

LEEDS CITY COUNCIL - HEALTH & ENVIRONMENTAL ACTION SERVICE

Operational Policy Subject: **Flyposting on Street Furniture - Placards**

Approved By: Chief Environmental Services Officer

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Version revised by: G Wilson & S Campbell

1 **Scope**

1.1 This policy applies to flyposting and advertising which is attached to street furniture and trees on the public highway by cables, ties, tape, chains or other means. These are referred to as placards within this policy.

1.2 Flyposting (using “traditional” glue methods) and free-standing A boards are covered within separate policy documents. Political signs are the subject of other regulations and do not fall within the scope of this policy.

2 **Objectives**

2.1 Placards are used to advertise or promote an event, service or business. It is illegal to attach material to street furniture without previous permission. In certain circumstances it is also illegal to advertise without planning permission.

2.2 To seek an improvement in the visual street environment through the removal of notices attached to street furniture. The presence of placards, and placard ties, is assessed as part of Leeds Local Area agreement and counts against the authority when evaluating National Indicator 195.

2.3 To improve the safety of the neighbourhood by removing road traffic and pedestrian hazards, especially for disabled groups. Placards can cause erratic driver movements if they are distracted through reading them or if they carry out an unplanned manoeuvre to follow the advert. These can cause accidents to pedestrians and drivers. The Council would pursue liability for any such accident against the originator of the placard. The plastic/metal ties left behind when placards fall down or are taken down have also been responsible for eye injuries to pedestrians.

3 **Link to Strategic Outcomes**

The Council has identified 8 strategic outcomes which it has prioritised for action. These are supplemented with key improvement priorities.

3.1 Environment – Cleaner, greener and more attractive city through effective environmental management and changed behaviours is relevant. The key

improvement indicators which apply are addressing neighbourhood problem sites; improving cleanliness of green spaces; improving the quality of the built environment.

- 3.2 Transport – Key improvement which applies is the need to improve road safety for all our users, especially motor cyclists, pedal cyclists and pedestrians.

4 Application of the enforcement policy

4.1 Paragraph 5.3 - Prosecutions shall be taken in cases of failure to comply with statutory notices requiring the removal of the placard, or failure to comply with other lawful requirements.

4.2 Paragraphs 5.5 – Signs affixed to street furniture will be removed in the interests of public safety and to improve the environment. The costs are usually not prohibitive and immediate action resolves the situation quickly and cheaply. Where appropriate the costs incurred will be recovered in accordance with the specific legislation.

4.3 Regulatory Enforcement & Sanctions Act 2008

This policy complies with part 4 of this act as it does not place an unnecessary burden on local businesses. This is because it addresses an activity which is illegal as described by other primary legislation, it meets the needs of the Councils stated objectives. By applying the same policy on all businesses, a level playing field is provided in relation to inter business competition. There are other ways to advertise the business activity, such as billboards, designed street lamppost approved adverts, flyposter drums, local press, direct marketing and press adverts. A boards and flyers are covered by separate policies but can be used within the terms of those policies.

5 Legislation

5.1 See appendix 1

6 Policy - Placards on street furniture:

6.1 Leeds City Council will not ordinarily provide permission to attach placards to street furniture and will not ordinarily approve planning applications to regularise this activity. This does not apply to statutory signs (still within date); approved traffic signs; emergency signs; or signs of local community benefit (no commercial gain to an individual and/or trading organisation).

6.2 If a sign appears where the beneficiary cannot be reasonably identified, it will be removed and destroyed. Extraneous ties will also be removed.

6.3 If a sign appears where the beneficiary is known, that person will be written to using Notice and instructed to remove the signs identified and any others located within the city, forthwith. A “Leeds City Council has Cancelled this illegal flyposter” sticker can also be used on the placard. This sticker also acts as a Notice to remove.

6.4 If the sign is not removed within 48 hours of receipt of the notice to remove, evidence will be recorded and the signs removed and kept for subsequent prosecution. The

beneficiary will be interviewed under PACE caution. If there are no mitigating circumstances, the beneficiary will be prosecuted. One summons will be laid for each group of signs identified

6.5 A record will be maintained of who has received notices to remove placards.

6.6 Placards subsequently found within the city from the same source will be removed, the company interviewed and prosecution initiated.

6.7 The Highways Acts will be the preferred legislation, carrying a fine of £2,500 per offence. This does not preclude the use of the Town and Country Planning Act 1990 or Anti-social Behaviour Act 2003 where necessary to secure conviction.

6.8 Persistent and/or prolific offenders will be prosecuted and consideration given to seeking ASBOs or injunctions against the offender. Information will be shared with other enforcement authorities, where appropriate, in order to support convictions.

6.9 "Offerings" on temporary shrines will be tolerated for 1 month, after which they will be removed. Materials will be removed sooner where rotting or are a hazard due to the scale or location.

6.10 Statutory notices such as Planning notices and Highway notices can be removed after two months of the date of notification on the sign.

6.11 Signs advertising local community activities will be tolerated provided they:-

- Do not cause an obstruction or danger to road users
- They only advertise within 14 days of the event date,
- They remove their adverts within 1 day of the event happening.
- They do not overtly advertise businesses
- They are placed in such a way as to inform the community and guests rather than be located so that they are seen "at every turn".
- They are placed within the immediate environs of the event location.

(See Appendix 2)

If organisers contact the Service for advice about complying with this policy, details of sign size, numbers and locations will be requested so that clarification on compliance can be offered.

6.12 Organisers using community benefit tolerance will be advised that any events not complying with these criteria will be noted and treated as commercial activities should future events be held. As with political placards, signs not complying with the criteria may be removed and the costs of removal could be recharged to the event organisers. Commercial events such as fairs, circuses, etc will not be allowed to use placards to advertise. Events such as boot sales, flower shows must be able to demonstrate that they are wholly for the benefit of a local school, club etc, or are raising funds for a local (not national) charity.

6.13 Placards advertising seasonal trade, such as Christmas tree sales, will not be acceptable, as they are of a commercial nature.

6.14 If a person is seen placing a placard on streetfurniture, they should be approached and advised of the legislation. They should be asked to remove the placards. A fixed penalty notice will be issued, identifying the number of signs associated with the activity. If they do not remove the placards, a prosecution will be sought.

Policy - Placards and banners on the fences around private land/buildings

6.15 Temporary adverts which are attached to fences/railings/walls and similar boundaries of private premises, but which do not relate to the activity carried out therein will not have planning consents.

6.16 If such a sign appears, the occupier of the premises displaying the advert will be contacted and issued a Notice requesting the removal of the signs identified within 48 hours. If appropriate, the beneficiary will also be informed and/or a “cancelled sticker” used.

6.17 After 48 hours, if the advert remains in place, evidence will be recorded and the signs removed (only if possible from a public place) and kept for subsequent prosecution.

6.18 Signs advertising the business which occupies the private land are acceptable provided they are no greater than 4.6 square metres in size. If greater than this, further planning enforcement activities will be pursued.

Appendix 1

Highways Act 1980

S132 (1) - A person who without consent ...paints, inscribes or affixes any picture, letter, sign or other mark on the surface of a highway, tree, structure on or in a highway

S132 (2) – The highway authority may...remove any picture, letter, sign or other mark which has, without consent...been painted...or affixed upon the surface of the highway or upon any tree, structure ...on the Highway.

Town and Country Planning Act 1990 & The Town and Country Planning (Control of Advertisements) Regulations 1992.

S224

(3) ... if any person displays an advertisement... he shall be guilty of an offence and liable... to a fine ... not exceeding (£1000), and in the case of a continuing offence, £100 (1/10th) for each day during which the offence continues after conviction.

(4) 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.

N.B (5) A person shall not be guilty of an offence... if he proves that it was displayed without his knowledge or consent.

S 225—(1) ...the local planning authority may remove or obliterate any placard or poster—
(a) which is displayed in their area; and
(b) which in their opinion is so displayed in contravention of regulations made under section 220.

But not ... within a building to which there is no public right of access.

(3) ... where a placard or poster identifies the person who displayed it or caused it to be displayed, the local planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing—

(a) that ...it is displayed in contravention of regulations ...

(b) that they intend to remove or obliterate it... (5)(not less than two days from the date of service of the notice)

N.B (4) Subsection (3) does not apply if—

(a) the placard or poster does not give his address, and

(b) the authority ... are unable to ascertain it after reasonable inquiry.

(5) The period specified in a notice under subsection (3) must be.

Sec 324

(3) Any person ... may at any reasonable time enter any land for the purpose of exercising a power conferred on the authority by section 225 if—

(a) the land is unoccupied; and

(b) it would be impossible to exercise the power without entering the land.

Anti-social Behaviour Act 2003 - pt 6

43 Penalty notices for graffiti and fly-posting

(1) Where... a person has committed a relevant offence ... (the IO) may give that person a ... (*fixed penalty notice* ... £75)

(2) (except) ... if he considers that the commission of the offence (*contains*) - racist or sectarian graffiti.

(3) ... *if* ... that person personally affixed or placed the advertisement

Appendix 2
Leeds City Council
Health & Environmental Action Service

Scope : To clarify the conditions in addition to 6.11 & 6.12 of
Leeds City Council's Flyposting on Street Furniture policy.

Terms For Signage Erected In Accordance with the Community Benefit Aspect

1. Signs must not be erected more than 14 days in advance of the event date and must be removed within 1 day after the event. For events lasting a period of more than 1 day, this will be discussed with the relevant area Service Manager on a pro rata basis. Upon expiration of this period, all signs and ties must be removed.
2. Each sign must not exceed **600mm x 400mm**.
3. No more than a total of **40** signs may be erected.
4. Signs may be attached to a single wooden pole and affixed in the grass verge but must not exceed the size stipulated in Condition 2 above and not be affixed in a manner that would obstruct essential maintenance of the grass verge or cause irreparable damage to the verge.
5. Signs may be affixed to street furniture but not fixed to poles carrying mandatory traffic signals/signs and so as not to conflict with permanent direction or regulatory signs.
6. Signs must not be placed on roundabouts.
7. The purpose of the signs is to inform the local community of the event. No wording must be used that advertises businesses or sponsors.
8. No more than one sign to be attached to each item of street furniture. However the same size and designed signs, placed back to back, on one item of street furniture, in a mirrored fashion, would be classed as one sign.
9. The authority is to be indemnified against all claims for accident or injury by, or in consequence of, the erection of the signs.
10. Nothing in this policy implies a licence to enter onto private land to carry out this task.
11. Unofficial signage is shown to attract other illegal advertising and flyposting. Should this situation occur, **all** signage must be removed immediately.
12. These points apply to LCC street furniture within the Leeds City Boundary.
13. If a valid complaint is received about any sign, it must be removed immediately.
14. In accordance with Point 1 above, it is the full responsibility of the event organiser(s) to ensure all signage is removed following expiration of the 14 day period. In order to facilitate this, it would be advisable to record each and every location when a sign is erected.