

# People & Places

## Fact Sheet

### Flyposting

programme sponsor



#### What is Flyposting?

Flyposting is the display of advertisements without the consent of the owner or occupier of the land or premises.

The posters are usually affixed to unoccupied premises, telegraph poles, telephone boxes and traffic control boxes. Flyposting is a common offence because it provides very cheap advertising, often in prime urban sites. This method is utilised by pop bands, record companies, events organisers and other advertisers.

The problem is particularly acute in many inner city areas, especially in cities with high student populations. It is not, however, the students themselves who appear to be responsible for the flyposting, but the promoters and events organisers who target advertising at the students.

Although most common in large cities and towns, flyposting also occurs in rural districts, where local countryside landscapes may be defaced by this practice.

#### Legislation.

Present government policy advises councils to firstly seek out offenders and make a request for the removal of illegal bills. If this action fails to produce a satisfactory solution the authority can then use legal remedies.

Action can be taken against the following:

1. The person actually committing the offence of flyposting - however, it is unusual to find somebody in the act of flyposting.
2. The printer of the poster - although printers of such material do not tend to display their logos or addresses.
3. The beneficiary of the advertising - action against the promoted party or venue on the poster. Once a promoter or venue is told that their posters are contravening the legislation the courts deem that the promoter or venue has knowledge of the offence and is therefore responsible for the removal of the posters.
4. The owner of the property - action of this type is not often favoured as it is usually not the fault of the owner.

Relevant information regarding legislation is shown on the rear of this factsheet.

#### Council Initiatives.

Westminster City Council has run a successful anti-flyposting campaign with some success. Their main policy is one of removal rather than prosecution.

The council uses a number of deterrents including:

1. Slating on walls - this is design feature where lengths of wood form a herring-bone pattern making it physically impossible for posters to be applied.
2. Placing signs on vacant shop windows saying 'NO BILL POSTERS' also showing the council logo with related Act and relevant fines for infringement. This psychological approach has been proved to have a deterrent effect in the Westminster area.
3. Traffic signal units - various design features have been used to deter flyposting, including knobby paint and irregular beading.
4. As soon as flyposting is spotted by a Council officer, adhesive tape with the phrase 'action to be taken by Council' is displayed, thus deterring others from attaching more posters.

Another way in which the Council attempts to combat flyposting involves the signing of an agreement by any voluntary body which receives funding saying that they will not be involved in flyposting in any manner whatsoever. Although the practice of flyposting is seen as a form of environmental degradation by many, some people hold different views. The 'brightening up' of inner city areas is often cited as an excuse, in search of a 'continental' look. It has been suggested that the provision of authority approved sites may deter offenders from other places.

#### The three relevant principal acts are:

##### 1. British Telecommunications Act 1981, Chapter 38.

46. A person who without due authority affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing in or on any office, telegraph pole or post or other property belonging to or used by the corporation shall be guilty of an offence liable on summary conviction to a fine not exceeding fifty pounds.

##### 2. Highways Act 1980.

132. Local authorities may fine a person who paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway or upon any tree structure or works on or in a highway. The authority may also remove any unauthorised posters or markings.

##### 3. Town and Country Planning Act 1992 (Control of Advertisements).

51. The view is taken that such advertisements are entirely unauthorised, and their display entails liability not only to the person responsible for putting up the advertisements but also, with certain reservations in their interests, on the owner of the land and the person benefiting from the display. Section 224(5) of the Town and Country Planning Act 1990 provides that the owner or occupier of the land on which there is flyposting, or the person whose goods or activities are advertised, shall not be guilty of an offence if that person can prove that the flyposting was done without their knowledge or consent.

##### Litter Provisions of the Environmental Protection Act 1990

87(1) If any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves, anything whatsoever in such circumstances as to cause, or contribute to, or lead to, or lead to the likelihood of, defacement by litter of any place to which this section applies, he shall, subject to subsection (2) below, be guilty of an offence.

(2) No offence was committed under this section where the depositing and leaving of the thing was:

- (a) Authorised by the user,
- (b) Done with the consent of the owner, occupier or person or authority having control of the place in or into which that thing was deposited.

PRODUCED BY PEOPLE & PLACES DEPARTMENT HEAD OFFICE  
IN ASSOCIATION WITH TBG LONDON OFFICE.