

REPORT TO: Environment and Urban Renewal Policy
and Performance Board

DATE: 2nd December 2020

REPORTING OFFICER: Strategic Director – Enterprise,
Community and Resources

PORTFOLIO: Physical Environment

SUBJECT: Flyposting

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The Council is constantly seeking to improve the environment in which our citizens live. Fly posting undermines this goal. It degrades the local "street scene" and give the impression of urban decay. Furthermore, it is an illegal activity. The Council therefore aims to reduce fly posting throughout Halton and to control fly posting through education, and enforcement. The purpose of this document is to outline the Council's position with regards to tackling fly posting.
- 1.2 This report proposed a week long "crackdown" to raise awareness of the negative impacts of flyposting, confront and discourage the main perpetrators, and improve the public realm of the Borough.

2.0 RECOMMENDATION: That

- 2.1 **The Board considers whether a formal anti fly posting policy should be drafted based on the principles set out in paragraphs 4.3 – 4.8**
- 2.2 **The Board endorses the activity set out in paragraph 4.9**

3.0 SUPPORTING INFORMATION

- 3.1 Fly posting is defined as 'the *display of advertising material on buildings and street furniture without the consent of the owner, contrary to the provisions of the Regulations.*' Fly posting is divided into three categories:
- (i) Advertises primarily for local events, often photocopies put up in large numbers on a regular basis. These may advertise bands playing in pubs, carboot sales and fairgrounds. They may be attached to lampposts, railings, and street furniture or pasted on buildings.
 - (ii) Posters advertising products of large organisations and put up by professional poster companies.
 - (iii) Posters displayed by pressure groups or political bodies. These are generally ad hoc and sporadic with no clear pattern to their location.

- 3.2 Fly posting is not only illegal; it is also unfair on those companies who choose to advertise legitimately. Fly posting also puts an additional cost on the Local Authority and other landowners, who are required to remove fly posters from their street furniture, walls etc. Fly posting has a severe effect on the "local environmental quality" of the Borough. This can act as an anti-social magnet, which encourages a social downward spiral, and can lead to an increase in local resident's fear of crime.

4.0 POLICY IMPLICATIONS

- 4.1 Under section 224 of the Town and Country Planning Act 1990 it is an offence for any person to display an advertisement in contravention of the regulations. The relevant legislation is contained in the Town and Country Planning (Control of Advertisements) Regulations 1992. Any person contravening the legislation is liable on summary conviction to a fine. In the case of a continuing offence there is £250 for each day on which the offence continues after conviction.
- 4.2 Under section 132 of the Highway Act 1980 it is an offence for any person to paint or in anyway inscribe or affix any picture, letter, or sign on the surface of a Highway, any tree, or structure without consent of the Highway Authority. If guilty of an offence the person can be liable to a fine of up to £1000, in the case of a second offence up to £2500.
- 4.3 Draft Policy for Fly Posting Prevention
- 4.4 The Council recognises that as a landowner it has the ability and duty to take steps to prevent the illegal advertising of events held at Council venues and on council owned land. In order to prevent advertising the Council could:
- Ensure fly posters are not used to promote council event, or events associated with Council. Particular attention will be given to the large public events.
 - Action can be taken to ensure that other persons hiring council venues do not fly post. This will be facilitated through the use of education and the use of 'no fly posting' clauses in hiring contracts. Clauses could be used to require deposit monies, which become forfeit if fly posting to advertise the event result.
 - Any entertainment that takes place within Halton should not be promoted through the use of fly posting.
 - Measures can be taken to make it difficult to erect posters on council owned street furniture, primarily through the use of anti-vandal paint. Where posters occur on street furniture, the posters will be removed immediately.
 - Entertainment venues who habitually flout fly posting legislation will also be referred to the Council's licensing section, as persons "not suitable" to hold a premises license.
 - Recognise the difficulties a zero tolerance policy will present to charity groups. In certain circumstances the Council will allow charities to advertising through the use of placarding if they can demonstrate that

the event cannot be effectively promoted by other advertising means. Any charities wishing to advertise in this manner must apply for permission off the Planning Authority and the Highways and must comply with the required detail in the Town and Country Planning (Control of Advertisements) Regulations.

- 4.5 The vast amount of fly posting found within the Borough, is "posted" on behalf of tradesmen. In order to reduce fly posting it is important that the Council specifically targets those businesses within the Halton, with the aim of reducing demand at source for this illegal activity.
- 4.6 Larger businesses, within the entertainment and leisure industry, fly post on a regional basis, which also causes problems for our local authority neighbours. Collaborative working with neighbouring LA colleagues may help find solutions to this problem.
- 4.7 The hoardings surrounding property developments are often a "hotspot" for fly posters. Hoarding are generally erected when construction works are undertaken or when empty premises are secured. In order to target these problems we can liaise with owners and landlords on their duties under fly posting legislation and tactics to prevent fly posting on their premises.
- 4.8 A significant proportion of the street furniture, within Halton, is owned by the utility companies (for example phone boxes and street cabinets); there are also other temporary structures such as recycling facilities. All of these are targets of fly posting and therefore engagement with the operators may establish a method of reducing the level of fly posting on street furniture.
- 4.9 It is proposed that a week long period of focussed activity will be scheduled for the New Year. This will be coordinated across the Council, involving the relevant service areas with enforcement powers and responsibility for the public realm. The purpose of this activity is to raise awareness of the negative impacts of flyposting, confront and discourage the main perpetrators, and improve the public realm of the Borough.

5.0 OTHER IMPLICATIONS

- 5.1 There will be resourcing implications arising from the subject of this report.

6.0 RISK ANALYSIS

- 6.1 There are reputational risks that could arise from an fly posting policy being regarded as anti-business, attracting criticism from small businesses who need to advertise their services. However, it remains a fact that fly posting is illegal and does look unsightly, spoiling the public realm.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 There are no equality and diversity implications arising from the subject of this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
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None		
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