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M. Sollitt
Mr Moore

cc Secretary
Mr Beckett
Mr Davidson
Mr Mackenzie
Mr Carson - Central Secretariat
Mr Millar - Roads Service

To: PS/Minister

From: G Loughran

"SAYS NO" BANNERS

1. You have requested an up to date statement of the position on the display of "Says No" banners by District Councils.

2. I last reported the position on 10 September 1986 (copy herewith). The attached schedule shows the present position. Broadly this can be summarised as follows:

   (i) 14 Councils are displaying banners (one less than September, the Coleraine banner having been removed);

   (ii) 3 Councils received temporary permission, were refused extensions and have not, despite a request to the Clerk, removed the banners. These Councils are Ballymena, Belfast and Castlereagh;

   (iii) 6 Councils received temporary permission, have sought extensions and will shortly be refused. These are Antrim, Ards, Craigavon, Limavady, Lisburn and Newtownabbey.

   (iv) 4 Councils received temporary permission but did not apply for a renewal when the temporary permission expired. They have not, despite requests to Clerks, removed the banners. These Councils are Banbridge, Carrickfergus, Larne and North Down.

   (v) One Council (Cookstown) has not applied for permission.

3. As you know, Belfast City Council intends to appeal against the Department's refusal to renew the permission. Eight other Councils could also appeal refusal (some of them have not yet been refused) but I think it is likely that most if not all of this group will await the outcome of the Belfast appeal. I would not advise further action against these Councils while the appeal is pending.

4. The 4 Councils which did not apply for renewal when the temporary permission expired are in a separate category. They could yet apply for renewal. We will write to them again, requesting compliance with the Advertisment Regulations. This may have the effect of stimulating applications for renewal of planning permission.

5. This leaves us with Cookstown which is simply ignoring planning requirements, despite reminders from the Department. This Council has not sought planning permission at any stage and there does not appear to be any immediate prospect that it will do so.

6. There is one other case when deserves special mention. In Lurgan the banner takes the form of an inscription supported by a steel stanchion set in the foot-

path which is under the control of the Department as Roads Authority. The Department gave a Road Opening permit for the stanchion unaware of its purpose. When the banner was erected, the stanchion obscured a traffic light. However our Solicitor has advised that the Road Opening permit prevented the Department taking action to have the offending stanchion removed. As a result, the Roads Service altered the position of the signal head to ensure that traffic approaching had a clear view of the traffic lights. The Borough Council are paying the costs of having the traffic light moved.

7. Conclusion

Our approach to these banner issues has been to ensure that -

(a) the Advertisement Regulations are enforced;

(b) the Department's customary practices and procedures, which lean towards persuasion in the first instance, are respected;

(c) the possibility of "banner" incidents is minimised.

It is not easy to keep all 3 balls in the air, and becomes more difficult as the periods of unauthorised display increase. However, the Belfast City Council appeal may help reduce the immediate pressure in respect of all cases bar one. The deliberate flouting of the planning requirements by Cookstown District Council cannot be countenanced if we are to maintain credibility as the planning authority. My conclusion is that we do not have any option other than to initiate summons action against this Council. Removal of the banner is oc course a separate issue which we can address in the light of the courts decision.

G LOUGHRAN

5 December 1986

BANNERS - POSITION AT 5.12.86

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Council	Banner	Consent Expired	Renewal Application	Other Response
ANTRIM	Yes	4.7.86	14.10.86 (under consideration but will be refused)	None
ARDS	Yes	31.8.86	6.10.86 (to be refused, decision not yet issued. Council has sought site meeting)	None
ARMAGH	No	-	-	-
BALLYMENA	Yes	18.6.86	20.5.86 (refused 9.7.86)	None
BALLYMONEY	No	Banner Removed	-	-
BANBRIDGE	Yes	21.6.86	None	None
BELFAST	Yes	12.6.86	8.4.86 (refused 27.6.86)	To be appealed
CARRICKFERGUS	Yes	20.6.86	None	None
CASTLEREAGH	Yes	12.6.86	22.5.86 (refused 9.9.86)	None
COLERAINE	No	14.6.86 (banner now removed)		-
COOKSTOWN	Yes	None	None	None
CRAIGAVON	Yes (2)	31.7.86)	11.11.86	None
PORTADOWN) LURGAN)		))		
DERRY	No	-	-	-
DOWN	No	-	-	-
DUNGANNON	No	-	-	-
FERMANAGH	No	-	-	-
LARNE	Yes	10.7.86	None	Dept advised that no action will be taken
LIMAVADY	Yes	25.6.86	30.10.86 (under consideration but will be refused)	

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LISBURN	Yes	27.7.86	7.8.86 (to be refused; Council has sought a deferment of decision)	None
MAGHERAFELT	No	-	-	-
MOYLE	No	-	-	-
NEWRY & MOURNE	No	-	-	-
NEWTOWNABBEY	Yes	30.10.86	8.10.86 (under consideration but will be refused)	-
NORTH DOWN	Yes (2)	21.8.86 14.8.86	None	None
OMAGH	No	-	-	-
STRABANE	No	-	-	-