

**BROMSGROVE DISTRICT COUNCIL**

**HOUSING AND PLANNING POLICY SCRUTINY COMMITTEE**

**2ND DECEMBER 2004**

**FLYPOSTING POLICY, WARNING LETTER AND ACTION FLOW CHART**

Responsible Portfolio Holder	Councillor Mrs. M. M. T. Taylor Councillor P. J. Whittaker
Responsible Head of Service	Mr. M. Griffiths, Director of Planning Services Mr. J. Moody, Head of Community Safety and Engineering

**1. SUMMARY**

- 1.1 To consider interim recommendations made by the Flyposting Task Group. (Please note that this is not the final report of the Task Group).

**2 RECOMMENDATION**

- 2.1 Members are asked to recommend to the Executive Cabinet that the following be approved and adopted:
- (a) The Warning Letter (see Appendix I)
  - (b) The Action Flow Chart (see Appendix II)
  - (c) The Flyposting Policy of sending warning letters/visiting offenders in advance of instituting prosecution proceedings and/or proceedings to secure Anti-Social Behaviour Orders against those against whom there is evidence of them persistently flyposting (see Appendix III)

**3. BACKGROUND**

- 3.1 At the meetings of the Flyposting Task Group on the 28th October 2004 and 15th November 2004 it was agreed that the above recommendations be put forward to this Committee for approval.

**4. FINANCIAL IMPLICATIONS**

- 4.1 The costs of implementing the Policy including printing and postage costs and monitoring incidences of flyposting will be met within the existing Community Safety budget.

**5. LEGAL IMPLICATIONS**

- 5.1 This Policy will allow Officers to take action against flyposting in accordance with the Anti-Social Behaviour Act 2003 and the Highways Act 1980.

**Background Papers**

Minutes of the Flyposting Task Group Meetings held on the 28th October 2004 and 15th November 2004

**Contact Officer**

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**WARNING LETTER**

**Illegal Fly Posting**

Bromsgrove District Council is concerned that your company is engaging in Illegal fly-posting in the District, as can be seen from the enclosed evidence.

Illegal fly posting is an eyesore around the Bromsgrove District and a problem about which our residents – your customers – feel very strongly. Posters attract graffiti and send out a signal that the area is uncared for and can exacerbate people's fear of crime.

Under Section 132 of the Highways 1980 it is an offence to fix a sign on the public highway or on any highway structure. The company which benefits from the advertisement – your company - commits the offence. The fine on successful prosecution is up to £2,500 per poster.

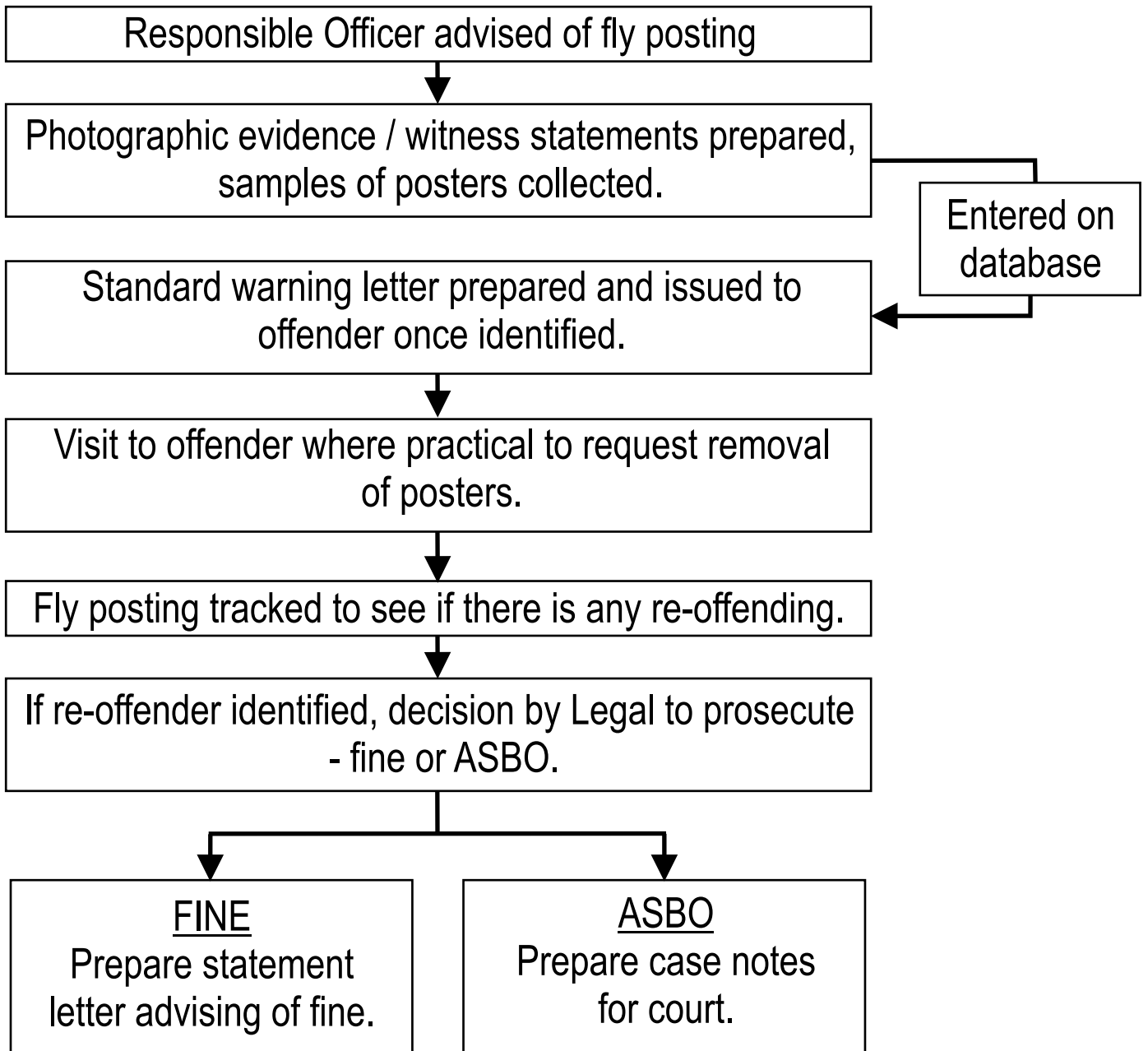
Fly posting is also listed in the Anti-Social Behaviour Order Act of 2003. Using the powers of this Act, Bromsgrove District Council will not hesitate to seek an Anti Social Behaviour Order against the owner or chief executive of an organisation who is guilty of persistent fly posting. As part of our commitment to the eradication of illegal fly posting in the Bromsgrove District, we will continue to gather evidence, removing illegal posters and pursuing legal proceedings relating to these offences.

However, we **are prepared to treat this an isolated incident** and not pursue a prosecution against you on this occasion. We must stress that should this warning be ignored, the Council will not hesitate to take legal proceedings against those involved

Yours etc

John Moody  
Head of Community Safety

# Fly Posting Action Flow Chart



**Proposed Policy for dealing with Fly Posting within Bromsgrove District**

1. Designated, Responsible Officer to be advised of fly posting occurring within Bromsgrove District.
2. Photographic evidence and witness statements assembled together with samples of posters collected. Evidence to be entered on Data Base within Community Safety Team
3. Where practical, Anti Social Behaviour Officer (accompanied by a Police Officer where deemed necessary) will visit company/individual identified as perpetrator to request they remove posters. A 24 hour time frame given to remove posters

A letter explaining the 2003 Anti Social Behaviour Law in relation to Fly Posting to be handed over at time of meeting.

4. If a personal visit cannot be made then a warning letter, agreed by BDC Legal Team and Members to be issued by Head of Community Safety.
5. Should the person or organisation visited by the ASB Officer or issued with a warning letter continue to fly post, a decision will be made by Bromsgrove District Council Legal Dept. as to the form of action to be taken. This could involving seeking a fine and costs or in extreme cases of persistent fly posters, the taking out of an Anti Social Behaviour Order against the owner, manager or chief executive of the organisation.
6. Evidence to be assembled using time/dated digital images as well as witness statements from Council Officers and residents.
  - (i) Responsible Officer is currently either the Anti Social Behaviour Officer or Community Safety Officer within the Community Safety Team
  - (ii) Information collated via BDC Officers or Residents
  - (iii) In addition to warning letter, a do's and don'ts about Fly Posting to be handed over for information