

control and management of fly-posting

Planning Advice Note



better control will help enhance the appeal and attractiveness of our cities, town centres and rural areas



designing quality environments

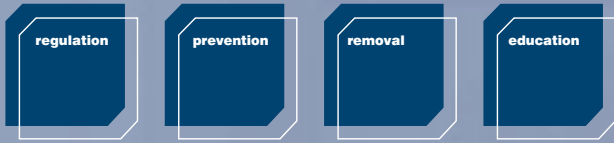
Planning series:

- › **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- › **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- › **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.



control and management of

Planning Advice Note

fly-posting



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Control and management of fly-posting

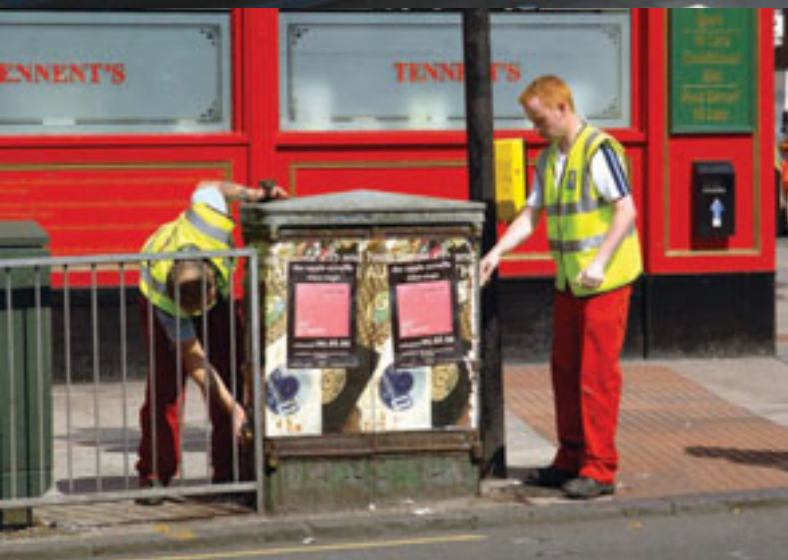
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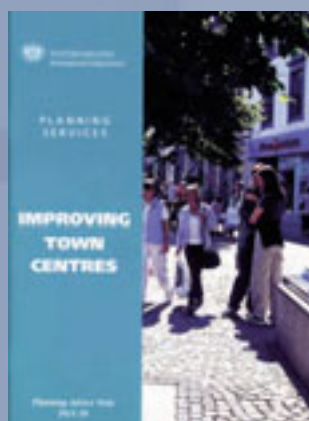
Introduction

1. Fly-posting, which constitutes illegal notices, advertisements and other printed material, can result in local authorities bearing considerable expense, both in controlling sites and addressing adverse amenity impacts. Better control and management will work to support vibrant and thriving city, town and village centres through the reduction of environmental crime and antisocial behaviour.

2. This Planning Advice Note (PAN) has been prepared to fulfil the commitment in the Partnership Agreement on fly-posting. It draws on recent research as well as existing initiatives, policies and best practice, across Scotland, the UK and further afield to highlight how local authorities can effectively control and manage illegal poster advertising in both urban and rural areas, across the diverse range of communities in Scotland. This PAN should be read in conjunction with existing national policy and advice on town centre management. Of particular relevance are: PAN 59: *Improving Town Centres*, SPP 8: *Town Centres and Retailing* and *A Policy Statement for Scotland: Designing Places*.

3. The advice in this PAN will be of particular relevance to local authority interests, including planning policy, development management, enforcement, environmental health, street cleansing, environmental wardens and town centre managers. This advice is also intended as a guide for developers, utility companies, public transport operators, public sector agencies, the police, property owners, community interests and organisations involved in street advertising.

4. Effective coordination of the knowledge, enthusiasm, commitment and resources of these interests can contribute significantly to the effective control and management of poster advertising, enhancing Scotland's town centre environments and the quality of life of those who live in, use and enjoy these places.



Fly-poster advertising in Scotland

5. Fly-posting is prevalent in our towns, cities and rural areas. It is an illegal form of outdoor advertising providing a cheap and instant message. 'Saturation' coverage in an area can give a product an immediate presence. This method of advertising is a well-established marketing device in the entertainment industry, often utilised by night clubs, bars and restaurants (the so-called 'evening economy'), record companies, events organisers and other advertisers. The immediacy of fly-posting can be especially attractive for products with a limited 'shelf-life', such as record releases. The sometimes explicit nature of fly-posting is regarded by some as a positive feature of this form of advertising. It is often associated with graffiti as a vehicle for youth culture artwork and communication. As a consequence some major companies view fly-posting as a way of increasing their engagement with youth audiences to promote events and products.



6. The outdoor advertising medium is the fastest growing type of advertising in the UK, accounting for 9% of display advertising revenue in 2004¹. Legitimate advertising opportunities range from high-impact banners, large-format roadside billboards through to advertising opportunities at stations, in trains, bus shelters, taxis, buses, leisure centres, on plasma screens, postcards, and in shopping malls and supermarkets. Consumers can be reached as soon as they step out of their home right to the very point of purchase. It is thought that the fly-posting phenomenon has brought street advertising into disrepute and has devalued the legitimate paid-for outdoor advertising industry².

7. Supporters of fly-posting focus on it being an affordable form of publicity which can offer community, enterprise and customer benefits through helping to promote the evening economy, small arts events and alternative venues. Evidence suggests that this type of advertising only accounts for a small percentage of the problem, occurring in smaller cities and towns, such as Perth and Stirling. In larger cities, such as Edinburgh and Glasgow, the incidences of fly-posting are significantly greater, with national music events and world famous musicians and artists being advertised on the street. Companies that advertise these events are well organised and often use fly-posting as part of a larger campaign.



8. However, authorised poster advertising on legitimate poster sites can contribute to the dynamic city ‘buzz’ during a city festival and other major national and international events that now form a common part of town and city place and regeneration strategies across Europe. On a more local scale, posters are used on occasion to publicise local government elections and referendums. Community events, such as jumble sales, bonfire night, school fêtes and amateur dramatic events are also advertised locally using posters.

9. To many people fly-posting has a negative influence on the quality of the environment, however, others see it as an important component in promoting events, campaigns and music releases, contributing to the vibrancy of town centres. Frequently, views on fly-posting are subjective and influenced by the form and content of the advertisement.

What is Fly-posting?

10. There is no statutory definition of fly-posting. ENCAMS³ and Keep Scotland Beautiful⁴ describe fly-posting as, “any printed material and associated remains informally or illegally fixed to any structure. It excludes approved and managed advertising hoardings and fly-posting sites, and other valid, legally placed signs and notices. It includes any size of material from small stickers up to large posters”⁵. Adverts displayed on movable objects such as advertising ‘A’ boards, billboards on movable bases on farmland and other open land, on ‘barrage balloons’, dirigibles or airships and business cards and handbills placed under vehicle windscreen wipers and vehicle door handles may, depending on the circumstances, be illegal but do not constitute fly-posting. The by-products of fly-posting include remnants of partially-removed stickers, posters and the remains of adhesive tape, cable ties and other fixings that had been used to stick posters to surfaces.



¹ Outdoor Advertising Association of Great Britain

² Advertising Association

³ Environmental Campaigns (ENCAMS) charity

⁴ Charity improving the quality of local environments in Scotland

⁵ Local Environmental Quality Survey of England 2003/ 2004, ENCAMS

11. The vast majority of incidents of fly-posting can be summarised in four distinctive groups:

- ▶ **Adverts primarily for local events / sales / promotions.** Often photocopies put up in large numbers on a regular basis, advertising events such as bands playing in pubs, or car-boot sales. They may be attached to lamp-posts, railings and street furniture or pasted on buildings.
- ▶ **Posters advertising products of large organisations.** Put up by professional poster companies, these are usually large, high quality, colour posters, often promoting performers and products from global music companies or national events, pasted on vacant buildings and structures such as telephone kiosks or control boxes. Target audiences are often young people, students or minority interest groups.
- ▶ **Stickers advertising both national and local products or events.** Generally small in size, advertising products, websites, clubs, businesses and services.
- ▶ **Posters displayed by political bodies, pressure groups or individuals.** These are generally ad hoc and sporadic with no clear pattern to their location. Personal notices often include notices for lost pets, birthday greetings, personal messages, etc. However, the Town and Country Planning (Control of Advertisements) Regulations 1984 Part IV, Paragraph 12 (1)(a) provides that election notices put up by political parties, any advertisements required to be displayed under a standing order or other legislation, or traffic signs required for the control, guidance or safety of traffic, are deemed to have planning consent and are not therefore considered to be fly-posting. A standard condition [Paragraph 12 (2)(a)] requires that any election advertising must be removed within 14 days of the close of the poll in the election to which the advertisement relates.

12. Posters and stickers are often put up on any available flat surface, including derelict or empty properties, shop fronts and walls, temporary fencing, construction site hoardings, lamp-posts, poles, railings, and various items of street furniture such as public utility cabinets, container bins, litter bins, signs. Usually they are put up without the consent of the owner.

The scale of the problem

13. Fly-posting is prominent in most of Scotland's towns and cities. Currently, the problems are typically local to specific parts of the urban centre associated with central shopping areas, high density residential areas, key transport routes and interchanges, leisure districts and areas with a strong evening economy.

14. Keep Scotland Beautiful have undertaken Local Environmental Audit and Management System (LEAMS) surveys across all 32 local authorities in Scotland⁶. The assessment included aspects of environmental quality by looking at Adverse Environmental Quality Indicators, which include dog fouling, vandalism, graffiti, weeds, detritus and fly-posting. The results of the April 2005 to February 2006 survey found that fly-posting was present in 1% of the surveyed sites throughout Scotland and did not appear to be a national problem. However, some of the more urban local authorities, such as Glasgow and Edinburgh, were found to contain relatively high levels of fly-posting throughout their areas, suggesting a need for more localised action to reduce the problem. The more rural local authority areas had either no or negligible levels of fly-posting, with such fly-posting as does exist mainly being associated with summer tourist attractions and road side businesses along trunk roads.



⁶ Local Environmental Audit and Management System Annual Report 2004/ 2005, ENCAMS

⁷ Fly-posting Consultation Workshops, Ironside Farrar Ltd, 2006

Locational trends

15. Research⁷ suggests that the scale and nature of the problem varies between the following locations:

➤ **Large metropolitan cities
(e.g. Edinburgh and Glasgow)**

Usually located in the city centre and areas with high student populations to advertise night clubs and music events. Large publicity campaigns for well-known pop artists and groups are run by professional businesses, delivering high-impact publicity.

➤ **Small cities and large towns
(e.g. Aberdeen, Perth and Stirling)**

Often advertising small businesses, bands playing in pubs or car-boot sales. Occasionally, out-of-town companies will advertise a one-off event, such as a golf or carpet sale.

➤ **Rural towns and villages**

Mainly a summer issue associated with tourist areas. Otherwise, fly-posting is generally limited to advertising local community events.

16. Local authorities can experience difficulties in the enforcement of fly-posting powers, as identification of either the beneficiaries or the fly-posting companies is not always possible. A familiarity with local businesses and venues will aid local authorities in smaller cities and towns, however, the extent of the problem and number of fly-posting incidents can make it impossible to identify offenders in larger cities. A beneficiary may be the owner or occupier of the property on which the advertisement is displayed, or the person or organisation to whom the advertisement gives publicity. Companies involved in fly-posting and those using it as a medium for advertising often seek to disguise the origin of the poster, making it difficult and time consuming to track down the beneficiary. However, details of all registered companies are held by Companies House and often companies that are linked directly to advertised products can be identified through a simple internet search.



The need for advice

17. Fly-posting is illegal and is controlled under a range of legislation. It constitutes an environmental crime, along with a wide range of issues such as graffiti, littering, fly-tipping and dog fouling. Fly-posting damages the physical environment, is detrimental to quality of place and communities, has high clean-up costs and is linked to antisocial behaviour. Fly-posting can significantly reduce the attractiveness of urban areas, especially those in need of regeneration. ENCAMS states that, “fly-posting attracts graffiti, sending out the signal an area is uncared for and can exacerbate people’s fear of crime. This in turn stops businesses choosing to locate there and can also keep visitors away”⁸. It is extremely difficult to eradicate fly-posting completely but if left unchecked, it can project an air of neglect and decline that reflects badly on the image and quality of a town or city centre. The combination of fly-posting, fly-tipping, litter, graffiti and noise encourages other, low-level crime incidents, antisocial behaviour and contributes to the degrading of our streets and public realm. In turn, poor quality of place has an adverse impact on economic regeneration, tourism and inward investment. PAN 59 notes that, “centres that are uncared for can appear dangerous or dirty, which will be a deterrent to visitors and can be a disincentive to private investment.”⁹

18. The Association of Town Centre Management Fly-Posting and Graffiti Policy Summary states, “indicators have shown that towns and cities with little or no graffiti or fly posters are associated with better store performance. The clean and safe factor contributes towards the elimination of these acts through the confidence of shoppers, workers, visitors and the general public venturing out onto the streets maintaining a public presence (crowding out crime). A busy, vibrant town or city with a high footfall is often associated with improved or maintained standards in relation to street cleaning, reduced or no graffiti, police presence, CCTV, and full time employment.”¹⁰

19. Safety may be compromised where fly-posting obscures road signs or distracts drivers. Information from road accident databases suggests that external-to-vehicle driver distraction caused by visual clutter, which may include legal and illegal advertising boards, is a significant contributory factor to road accidents.

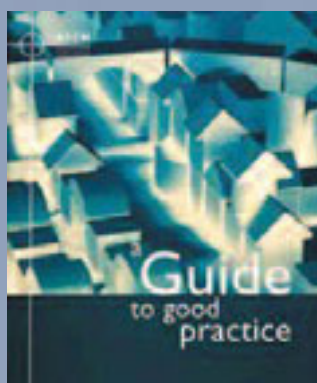


20. Fly-posting is most frequently a deliberate activity. Many fly-poster users are fully aware of the illegality of the activity, but the commercial interests and a perception that the users can avoid enforcement suggest that its use is likely to continue to grow. However, research also shows there is a lack of awareness of the need for advertising consents by some community groups, student societies and individuals.

Roles of local authorities

21. Local authorities perform a number of key functions with regard to controlling fly-posting:

- ▶ Preparation of Local Plan policy, including enforcement of planning legislation to deter and prosecute fly-posters
- ▶ Community planning working within partnerships with other key agencies and community interests
- ▶ Licensing and regulation of venues
- ▶ Street cleansing functions
- ▶ Transport functions
- ▶ Health and safety



Case Study 1: Town Centre Management, Scotland

Town centre management schemes make a significant difference to the quality and competitiveness of town centres. Twenty out of the thirty-two local authorities in Scotland have town centre managers. Partnership-based town centre initiatives have successfully dealt with fly-posting issues. Town centre management can:

- ▶ Create environments that are clean and safe by investing in maintenance and security
- ▶ Stimulate growth by inward investment and development and through work with existing businesses
- ▶ Enhance quality through public art and major infrastructure improvements to the public realm
- ▶ Ensure that the town or city centre is welcoming to all and an experience worth having.

⁸ Keep Britain Tidy Campaign, ENCAMS

⁹ PAN 59: Improving Town Centres

¹⁰ Association of Town Centre Management Policy Summary: Fly-Posting and Graffiti, 2003



Express
5-29 AUGUST
The festival hit of 2003

Jason Byrne
Jason Byrne
Jason Byrne
Monty Python
assembly

COCA
ARRING
MY
CELLO
OBSERVED
AL SPOOF
ENDENT 2004
2428
assembly

Assembly
The Times
stars
Anna Mansour

STEVE FURST
BEHIND THE NET CURTAINS
UST
assembly
8.45PM

ISO CHRIS
METRO
LY

Russell Brand
assembly
RIZATIONS ATIONS

assembly

Statutory framework for advertisement control

22. There are a number of pieces of legislation that set out the powers that are available to local authorities to control fly-posting and their responsibilities. However, the greatest difficulty faced by local authorities is the identification of individuals in the companies who are the direct beneficiaries of illegal advertising. Where someone is caught in the act of fly-posting, or there is direct and clear evidence of an individual organising or authorising fly-posting, prosecution may be an option. It should be recognised however, that prosecution is a lengthy and potentially expensive process and may not be appropriate in all cases.

Acts and regulations controlling the display of advertisements

23. The Town and Country Planning (Scotland) Act 1997 (s182) and the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, (as amended), (s5) state that no advertisement can be displayed without the consent of the planning authority (although advertisements that fall into certain classes have deemed consent). It is an offence to display an advertisement in contravention of the regulations. However, a person shall not be guilty of an offence if they can prove that the advertisement was displayed without their knowledge or consent.

The 1997 Act (s186) states that a person is deemed to be displaying an advertisement if they are:

- ▶ the owner or occupier of the land on which the advertisement is displayed, or
- ▶ the advertisement gives publicity to his goods, trade, business or other concerns.

24. The Town and Country Planning (Scotland) Act 1997 (s183) gives power to make different advertising regulations for different areas, and in particular make special provision for conservation areas, areas of special control, rural areas and areas requiring special protection on the grounds of amenity.

25. The Roads (Scotland) Act 1984 (s100) makes it an offence to place anything on a public road without the consent of the roads authority. This includes any way over which there is a public right of access and includes the road verge, foot path, bridges or tunnels over or under which the road passes. It is an offence, under this Act, to paint, inscribe or fix upon the surface of a road or tree, traffic sign, milestone, structure or works a picture, letter, sign or other mark. Schedule 8 of the Act sets the penalty, where an offence is proven, up to level 3 (£1,000) of the standard scale.

Enforcement of control over advertisements

26. The Town and Country Planning (Scotland) Act 1997 (s186) makes provision to enable the planning authority to require the removal of any advertisement that is displayed in contravention of the regulations and the discontinuance of the use of the site for the display of advertisements. Section 186(3) provides that where a person displays an advertisement in contravention of Advertising Regulations, they are guilty of an offence. Where an offence is proven, fines of up to £200 can be issued on summary conviction, and in the case of a continuing offence, £20 for each day during which the offence continues after conviction, according to section 7 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Use of enforcement notices

27. The planning authority may also issue enforcement notices, according to the Town and Country Planning (Scotland) Act 1997 (s127) and the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (s24), requiring the removal of any advertisement displayed in contravention of the Regulations. Enforcement Notices issued under the Advertisement Regulations generally require that the recipient is given at least 28 days notice before the Enforcement Notice takes effect, but this period can in certain cases be reduced to 7 days where the planning authority “considers it urgently necessary in the interests of public safety that the advertisement to which the notice relates should be altered or removed, or where they are satisfied that any steps required by the notice to be taken can be taken without the removal or substantial modification of any structure or the carrying out of any building or similar operations on land” (1984 Advertisements Regulations, s24(4)(a)).

14



Recovery of expenses

28. If the action required by an enforcement notice has not been undertaken within the period specified, local authorities may enter land and take action to remove or obliterate posters or placards. The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (s26) gives local authorities the power to recover any reasonable expenses incurred by them in taking action. A landowner who has incurred costs complying with an Enforcement Notice may also seek to recover these costs from the person who put up the advertisement.

Power to remove posters

29. The Town and Country Planning (Scotland) Act 1997 (s187) also allows the local authority to remove or obliterate any poster or placard displayed in contravention of the Advertisement Regulations. This can be done after:

- ▶ the planning authority has given notice in writing that the advertisement is displayed in contravention of the regulations made under section 182 and that they intend to remove it on expiry of the notice; and
- ▶ providing at least two days notice of the intention to remove the poster. Circular 10/1992 looks at the power to remove or obliterate placards and posters.

Case Study 2: Prosecution and ASBOs, Camden

A landmark ruling was made in September 2004, when a District judge granted three interim Antisocial Behaviour Orders (ASBOs) against employees of ‘Diabolical Liberties’, said to be the biggest fly-posting firm in the country, banning them from illegally fly-posting in the borough of Camden. The Antisocial Behaviour Act 2003 applies to England and Wales, but there are similar but separate measures in force in Scotland. The ASBOs were sought after innumerable complaints from Camden residents and businesses, years of repeated prosecutions and requests to desist. In March 2005, Camden successfully secured an ASBO against the Managing Director of ‘Diabolical Liberties’ banning him for 2 years from arranging fly-posting anywhere in the London Borough of Camden. The effect was said to be a 95% reduction in fly-posting in the Borough.

This action followed the success of a similar action against Sony Music Entertainment (UK) Ltd during which they agreed to cease fly-posting before the matter was taken to court.

30. Notice is not required if the poster does not give the person's address or if the planning authority is unable to ascertain it after reasonable inquiry. Entry to land for the purposes of exercising these powers may be gained if the land is unoccupied and it would be impossible to exercise the power without entering the land. The power does not extend to any poster or placard displayed within a building to which there is no public right of access. Local authorities may be liable to claims for any damage to property during the course of removing posters or for trespass.

31. The planning legislation does not permit the removal of adverts from within a building to which there is no public right of access, therefore making it difficult to remove posters from third party property.



Other potentially relevant powers

32. Fly-posting adversely impacts on local amenity, community well-being and has links to antisocial behaviour. The Local Government in Scotland Act 2003 gives local authorities power to do anything which they consider likely to promote or improve the well-being of their area and persons within that area. Well-being may include environmental factors such as the quality of the built environment, however, this is for the relevant authorities to determine.

33. The Antisocial Behaviour etc. (Scotland) Act 2004 gives the sheriff court the power to make an antisocial behaviour order if a person has engaged in antisocial behaviour. A person engages in antisocial behaviour if he or she acts in a manner or pursues a course of conduct that causes or is likely to cause alarm or distress (s 118). Individual planning authorities must decide what action is appropriate for the prosecution of those who fly-post and should take advice from their own legal teams.

Case Study 3: Highways Considerate Contractor Scheme, Richmond Upon Thames

The London Borough of Richmond Upon Thames sets out the standard planning conditions, which apply to the erecting of hoarding, scaffolding and other construction-site works. The conditions include a clause regarding fly-posting:

- ▶ Any graffiti or fly-posting on the hoarding should be removed within 48 hours unless it is of an offensive nature, in which case it should be removed immediately.

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Control and management of fly-posting

34. Effective control of fly-posting can be difficult and complete eradication of fly-posting in some urban areas may be impossible. Best practice suggests that no single measure is likely to be wholly effective, but a coordinated response that reflects the location and scale of the problem may deliver successful outcomes. Local authorities must decide which measures or solutions are the most appropriate for their areas. For example, in rural towns a simple solution may be to provide an information board, which can offer a central focal point which could hold a street map, events notices, and any additional fly-posting material.

35. The responsibility for combating fly-posting lies with local authorities. Best practice suggests that developing appropriate control measures is best secured through a combination of measures that encourage closer engagement between the various interests and better joined-up working within local authorities. Effective solutions to tackling fly-posting include the following:

- ▶ Strategic approach and partnering
- ▶ Prevention
- ▶ Removal of fly-posting
- ▶ Enforcement and prosecution
- ▶ Development through legal poster advertising sites
- ▶ Education to raise awareness

Strategic approach and partnering

36. Policy and strategies should include a mixture of preventative and enforcement approaches, with coordinated cross-departmental working including street cleansing, legal, licensing and planning responsibilities. Anti-fly-posting strategies must be suitably resourced and coordinated with other town centre initiatives and strategies to ensure long-term effectiveness. Town Centre Managers could potentially play a greater coordinating role in the process.

Business Improvement Districts (BIDs) could also have a potential role to play in bringing parties together to take action on fly-posting. BIDs are a precisely defined geographical area of a town, city, industrial estate, business park or a rural area where business ratepayers have voted to invest collectively in local improvements in addition to those delivered by local government. Such local improvements could include action on fly-posting. BIDs will be developed, managed and paid for by the businesses where a majority have voted in favour of paying an additional levy on their rate bill to finance a BID. They are often, although not exclusively, a partnership arrangement through which the local business community and local authorities can take forward schemes which will benefit business.



Important elements of strategic management include:

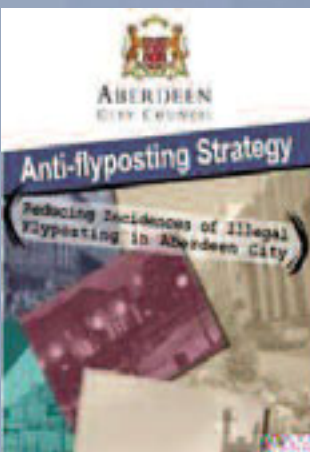
- ▶ Employing a corporate approach within the council – collaboration between departments to ensure a joined-up approach
- ▶ Ensuring that there is a clear understanding of key departmental and officer responsibilities
- ▶ Develop an understanding about partnering with external parties
- ▶ Clear policy framework and guidelines
- ▶ Strategies appropriate to the location and scale of the problem

Prevention

37. The application of preventative coatings on control boxes, lamp-posts and street furniture can reduce the opportunities for fly-posting and make conditions more challenging for prospective fly-posters. There are a range of treatments, designed either to make it more difficult to stick posters or stickers on the treated surface or make it easier for the poster to be removed. Some take the form of 'anti-glue' paints, others create a roughened or stippled surface, deterring the use of the lamp-post or control box for fly-posting.

preventative

coatings on control boxes, lamp-posts and street furniture can reduce the opportunities for fly-posting



Case Study 4: Fly-posting Strategy, Aberdeen

Aberdeen City Council is seeking to reduce incidences of illegal fly-posting across the city through the implementation of a fly-posting strategy. The strategy provides a raft of measures to help venues promote events without contributing to the deterioration of the city. The council has introduced a pilot scheme, involving the installation of authorised advertising pillars in a number of locations. The anti-fly-posting strategy includes:

- ▶ Voluntary code of practice
- ▶ Information leaflets listing local legitimate advertising opportunities and contacts (e.g. newspapers, radio and on-street advertising)
- ▶ Environmental wardens to speak to venue managers, take down posters, record location, photograph and pass details to the fly-posting officer
- ▶ Three strike-letter warning system, accompanied by the information leaflet and mediation with fly-posters and venue managers

38. Fly-posting occurs most frequently on building and vacant site hoardings and vacant properties, which provide extensive flat and empty surfaces in prime advertising areas. To avoid fly-posting on these surfaces, construction companies and property owners can be encouraged, through planning conditions, to use a slatted hoarding, creating an uneven surface on which posters cannot be readily glued. Other solutions, including the maintenance and management of bus stops by advertising companies can also reduce the number of target fly-posting sites. Important elements of a prevention strategy include:

- ▶ Making it clear that fly-posting is illegal and unacceptable
- ▶ Reducing the number of available surfaces for fly-posting
 - ▶ Planning conditions
 - ▶ Construction site best practice
 - ▶ Licensed poster sites operated by third party management
 - ▶ Streetscape management
- ▶ Reducing the susceptibility of sites to fly-posting using anti-fly-posting measures

Removal of fly-posting

39. The most commonly used method of controlling fly-posting by local authorities is its removal by environmental wardens. Depending on the scale of the problem and the resources available, response times can be quick and control effective. Regular patrols of an area can help maintain a clean, safe and pleasant environment. Key town centre sites are often prioritised for early action. Speedy removal of fly-posters can deter fly-posting companies as posters are not displayed for any length of time in highly visible locations. The effectiveness of environmental wardens can be strengthened by the use of local authority hotline numbers for members of the public to report any incidences of fly-posting. Important elements for removal include:

- ▶ Removal of fly-posting can be legally undertaken by a local authority
- ▶ Early removal can be a deterrent - deferred action supports fly-posting
- ▶ Members of the public can report fly-posting using local authority hotline numbers

Case Study 5: Use of anti-fly-poster surfaces, Stirling

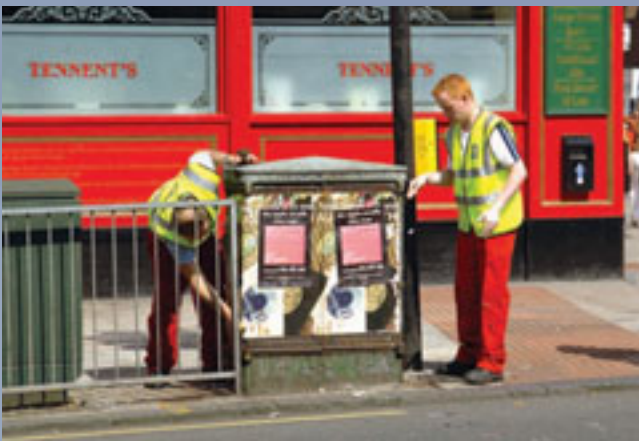
Stirling Council recently introduced an initiative to tackle fly-posting on control boxes throughout the town. Thirty control boxes in a pilot study area, which were regularly targeted by fly-posters, were coated with an anti-fly-poster coating, thus reducing the available space for fly-posting. Fly-posting on these structures has ceased.



Enforcement and prosecution

40. Preventative measures are not always effective in controlling fly-posting, particularly if the fly-posting company is well organised, resourced and determined. As a high proportion of fly-posting is undertaken by local businesses and community groups who are unaware of its illegality, the enforcement process should be clearly communicated to an offender through the use of a series of warning letters, setting out legislation and the legal process. Enforcement can act as a deterrent to fly-posting, but only if there is an established enforcement process operated by the local authority and the legal process is not overly burdensome. To enable this, local authorities must coordinate the roles of various internal departments (planning, legal, street cleansing) and work closely with the police and sheriff's courts. Important elements of enforcement include:

- ▶ Enforcement is critical to tackling the problem
- ▶ High profile enforcement action can raise awareness
- ▶ Establishing the local authority's willingness to prosecute can signal to other operators that the authority is prepared to take strong action.
- ▶ Securing media coverage particularly in local papers to raise awareness among local groups that fly-posting is illegal. This can also be used to promote the council's policy in respect of fly-posting for local events.
- ▶ CCTV can be an effective tool to identify offenders and collect evidence
- ▶ Working with police and sheriff courts



Case Study 6: City centre rangers, Derry

The city centre rangers project sought to tackle illegal fly-posting in Derry by using the rangers to coordinate a system of licensed poster sites. Sixteen sites have been set up using specially manufactured boards located in areas where illegal fly-posting has been prevalent. Organisations are permitted to display one poster on a board once they have signed a code of practice. Derry City Council's quick response team remove all old posters at the end of each month and incidents of illegal fly-posting are dealt with as a matter of priority. The rangers seek to bring new sites into use and promote the scheme amongst local traders. The project has been effective in reducing the scale of a once serious eyesore, as well as cutting clean-up costs.

Development through legal poster advertising sites

41. Best practice has highlighted an approach adopted by a number of local authorities in the United Kingdom, involving the provision of formalised poster sites provided and managed either by the local authority or by a third party company. Typically, they consist of poster drums, poster boards across vacant shop frontages and poster boards along building site hoardings. If the sites are carefully managed, they can be made to appear neat and tidy, making an area feel cared for and orderly rather than threatening. The size and design of the structure should be appropriate to the location, adding an attractive streetscape element.

42. Pilot sites are a good way of establishing if authorised poster sites will work in a particular location or community, as part of a fly-posting strategy. The third party company is usually responsible for the management of the poster sites and in removing any fly-posting in an agreed zone around the site. The benefit to local businesses and community groups, who may have used fly-posting, is inexpensive advertising and guaranteed advertising space for an

agreed period. The local authority may also use the sites to advertise local events and issues. Poster sites do not eradicate the problem, but can reduce the demand for fly-posting by official promotion of activities and events.

Important elements for legal poster site arrangements include:

- ▶ Partnership working between the local authority and the company managing the poster sites
- ▶ Coordinated action of environmental wardens, strategic planning, enforcement officers and street cleansing within a local authority to streamline the process
- ▶ Approved sites, including poster towers, drums and other boards located appropriately to ensure that they provide a legitimate alternative for potential fly-posting companies or individuals
- ▶ Management of poster sites, by third party organisations who can manage poster sites, support controls on fly-posting and contribute to venue operator education

Case Study 7: 'Street Bling' campaign, Westminster

Westminster Council has combined enforcement with a campaign known as the 'Street Bling' campaign. In addition to seeking prosecution of large multi-national companies employing fly-poster companies to advertise their products, an alternative approach was taken to achieve a real commitment from company directors to stop this practice.

The main objectives of the campaign were to:

- ▶ Apply pressure on company directors benefiting from the use of fly-posting by threatening prosecution
- ▶ Change the behaviour of directors and marketing departments to stop using illegal poster advertising
- ▶ Raise public awareness about fly-posting

The directors of 12 of the largest offenders were sent the 'Bling Bling' card requesting them to commit in writing to cease using fly-posting and warning they could face criminal prosecution if the fly-posting did not stop. Illegal fly-posters were covered by enforcement stickers saying "this poster is illegal" and directing the reader to a website address. Throughout the initiative, offending companies were quickly embarrassed in the media and on a 'name and shame' website. Westminster also have a hotline telephone number or online means for reporting fly-posting problems. The cost of the campaign was £3,000 and 10 out of 12 companies ceased fly-posting. Fly-posting has been reduced by 95% since the action was taken.

43. Local authorities should undertake a systematic assessment of the effectiveness of legitimate poster sites to ensure that the problem is not displaced to neighbouring areas. The success of the sites and scale of the fly-posting problem should be reviewed regularly to ensure that the best approaches are being employed to tackle the problem.

Education to raise awareness

44. An important part of local authorities' task in tackling fly-posting is raising awareness of the issues amongst the general public, local politicians, businesses and within local authorities. Local authorities should make it clear to members of the public their responsibilities as regards fly-posting, for example; where the responsibility for removal lies when

fly-posting occurs on private property. There is a need to change the behaviour of businesses and individuals to desist from using fly-posting to advertise events and products. There are a number of methods that have been used including:

- Clean campaigns to raise public awareness
- Fly-posting fact sheets
- Clear notification process / local authority policy
- Corporate rolls of shame publicised on local authority websites identifying companies and individuals who have used fly-posting
- Commitment to good behaviour cards
- Campaigns to raise awareness in schools and colleges

Case Study 8: Managed poster towers, Dundee



In Dundee the process to resolve widespread problems caused by fly-posting began a number of years ago. Local music promoters and licensees highlighted the need to promote local bands and events.

A music promotions company from London agreed to provide money for timber and paint in return for 50% coverage for advertising artists' albums. A representative of the local promoters agreed to erect and maintain the sites and to put up posters weekly. The system worked so well that the council has erected six cast-iron information boards in the central / university area. Temporary poster boards, painted in Dundee's corporate colours, have been erected across vacant shop frontages and along building site hoardings.

A third party company manages the legitimate poster sites, charging local businesses and community groups to advertise on the sites. Local authority wardens identify vacant shops and potential locations for poster boards, thus identifying a potential problem area and enabling early action to establish a poster site. Dundee City Council gets free advertising space.

Benefits include:

- A dramatically improved appearance of the city centre
- Significant reduction of the cost of removing unauthorised posters
- Managed vacant shop fronts and building sites at no cost to the property owners
- Shop owners and construction site operators get free security and management

Dundee City Council was awarded a Business Community Partnership Award for its approach to fly-posting controls from Keep Scotland Beautiful.



Case Study 9: Public interactive iKiosks, Aberdeen

A network of intelligent, interactive iKiosks have been installed across Aberdeen City, offering quick and easy access to a wide range of information and services. The project was led by Aberdeen City Council and its City Partners as part of its eGovernment modernisation initiative. The seven iKiosks have two 20-inch user friendly touch screens, providing residents, businesses and visitors with access to Council services, journey planning information and event promotion. It is hoped that the new iKiosks will help combat fly-posting by giving promoters an alternative way to publicise their event on the iKiosk Network.



Case Study 10: 'Don't get burnt - Use Factor 4', Stroud

Stroud District Council introduced an initiative that allows those who wish to legally advertise an event to do so within a set of guidelines. The policy is known as Factor 4. Any organisations, for example night clubs, charities, schools and community organisations can advertise an event. The scheme allows the event to be advertised:

- ▶ Not more than 4 weeks prior to the event
- ▶ Within a 4 mile radius of the venue
- ▶ If all forms of display are removed within 4 days of the end of the event

The advertising must be displayed using demountable signage and the pasting of posters is not permitted. Events that are advertised in compliance with Factor 4 are welcomed. However, those failing to comply with the policy will be fined and action taken to prevent the event from taking place, using the new powers of the Antisocial Behaviour Act.

Case Study 11: Tackling empty properties, Nottingham

Nottingham City Council's Enforcement Team undertook to address fly-posting on empty properties, which has significantly reduced the incidences of fly-posting. The process is as follows:

- ▶ Land Registry searches were carried out to identify the owner
- ▶ Notices were served instructing the property owner to remove the fly-posters and apply an anti-fly-poster coating or to fix batons on the surface to deter fly-posting
- ▶ The Council in-house fly-posting team paint out any instances of fly-posting on properties with no traceable owners



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The Bead Shop



Conclusions

45. Better control and management of fly-posting will support substantive wider measures to enhance quality of place and the appeal and attractiveness of our cities, town centres and rural areas supporting a quality sense of welcome and well-being for visitors and residents alike.

46. Delivering better control requires partnership working, both internally and externally to the local authority, and concerted action over an extended time period. A clear strategic approach based on active control, prevention and enforcement along with education and partnering arrangements have been demonstrated to be most effective. The balance of measures will be different from local authority to local authority, depending on the local circumstances and scale of the issue, but good communication and a clarity of intent to act to control and manage fly-posting are important in building support and changing a cultural mindset that considers fly-posting as legitimate for event advertising and socially acceptable.

47. A number of trials and pilot schemes are underway at present, working with external advertisement agents to provide licensed poster sites and drums, that allow a more open and collaborative approach with those seeking street advertising such as the entertainment and leisure industries and clubs and other groups. These approaches are unproven and may not offer a viable or universal way forward particularly in rural areas but equally may offer value in high-intensity areas where the problems of management are most acute.

48. Approaches are almost inevitably location and area specific (what works in one place may not work in another) and authorities should be aware of the 'basket of measures' that can be adopted. Measures need to reflect the scale and nature of the fly-posting problem, the range of companies or individuals responsible and the breadth of resource that can be committed. The key measures include:

- ▶ Strategic approach and partnering
- ▶ Prevention and active discouragement
- ▶ Removal of fly-posting
- ▶ Enforcement and prosecution
- ▶ Development of legal poster advertising sites
- ▶ Education and awareness

49. Fly-posting is illegal and controlled under a range of legislation, primarily through the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Fly-posting constitutes an environmental crime, along with a wide range of issues (graffiti, littering, fly-tipping and dog fouling) and is damaging to quality of place and the well being of communities. A clear strategy, linked to early preventative action and pro-active enforcement can ensure fly-posting is controlled thereby avoiding it becoming a significant negative issue and a detriment to local amenity.



Enquiries

Enquiries about the content of this Planning Advice Note should be addressed to Kristen Anderson, Development Department, Planning Division 3, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ (0131 244 7091) or by email to: Kristen.Anderson@scotland.gsi.gov.uk. Further copies may be obtained by telephoning 0131 244 7543. A copy of this PAN is also available on the Scottish Executive planning website at www.scotland.gov.uk/planning/.

Useful contacts

This section gives a summary of organisation websites, which may be helpful when considering the control and management of fly-posting.

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Association of Town Centre Management

(Scotland), c/o Andy Kennedy, Stirling Council, Viewforth, Stirling FK8 2ET, Tel: 01786 442534, www.atcm.org

Town centre managers work with public and private sector partners, on a number of issues including fly-posting, to helping town and city centres realise their roles both as prosperous locations for business and investment, and as focal points for vibrant, inclusive communities

Business Improvement Districts

c/o Ian Davison Porter, Project Director, Scottish Executive, Area 3-J Victoria Quay, Edinburgh EH6 6QQ
Tel: 0131 244 4075.

CABE Space, 1 Kemble Street, London WC2B 4AN,
Tel: 020 70706700, www.cabespace.org.uk

CABE Space is dedicated to encouraging excellence in the planning, design, management and maintenance of parks and public space in towns and cities. They work with local authorities and other stakeholder groups involved with the delivery of parks and public spaces, providing advice and best practice.

Cleaner, Safer, Greener, Office of the Deputy Prime Minister (now Department for Communities and Local Government) Eland House

Bressenden, Place, London SW1E 5DU

Tel: 020 79444400, www.cleanersafergreener.gov.uk

Cleaner Safer Greener Communities website gives best practice guidance to help creating quality public spaces and advice on tackling those 'cleaner, safer, greener' issues.

Companies House, 37 Castle Terrace, Edinburgh EH1 2EB, Tel: 0870 3333636, www.companieshouse.gov.uk

The Registrar of Companies for Scotland holds publicly available information on incorporate and limited companies, which may be useful for identifying companies involved in or benefiting from fly-posting.

Convention of Scottish Local Authorities (COSLA)

Rosebery House
9 Haymarket Terrace, Edinburgh EH12 5XZ,
Tel: 0131 4749200, www.cosla.gov.uk

COSLA is the representative voice of Scottish local government.

DEFRA, Information Resource Centre, Lower Ground Floor, Ergon House, c/o Nobel House, 17 Smith Square, London SW1P 3JR,
Tel: 08459 335577, www.defra.gov.uk

DEFRA is a Government department bringing together the interests of farmers and the countryside; the environment and the rural economy. DEFRA's website provides useful background reports on Government committees of relevance to fly-posting. (The Scottish Executive Environment and Rural Affairs Department SEERAD is responsible for advising Scottish Ministers on policy relating to agriculture, rural development, food, the environment and fisheries, and for ensuring the implementation of those policies in Scotland.)

ENCAMS (Environmental Campaigns), Elizabeth House, The Pier, Wigan WN3 4EX, Tel: 01942 612621, www.encams.org

ENCAMS is an environmental charity that campaigns on issues such as graffiti, fly posting, abandoned vehicles and gum dropping. The organisation has published a wide range of useful advice on controlling fly-posting, running environmental campaigns, performance indicators and policy.

Keep Scotland Beautiful, Islay House, Livilands Lane, Stirling FK8 2BG, Tel: 01786 471333, www.KeepScotlandBeautiful.org

Keep Scotland Beautiful has been operating as an organisation to improve the quality of local environments in Scotland for over 40 years. The group has been at the forefront of anti-litter, waste and marine issues to encourage good practice and sustainable development.

Nominet, Sandford Gate, Sandy Lane West, Oxford OX4 6LB, Tel: 01865 332211, www.nominet.org.uk

Nominet is the internet registry for .uk domain names, which may be useful for identifying companies involved in or benefiting from fly-posting.

Outdoor Advertising Association of Great Britain, Summit House, 27 Sale Place, London W2 1YR, Tel: 020 79730315, www.oaa.org.uk

OAA is the trade association representing the outdoor advertising industry throughout the UK and promoting standards of best practice in the outdoor industry.

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