

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
OR PROPERTY IN WHICH YOU HAVE AN INTEREST**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(SCOTLAND) REGULATIONS 1984**

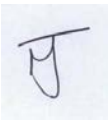
Removal or Obliteration of Placards or Posters

REFERENCE NUMBER: 13/00389/ENFLB

Mr Hood
15 West Princes Street
Helensburgh
G84 8TF
Argyll And Bute

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll & Bute Council under S187(3) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 because it appears to them that there has been a breach of advertisement control at the land described below. They consider that it is expedient to issue this Notice, having a regard to the provisions of the development plan and to other material planning considerations.
2. **THE CARRYING OUT** of the following work without the benefit of Advertisement Consent:
 - The erection of a placard
3. **LOCATION WHERE THE PLACARD OR POSTER IS DISPLAYED:**
 - Land west of 48 East Clyde Street, Helensburgh (edged red on the location plan attached)
4. **WHAT YOU ARE REQUIRED TO DO:**
 - remove the placard
5. **WHEN THIS NOTICE COMES INTO EFFECT**
 - This notice comes onto effect on the **day you receive this notice. You must then remove the placard within 2 working days or by the 11th April 2014.** If the placard has not been removed direct action will be taken by the Council.

Date: 1st April 2014

Signed: 

on behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

ENFORCEMENT NOTICE

SCHEDULE 1

EXPLANATORY NOTE FOR THOSE IN RECEIPT OF AN ENFORCEMENT NOTICE

RELEVANT LEGISLATION

A copy of the relevant sections of the Town and Country Planning (Scotland) Act 1997 and Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 are attached.

Right of Appeal

There is no right of appeal against this notice.

Penalties for Non-Compliance with an Enforcement Notice

A person who displays an advertisement in contravention of these Regulations shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and, in the case of a continuing offence, one-tenth of level 3 on the standard scale for each day during which the offence continues after conviction.

Direct Action for Non-Compliance with an Enforcement Notice

If the steps required by an Advertisement Enforcement Notice (other than the discontinuance of the use of land), are not taken within the specified period(s) the Council may enter on the land, take those steps and recover the cost from the owner or lessee of the land.

Further Offences

Compliance with the terms of an Advertisement Enforcement Notice does not discharge the Notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.

Relevant Section of the Town & Country Planning (Scotland) Act 1997

Enforcement of advertisement control

186-(1) regulations under section 182 may make provision for enabling the planning authority to require-

- (a) the removal of any advertisement which is displayed in contravention of the regulations, or
- (b) the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.

(2) For that purpose the regulations may apply any of the provisions of Part VI with respect to enforcement notices or the provisions of section 143(1) to (5), subject to such adaptations and modifications as may be specified in the regulations.

(3) Without prejudice to any provisions included in such regulations by virtue of subsection (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed, not exceeding level 3 on the standard scale and, in the case of a continuing offence, one-tenth of level 3 on the standard scale for each day during which the offence continues after conviction.

(4) Without prejudice to the generality of subsection (3), a person shall be deemed to display an advertisement for the purposes of that subsection if-

- (a) he is the owner or occupier of the land on which the advertisement is displayed, or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns.

(5) A person shall not be guilty of an offence under subsection (3) by reason only-

- (a) of his being the owner or occupier of the land on which an advertisement is displayed, or
- (b) of his goods, trade, business or other concerns being given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

Relevant Sections of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984

Enforcement of advertisement control

24-(1) If it appears to a planning authority that any advertisement has been displayed without a consent required by these regulations or that any condition or limitation subject to which such consent was granted or was deemed to be granted has not been complied with, then the planning authority may serve a notice under this regulation.

(2) an enforcement notice shall be served on the owner, lessee and occupier of the land to which it relates and on any other person known to the planning authority to be displaying the advertisement without such consent, or in contravention of any condition or limitation or subject to which consent was granted or deemed to be granted.

(3) An enforcement notice shall specify the advertisement which is alleged to have been displayed without consent or the matters in respect of which it is alleged that any condition or limitation has not been complied with, and may specify steps that shall be taken within a given period to restore land to its condition before the display was begun or to secure compliance with the condition or limitation; but may in addition specify, as an alternative, steps required to be taken to bring the display to a condition acceptable to the planning authority having regard to the provisions of these regulations and in particular any such notice may for this purpose require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(4) Subject to regulation 25, an enforcement notice shall take effect on the date specified in the notice, which date shall be-

(a) in the case where the planning authority consider it urgently necessary in the interests of public safety that the advertisement to which the notice relates should be altered or removed, or where they are satisfied that any steps required by the notice to be taken can be taken without the removal or substantial modification of any structure or the carrying out of any building or similar operations on land, 7 days; and

(b) in any other case 28 days,

from the date of the latest service of the notice.

(5) Compliance with an enforcement notice shall not discharge the enforcement notice.

(6) Without prejudice to paragraph (5) above, any provision of an enforcement notice requiring the use of land to be discontinued shall operate as a requirement that it shall be discontinued permanently to the extent that it is in contravention of these regulations; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

(7) if any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice, the notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as out applied in relation to the buildings or works before they were demolished or altered.



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