

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13 NOVEMBER 1997

**SUBJECT: ENFORCEMENT ACTION
CHAPLIN'S BAR, 16 WEST PORT, ARBROATH**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents a decision made by the Arbroath Procurator Fiscal not to prosecute a failure to comply with an Enforcement Notice which required the removal of two unauthorised illuminated advertising signs and the scope for further action that is available to the Council.

1 RECOMMENDATION

It is recommended that the Committee authorises the Director of Planning, Transport and Economic Development to make arrangements for the removal of the two unauthorised signs and, in conjunction with the Director of Law and Administration, to recover costs incurred from the owner.

2 INTRODUCTION

2.1 In December 1995 it was noted that two new unauthorised illuminated advertising signs had been erected on the West Port and Bank Street elevations of Chaplin's Bar, 16 West Port, Arbroath.

3 CASE HISTORY

3.1 Various meetings with the owner of the property, a Mr. Thomas Cargill, and letters sent to him failed to produce a retrospective application seeking consent to display advertisements. In consequence, on 14 August 1996 the circumstances were presented to the Committee which in turn authorised enforcement action.

3.2 After the necessary preparatory procedures had been carried out an Enforcement Notice was served on Thomas Cargill in January 1997. This required both signs to be removed from the building by 5 May 1997.

3.3 The Enforcement Notice was not complied with and the two signs remained in situ.

3.4 In consequence, a report was lodged with the Procurator Fiscal at his office in Arbroath seeking a prosecution in the Sheriff Court.

3.5 The Fiscal refused to do this and indicated by letter that "you may wish to utilise the other powers imposed by that legislation". The Statute he refers to is the Town and Country Planning (Scotland) Act which grants power to a Planning Authority, where the steps required to be taken by an Enforcement Notice have not been taken, to enter the land and undertake those steps itself.

4 FINANCIAL IMPLICATIONS

- 4.1 There will be a financial consideration in engaging the services of a contractor to remove the signs and for the severing and sealing of electrical wiring probably by a qualified engineer.
- 4.2 The costs are recoverable from the owner or lessee of the land but could entail court action.

5 CONSULTATION

- 5.1 The Chief Executive and Directors of Finance and Law and Administration have been consulted in the preparation of this report.

6 CONCLUSION

- 6.1 Whereas this report refers to a single incident it is to be anticipated that the Procurator Fiscal involved will continue this course of action as formulated policy for the future, particularly in respect of unauthorised signage.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/GC/KW
5 November 1997

Alex Anderson
Director of Planning, Transport & Economic Development