

EXECUTIVE COMMITTEE

18th September 2012

FLY-POSTING ENFORCEMENT STRATEGY

Relevant Portfolio Holder	Councillor Debbie Taylor, Housing, Local Environment & Health
Portfolio Holder Consulted	Yes
Relevant Head of Service	Guy Revans, Head of Environmental Services
Wards Affected	All Wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report provides the Committee with details of the proposed Strategy and policies for dealing with fly-posting (the term commonly used for illegal advertising).

2. RECOMMENDATIONS

The Executive is asked to RECOMMEND to the Council that the Joint Fly-posting strategy and associated policies attached at Appendix 1 to the report be approved.

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications; dealing with fly-posting is carried out within existing resources by Community Safety Enforcement Officers.

Legal Implications

- 3.2 The local authority has powers to take action against those responsible for fly-posting, those who benefit from the advertising and the owner/occupier of the property where the fly-posting occurs. The legislation that applies is as follows:
- 3.3 **The Anti-social Behaviour Act 2003**
Empowers local authorities to issue a fly-posting removal notice on the owner of a relevant surface, and a fixed penalty notice where the offence can be identified.

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- 3.4 **The Clean Neighbourhoods and Environment Act 2005**
Sets the range of fines for a fixed penalty notice at £75 payable within 14 days, which can be reduced to £50 if paid within 7 days and makes it an offence to give a false name and address to an authorised officer proposing to issue such a notice, it also changes the defences available to companies benefiting from fly-posting.
- 3.5 **The Town and Country Planning Act 1990 (s.224)**
Makes it an offence for any person to display an advertisement in contravention of the regulations. Any person contravening the legislation is liable on summary conviction to a fine (currently) not exceeding £2,500.
- 3.6 **The Highways Act 1980 (s.132)**
Makes it an offence for any person to paint or in any way inscribe or affix any picture, letter or sign on the surface of a highway or on any tree or structure without the consent of the Highways Authority. Currently anyone found guilty of an offence is liable to a fine of up to £1,000 and, in the case of a second offence, up to £2,500.
- 3.7 The Principal Solicitors of both authorities have been consulted with regard to the legal implications

Service/Operational Implications

- 3.8 Fly-posting is generally regarded as any advertising material displayed on private and/or public property without the consent of the owner and that does not meet the requirements of the Town and Country (Control of Advertisement) Regulations 2007. It can be referred to as 'horizontal litter' and have a negative impact on the quality of the local environment.
- 3.9 Advertisements may be professionally produced or hand written on pieces of paper and may be found pasted on buildings, attached to lamp-posts, hoardings, railings, and street furniture, left under windscreens wipers on motor vehicles, and displayed on placards at roundabouts or along highway verges. 'A' boards can also constitute fly-posting if displayed without consent.
- 3.10 Fly-posting is an illegal activity which is not only unsightly, but also gives an impression of neglect and can attract other forms of vandalism and anti-social behaviour leading to the decline of an area. It creates litter which spoils the 'clean and green' environment the Council is seeking to maintain and it can obscure important traffic signs or create an obstruction to pedestrians and/or motorists.

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- 3.11 Fly-posting has been dealt with on an ad-hoc basis either by Environmental Enforcement Officers or Planning Officers, often giving advice and informal requests to remove which have generally proved to be effective. However, this strategy and policies provides a more robust, co-ordinated and consistent approach across services and partners for dealing with fly-posting in the future.
- 3.12 Advertising on private land without advertising consent is covered under the Town and County Planning Act and dealt with by Planning Services and this strategy clarifies the correct and most effective option for dealing with fly-posting on private land.
- 3.13 The proposed strategy and associated policies is included at Appendix 1. The strategy gives further details of how fly-posts are defined and how the Council will tackle fly-posting.

Customer / Equalities and Diversity Implications

- 3.14 Worcestershire County Council and North Worcestershire Environment Group have been consulted in the development of this strategy including colleagues from Planning Services, Community Safety and Legal Services.
- 3.15 An Equalities Impact Assessment will be carried out and taken into consideration in the development of the new strategy and policies.

4. RISK MANAGEMENT

Not having an effective approach to fly-posting can result in a poor quality local environment with an increase in the amount of 'horizontal litter' that fly-posts can be seen to be.

5. APPENDICES

Appendix 1 - Joint Fly-Posting Enforcement Strategy

6. BACKGROUND PAPERS

Joint Environmental Enforcement Strategy adopted by the Council in 2011

7. KEY

FPN – Fixed Penalty Notice

CNEA – Clean Neighbourhoods and Environment Act 2005

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