before introducing the new policy it would be the intention to highlight this change through social media and where possible contact estate agents to ensure they are aware of the new policy.

5.9 Risk impact

Is there a risk impact?

Yes No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?