

Report flyposting or unauthorised signs

Devon County Council Guidelines - Fly Posting

What action will be taken to remove signs?

Unauthorised Signs, Posters, Graffiti, Displayed Goods and Other Items on or Adjacent to the Highway

In general the Council has a policy to remove unauthorised signs, posters and graffiti from the highway in accordance with Section 132 of the Highways Act. However, it is recognised that some discretion is needed in town and village centres with regard to goods and displays outside local shops.

Discretion may also be exercised with regard to signs for local fetes and small charitable events provided that they:

1. do not cause a hazard;
2. are not offensive or unsightly;
3. are erected not more than 48 hours before the event and removed immediately after.

Fly-posters and graffiti should be removed from highway structures and street furniture belonging to the County Council within 28 days as required by the Antisocial Behaviour Act 2003.

An unauthorised sign will still be removed although it may have consent under The Town and Country planning (Control of Advertising) Regulations.

No action will be taken unless it is certain that the signs, posters, goods or other items are situated within the limits of the public highway (i.e. on highway land).

(a) Unauthorised Business Signs, Displayed Goods And Other Items Outside Business Premises:

Any interference with public passage is technically an illegal obstruction of the highway. Action will be taken to remove unauthorised signs, displayed goods and other items when a footway or pedestrian area is obstructed to the extent that:

- there is no longer a minimum width of passage of 1.5 metres; or,
- they extend more than 450mm from the shop frontage; or,
- they interfere with the visibility of motorists; or,
- pedestrians are forced into the road, either directly or because of the number of pedestrians;
or,
- there is a significant hazard to pedestrians;

Where a shop is a genuine 'corner' shop with two clear frontages e.g. windows and or doors on both elevations it is interpreted that goods can be displayed up to 450mm from both 'frontages' subject to compliance with the other conditions/sections of the policy. Where there is simply a blank wall to the side of a shop this does not constitute a shop frontage and therefore all obstructions have to be removed on this side, including those within 450mm.

Complaints will be investigated and be taken into account in deciding whether action is taken:

When unauthorised signs, goods or other items are placed on the highway outside premises which are open, the person in charge of the establishment will be contacted and given notice that unless the removal of the offending objects is commenced within 10 minutes, action will be taken by the County Council to remove the obstruction and/or initiate legal proceedings. No further notice will be given for similar repeated transgressions;

Unauthorised signs, goods or other items placed on the highway outside premises which are closed will be removed if they are considered to be an obstruction or a safety hazard. The owner will subsequently be informed of the action taken.

Signs, goods or other items removed from outside premises will be taken to a convenient Council depot to await collection. A charge will be made for the recovery of each sign or each group of goods;

The Police will be informed if dangerous situations arise when signs, goods or items are removed.

If appropriate the County Council will initiate legal proceedings and seek recovery of all costs.

(b) Other Unauthorised Signs, Fly-posters and Graffiti;

All other unauthorised signs, posters (inc business signs and posters displayed away from business premises), fly-posters or graffiti situated within the highway [including on road signs; structures, e.g. subways; DCC equipment cabinets; etc] will be removed within 28 days.

The District Council can issue a notice or take proceedings under the Anti-social Behaviour Act 2003 for the owner of a surface to remove fly-posting or graffiti or to do it itself and recharge the County. This includes the County Council as owner of, for example, a subway, a bridge or an equipment cabinet, or against, for example BT or cable companies etc for their equipment boxes.

On the first occasion of an offence and if the owner of unauthorised signs or posters is contactable he/she will be asked to remove them forthwith. When the owner is unavailable or repeats the offence, the signs or posters will be removed by the County Council and on the first occasion only, every endeavour will be made to inform the owner of the action taken.

Signs will be taken to a suitable depot to await collection by the owner except those necessarily destroyed in the course of removal. A charge will be made for the recovery of each sign. Where appropriate the County Council will initiate legal proceedings and seek recovery of all costs.

In the case of signs, posters or fly-posting for businesses or events, these should be brought to the attention of the District Council who should be asked to take action under the Anti-social Behaviour Act 2003 against the beneficiary.

In the case of graffiti where the perpetrators are identifiable this should be brought to the attention of the District Council who should be asked to take action against the perpetrators under the Anti-social Behaviour Act 2003.

The attention of the appropriate District Council as Planning Authority will be drawn to advertising signs on land adjacent to the highway which are considered to be unacceptable on traffic or road safety grounds for them to consider taking action under Section 224 of the Town and Country Planning Act 1990. If the Planning Authority indicates that it is unwilling to take action, the matter will be reported to the appropriate County Committee.