

<b>Subject:</b>	Flyposting Policy	<b>Status:</b>	For Publication
<b>Report to:</b>	Policy Overview & Scrutiny	<b>Date:</b>	26 <sup>th</sup> November 2012
<b>Report of:</b>	Sarah Doherty	<b>Portfolio Holder:</b>	Customers, Legal & Licensing
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required: Yes	<b>Attached:</b>	Yes
<b>Biodiversity Impact Assessment</b>	Required: No	<b>Attached:</b>	No
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	That the Policy Overview and Scrutiny Committee recommend to full Council the adoption of the updated Flyposting Policy.
1.2	That the Policy Overview and Scrutiny Committee recommend to full Council that any future minor amendments to the Policy be delegated to the Director of Business in consultation with the Portfolio Holder for Customers, Legal & Licensing.

**2. PURPOSE OF REPORT**

2.1 The purpose of this report is to inform the Committee of the Council's updated Flyposting Policy which has been reviewed and updated by the Council's Communities, Planning and Legal departments.

**3. CORPORATE PRIORITIES**

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

**4. RISK ASSESSMENT IMPLICATIONS**

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The update is required to ensure that any enforcement decisions are consistent, balanced, fair, transparent and proportional.

**5. BACKGROUND AND OPTIONS**

5.1 The Council's Flyposting policy was adopted in 2006 and there is now a need to review and update the policy to ensure that the different approaches required based on land ownership are taken into account and that the Council's policy and procedure is up to date and effective.

5.2 Fly-posting is generally regarded as any advertising material displayed on private and/or public property without the consent of the owner, and that does not meet the requirements of the Town and Country (Control of Advertisement) Regulations 2007. It can be referred to as 'horizontal litter' and has a negative impact on the quality of the local environment.

- 5.3 There are a number of pieces of legislation which can be used to tackle fly-posting including the Town and Country Planning Act 1990, the Clean Neighbourhoods and Environment Act 2005 (CNEA) and the highway authority has powers under the Highways Act 1980. Officers from Communities, Planning, Enforcement have been working with colleagues from Lancashire County Council to indentify the most effective options that can be used in Rossendale.
- 5.4 The review of the policy clarifies the correct and most effective procedure for dealing with flyposting and aims to clearly differentiate between responsibilities for flyposting on private land, Rossendale Council owned land and the Highway.
- 5.5 The amendments to the policy sets out the Council's position on dealing with flyposting and states, in brief, covers the following:
- Flyposting is a priority for the Communities team
  - Designated Council officers for reporting flyposting.
  - Procedure for responding to complaints.
  - The issue of fixed penalty notices.
  - Procedure for advertising on Council land.
  - Council notice boards.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

- 6.1 Any financial implications arising will be contained within existing budget resources.

**7. MONITORING OFFICER**

- 7.1 No additional Legal comments.

**8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 8.1 No Human Resources Issues arising from this report.

**9. CONSULTATION CARRIED OUT**

- 9.1 The policy has been updated by the Council's Licensing & Enforcement Unit, Development Control, Communities and Legal departments. Consultation has also been carried out with Lancashire County Council.

**10. CONCLUSION**

- 10.1 The recommendations in this report are necessary for the Council to have a clear and up to date policy to deal with all forms of flyposting and unauthorised advertisements within the Borough.

**Background Papers**

Document	Place of Inspection
Updated flyposting policy	Attached.