



Sawbridgeworth Town Council

Policy 6.12

FLY POSTING PROCEDURE

(Helping to improve services)

Proposed 11 June 2012 – Review by 31 Dec 2013

Fly Posting

Agency Agreement with East Herts District Council

Training for Staff and Councillors

Fly-posting – Background

Law – Basics

- Most advertising is illegal¹ without consent under planning law *and* the permission of the landowner
- Advertising on highways property is illegal² without the permission of the highways authority
- There are some exceptions and deemed consents
- The planning authority (i.e. EHDC) has the right to remove illegal advertising and can enforce through the courts (fines)

Agreement

- EHDC and STC (in common with the other towns in East Herts) have signed an agency agreement (Jun 2012)
- STC can, but is not obliged to, remove illegal flyposting in Sawbridgeworth
- Gives us the same legal protection enjoyed by EHDC
- Limited Process and procedures required
- Ensures legality, safety and good PR

Principal Exceptions & STC Policy

Important exceptions (to the requirement for consent) include adverts:

- by a religious, educational, cultural, recreational, medical or similar institution on the premises which it is advertising. (max 1.2 sq. m)
- for the selling/renting of the property on which the advert is located (residential max 0.5 sq. m, other max 2 sq. m)
- for any local religious, educational, cultural, political, social or recreational event for non-commercial purposes (<0.6sq. m)³
- For a travelling circus or fair (max 0.6 sq. m)⁴
- Any advert about building operations upon the hoarding around the land advertised

Note: the above are exceptions to the Planning regulations but NOT to the Highways Act; advertising on highways land is almost always illegal

- Many other exceptions apply – see backup

¹ Under the Town and Country Planning Act 2007

² Under the Highway Acts 1980

³ *ibid*

⁴ *ibid*

STC Policy

(proposed by Clerk, to be used as the working policy until ratified by Council)

- STC will normally, subject to resource, practicality, safety considerations and the exceptions below, take action to remove/obliterate banners, posters and boards which are:
 - readily visible from the public realm and are
 - displayed illegally on land owned by STC, EHDC or HCC/Highways land or on unoccupied premises
- Exceptions: STC will not normally remove (but reserves the right to remove) illegal adverts in classes 3 and 4 which are
 - legal under the Town and Country Planning act but not legal under the Highways act
 - do not appear to cause danger or obstruction
 - are displayed no more than 14 days before the event and removed no more than 7 days after the event
 - in the case of adverts in class 3 are displayed in the immediate neighbourhood of the location of the event
 - in the case of adverts in class 4 relate to an event in Sawbridgeworth or immediately adjacent parishes

If in doubt.....ASK!

Procedure

Different for banners (which have value) and paper posters (which are virtually valueless)

Banners (includes estate agents boards etc)

- Photograph advert and location
 - Place photo in Fly Posting/*Evidence - Photos*
- Remove carefully
- Log
 - Fly Posting/*Fly Posting Log Sheet.xls*
- Issue notification letter/email
 - Fly Posting/Letter *Fly Posting Banner.doc*
- If collected, obtain receipt
 - Fly Posting/Letter *Fly Posting Banner Return and Receipt.doc*
- Dispose only if not collected within time limit, log disposal
 - Fly Posting/*Fly Posting Log Sheet.xls*

Posters

- Remove and dispose of

For persistent offenders

- Photograph advert and location
- Log
- Issue warning letter
 - Fly Posting/Letter *Fly Posting Banner.doc*

Backup

Tools which may be required

- Authorisation certificate
- Protective footwear
- Goggles, Gloves
- Camera
- Knife, wire cutters, pliers
- Multi headed screwdriver
- Vehicle
- High visibility jacket/tabard

Further Exceptions

Other exceptions (to Planning regulations) include adverts:

- For a Neighbourhood Watch scheme
- Comprising solely the national flag of any country, provided it is unaltered
- not readily visible to the general public.
- for an article for sale provided the advertisement is not illuminated (max 0.1 sq. m)
- relating to a pending election
- is a lawful traffic sign
- inside a building, and >1m from an external door, window or other opening through which it is visible from the outside.
- identifying the name of the person/organisation/company occupying the building on which it is displayed
- advising of building work on the building/Land
- directing potential buyers to a residential development site. (max 0.15 sq. m)
- Comprising the flag of the building/business (max 0.75 sq. m)
- Advertising the function of a local authority (max 1.55 sq. m)
- for the presence of CCTV cameras