



## No Fly Posting Policy

### 1. Introduction: What is fly posting?

The Department for Environment, Food and Rural Affairs describes fly posting as ‘the commercially driven defacement of the local environment through 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 often divided into three categories:

- Advertising, primarily for local events and businesses, and often put up in large numbers on a regular basis. Such posters might advertise bands playing in pubs, car boot sales, local events, local businesses and services, or carnivals and fairgrounds. They may be attached to lampposts, railings, and street furniture, or pasted onto buildings
- Posters advertising products of large organisations and put up by professional poster companies
- Posters displayed by pressure groups or political bodies. These are generally ad hoc and sporadic with no clear pattern to their locations.

### 2. Legislation:

The main legislative powers in relation to unauthorised flyposting are as follows: Town and Country Planning Act 1990 Under Section 224 of the TCPA it is an offence for any person to display an advertisement in contravention of regulations. The relevant legislation is contained within the Town and Country Planning (Control of Advertisements) Regulations 2007. Any person contravening the legislation is liable on summary conviction to a fine not exceeding £2500 and in the case of a continuing offence £250 for each day on which the offence continues after conviction.

Under Section 225, the local planning authority may remove or obliterate any placard or poster which is displayed in their area and which in their opinion is so displayed in contravention of regulations made under section 220. However, if the placard or poster identifies ‘the person who displayed it or caused it to be displayed’, the local planning authority must give that person at least two days’ notice that they plan to remove or obliterate the poster. In the first instance, the costs of removal are recoverable from the person identified in the poster or placard as having displayed it or having caused it to be

displayed. If this person cannot be identified, section 225 permits the local authority to recover costs from an identifiable beneficiary of the illegal advertising (the person whose goods, services or concerns are publicised in the poster or placard).

Under Section 43 of the Anti-Social Behaviour Act, an authorised officer of a local authority may give a fixed penalty notice to any person who is guilty of defacement of land and property by flyposting. The fixed penalty is set at £75 (with a lesser amount of £50 if payment is made within 10 days of receipt of the notice) in accordance with the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006.

### **3. Town Council's Position**

- Flyposting is illegal and the Council has a zero-tolerance approach which means that enforcement action will be pursued where necessary and appropriate.
- The Council believes that flyposting can be unsightly and make our towns, villages, and other areas less attractive for residents and visitors alike. It can make an area feel unsafe and uncared for and impact negatively on people's perceptions of the area. It can also distract drivers or obscure road signs and be hazardous to members of the public. It can be costly to remove.
- The Council believes that there are many legitimate ways for businesses and other organisations to promote their services, activities, etc without the need to resort to illegal flyposting. The Council also believes that flyposting can be bad for business and can discourage business investment. It can create a less attractive environment for shoppers and disadvantage those businesses that choose to advertise their business in an appropriate and lawful manner.

The Council recognises the difficulties that its policy towards flyposting will present to charity and community groups. In such circumstances all such groups, if seeking to display any advert or placard, should contact the Council to check whether planning consent is required and in any event:

- Comply with the relevant restrictions on size, placement, illumination, timescales, etc as described in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, which include, but are not limited to, the following: advertisements for community and charity events should not exceed 0.6 of a square metre, should not be displayed more than 28 days before the event begins and must be removed within 14 days after it ends.
- Have the permission of the owner of the site before placing any signage on it (this includes the Highway Authority if the sign is to be placed on highway land, including street furniture such as roadside railings, lampposts, etc).
- Consider alternative ways of advertising that does not involve flyposting.
- Avoid placing any signage at road junctions, on roundabouts, pelican crossings or traffic lights, where they may cause a hazard by distracting the road user.

- Avoid obscuring, or hindering the interpretation of, official road, rail, waterway, or aircraft signs, or otherwise make hazardous the use of these types of transport.
- Avoid putting signs up in sensitive locations or where they could possibly cause offence.
- Avoid putting up signs with wording or imagery that could be reasonably considered to be offensive to members of the public.
- Avoid putting up an excessive number of signs.
- Make sure that the signage is not a hazard to pedestrians, cyclists, etc (e.g., it should be firmly attached and should not be at a height where a pedestrian could walk into it).
- Keep signs clean, tidy and in a safe condition; and
- Remove them carefully when required to do so.

Temporary notices or signs announcing the visit of a travelling circus or fairs should not exceed 0.6 of a square metre, must not be displayed more than 14 days before the opening of the circus or fair and must be removed within seven days afterwards. The local planning authority must be told 14 days beforehand of the sites of the notice.

It is important that the council remains impartial during elections and referenda. For this reason, the council will not give candidates and parties permission to display their campaign material on land or buildings owned by the council. If material is placed in such locations, the council will normally contact the relevant candidate or party to ask them to remove the material or, if they cannot be contacted, a council officer will remove the material and retain it for collection for a period of up to 28 days (after which it will be disposed of).

There are several situations when the council would consider that the issuing of a fixed penalty notice may not be appropriate, and the council would seek to prosecute under the Town and Country Planning Act or other relevant legislation. This includes:

- Large scale commercial fly posting, which is commercially motivated and expensive to remove and repair.
- When the offence is too large/serious in its effect on the community.
- When the offence is committed by someone that has previously received a fixed penalty notice for the same offence; and
- Where the flyposting is motivated by hostility towards a racial or religious group (or towards a person based upon their membership (or presumed) membership of such a group).

The council will not normally act when the offence that has been committed is so small or trivial in its effect that action might not be in the public interest (e.g., notifications of missing cats, birthday greetings, etc).

Adopted by Full Council on 4 April 2022

To be reviewed April 2024