

Licensing Enforcement Team

FLY POSTING REVIEW 2015



Fly Posting

There is no formal definition of fly-posting. However, it is generally taken to be the display of business advertising material on buildings and street furniture without the consent of the owner.

The enforcement team do not remove unauthorised illegal fly-posting but we use powers to ensure that the poster beneficiary removes the notice

Fly-Posting Powers

- The Powers used by the Enforcement Team cover two aspects of legislation for Fly Posting,
- The principal mechanisms are in section 224 and section 225 of the Town and Country Planning Act 1990 (as amended). Local planning authorities have specific powers to deal with:
 - illegal hoardings;
 - fly-posting;

Powers

- Before taking any action, the local planning authority must serve a 'removal notice' on the person responsible for the erection and maintenance of the structure, provided they can be identified. If not, the local planning authority must fix the removal notice to the structure or display it in the vicinity and serve a copy on the occupier of the land, if one is known, or if one can be identified.
- If the removal notice is not complied with, within the time allowed (at least 22 days beginning with the date of the notice), the authority may remove the structure and recover expenses reasonably incurred in doing so from anyone served with the removal notice.

Powers

- Fixed Penalty Notices
- The Anti-Social Behaviour Act 2003 (sections 43-47) introduced the option of using
- Fixed Penalty Notices as an alternative to prosecution for flyposting.
- However, these can only be used against the person actually affixing the poster, not the company, business, club or other agency advertised on the poster.

Powers

- Highways
- Section 132 of the Highways Act 1980 enables the highway authority to remove unlawful advertisements such as pictures or signs attached to any trees, highway signs, structures or works in the highway.

Enforcement action 2008 / 2015 (Source APP Data)

