

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

Agenda Item 94

Subject: Response to Fly Posting Notice of Motion

Date of meeting: 15 March 2022

Report of: Executive Director: Economy, Environment & Culture

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 At its meeting on 22 June 2021, Environment, Transport & Sustainability Committee agreed to receive a report setting out the financial and other resource implications for removing (i) posters and other items which have been stuck onto Council-controlled bins and other structures across the city. This report provides the information.

2. Recommendations

- 2.1 That Environment, Transport & Sustainability Committee note the contents of this report.
- 2.2 That Environment, Transport & Sustainability Committee approves for a public consultation to take place on the introduction of Community Protection Warnings and Community Protection Notices to address posters and other items stuck to street furniture as outlined in paragraphs 3.11 to 3.15 below.

3. Context and background information

Flyposting

- 3.1 Fly-posting is putting up posters or stickers on properties, lamp posts, telephone boxes or other structures on the street, without consent from the owner. Examples of this are:
- sticking posters onto boarded up shops advertising an event
 - attaching a poster to a lamp post advertising a business
 - putting stickers onto road signs showing political statements
- 3.2 There are three ways the Street Cleansing Team can remove stickers from street furniture, which have all been trialled:

Method	Information
Jet wash	<p>Set up takes 15 minutes</p> <p>Removal, on average, takes five minutes per item stuck</p> <p>Furniture has to be within 20 metres of vehicle (this can be increased to 100 metres but then requires two operatives)</p> <p>Area needs to be cordoned off to provide a five-metre radius</p> <p>Signage is required</p> <p>Traffic and pedestrians may need to be directed</p> <p>Repainting often required</p> <p>This is the most effective method of removing stickers from street furniture and does not damage the furniture as much as other methods</p> <p>However, this does cause water spray and therefore can only be completed at times of lower footfall so as not to inconvenience those passing by</p>
Scraper	<p>No requirement to cordon off</p> <p>No signage needed</p> <p>No requirement to redirect traffic or pedestrians</p> <p>Removal, on average, takes 30 minutes per item stuck</p> <p>Very tiring work</p> <p>Repainting always required</p> <p>Sharp object which could potentially be used as a weapon</p> <p>Not effective: can only be completed in one-minute bursts, permanently damages street furniture, takes much more time</p>
Metal brush	<p>Two metre cordon required</p> <p>Signage required</p> <p>Traffic and pedestrians may need to be directed</p> <p>Quicker than scraping but still tiring work</p> <p>Damage to street furniture highly probable</p> <p>Repainting always required</p>

3.3 Posters, stickers and other items can appear on:

- Lamp posts
- Bollards
- Road and parking signs
- Bike racks
- Planters
- Bins
- Benches
- Phone boxes
- Utility boxes
- Bus stops
- Shutters
- Drainpipes

- 3.4 For the last five items in the list, the owners of these assets are responsible for their maintenance. Through the Graffiti Reduction Action Plan, officers have been meeting with utility companies to share and understand the issue the issues that faced, consider solutions and clarify methods of escalation with regards graffiti to private property. Openreach have agreed to have a contractor come and assess of their cabinets in BN1, BN2, BN3 and BN41 and repaint where needed. This is a big task but they are taking the initial steps to make it happen. Virgin Media are also very proactive in working with communities and approving art of their cabinets.

Current resources

- 3.5 There are six one-person crews who can remove posters and other items from street furniture, covering morning and afternoon shifts. The teams work on a rota to provide a seven-day service which means there are, on average, three crews each day. Their role involves more than poster and sticker removal and therefore to wholly focus on sticker removal will require additional resources to either do the additional tasks or to focus only on sticker removal.
- 3.6 The crews:
- Jet wash hot spots areas (town centre / high footfall) on a daily basis and less busy areas on a weekly basis
 - Deep clean and wash pavements using “the hubber”
 - Remove offensive graffiti across the city
 - Remove graffiti from council owned buildings
 - Remove excrement and dealing with spillages e.g. oil, blood, vomit
 - Remove moss from pavements
 - Repaint street furniture e.g. bins, benches, lampposts
 - Clean street barrows
- 3.7 There are a number of limitations with the existing resources:
- Barrow Operative’s rounds are too large to incorporate poster and sticker removal; previously there were 43 Operatives for the whole city and now there are 26 with the volume of work increasing
 - Barrow Operatives focus on the pavement and ground level to keep the streets clean such a street sweeping, litter picking, weeding, leaf removal, not higher up on street furniture
 - Sticker removal is considered specialist work due to the time and resources it takes, plus the limited time windows available to do the work to not inconvenience those using the pavement
 - Much of the city’s street furniture is old and has been corroded by seaside conditions; this means it is more liable to damage as the stickers are removed
 - Old paper stickers were easier to remove; now, most stickers have a plastic coating which makes it more difficult

Removing (i) posters and other items which have been stuck onto Council-controlled bins and other structures across the city

- 3.8 Based on recent experiences, it is estimated that a 300 metre stretch of highway has 30 to 40 items of street furniture on it, which can take, on average, two days to clear of posters and stickers. Extrapolating this to the whole city would take over 7000 days which is about 20 years. Even if there are half the number of items on the 1126 kilometres of pavement, it would still take 10 years to complete.
- 3.9 Therefore, there are significant financial and other resource implications should this approach be adopted. The Street Cleansing Service will continue to remove posters and stickers from across Brighton & Hove as part of their planned street cleansing regime, as well as during targeted clean up events, such as the [deep clean that took place in the city centre in April 2021](#). Additional enforcement activities provide a further method of tackling illegal fly-posting and stickering.

Enforcement

- 3.10 Within the Environmental Enforcement Framework, Fixed Penalty Notices (FPN) for fly-posting are issued under section 43 of the Anti-Social Behaviour Act 2003. For a FPN to be issued, an Environmental Enforcement Officer must witness the crime being committed which is very difficult as evidenced by the number of FPNs issued:

Year	FPNs issued
2019/2020	16
2020/21	2
2021/22	8
Total	26

- 3.11 Under Section 43 of the Anti-social Behaviour Crime and Policing Act 2014, Community Protection Warnings (CPWs) and Community Protection Notices (CPNs) can be issued to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that: a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life in the locality, and b) the conduct is unreasonable.
- 3.12 Fly-posting and stickering:
- is having a detrimental effect on the quality of life of those in the locality: this activity is criminal and anti-social and can lead to other anti-social activities such as graffiti
 - is a persistent or of a continuing nature: even after fly-posts and stickers are removed, they do reappear meaning council resources are continually used to remove them
 - is unreasonable: fly-posting and stickering is unlawful and the council has to use its limited budgets to continually pay for its removal

- 3.13 By issuing CPWs and CPNs to the individuals and bodies responsible for the fly-posting and stickering, the council can seek to improve the cleanliness of the city as this is a much more effective way of enforcement than issuing FPNs.
- 3.14 CPWs and CPNs were recently introduced to tackle graffiti on private property across the city. It is proposed the same approach is adopted for fly-posting and stickering, subject to the public consultation feedback and committee approval. This involves:
- Issuing a CPW to an individual, business or organisation suspected of causing the problem. The CPW will detail the impact on the community and that the behaviour should cease, or the reasonable steps that need to be taken to make sure the problem does not happen again.
 - If the behaviour persists, a CPN will be issued telling the recipient to:
 - stop doing something specified, and/or to do some specified action
 - take reasonable steps to achieve a specified result - this aims to either prevent the effect of the behaviour continuing, or prevent the likelihood of it recurring
 - If a recipient of a CPN fails to comply with the requirement, the council may take action to ensure that the failure is remedied:
 - An FPN may be issued if the recipient does not comply with the CPN requirements. If the FPN is not paid, this may result in a court order. (An FPN issued for non-compliance for a graffiti CPN is £100).
 - An instruction to complete remedial work may be issued if the recipient does not comply with the CPN requirements. If the remedial work is not completed, this may result in a court order.
 - If the FPN is not paid or the remedial work is not completed, a court order may be served. On conviction, this can result in a fine. The council will also look to recover costs.
- 3.15 The results of the public consultation will be brought back to a future committee meeting for approval on how to proceed.

4. Analysis and consideration of alternative options

- 4.1 The different approaches to removing stickers from street furniture are detailed in section 3.2. The most effective way to do this is by using a jet-washing unit which is time consuming. The Street Cleansing Service will continue to remove these items from street furniture across the city as part of the usual activities.
- 4.2 An alternative is to introduce further enforcement measures to discourage this criminal behaviour. Views on this will be sought through the public consultation.

5. Community engagement and consultation

- 5.1 It is proposed that a public consultation is held on the introduction of further enforcement measures to tackle fly-posting and stickering. The results of the public consultation will be brought back to a future committee meeting for approval on how to proceed.

6. Conclusion

- 6.1 The council does not have sufficient resources to complete the work as requested in the Notice of Motion. The Street Cleansing Service will continue to remove these items from street furniture across the city as part of the usual activities.
- 6.2 It is proposed that a public consultation is completed on introducing further enforcement measures to tackle fly-posting and stickering across Brighton & Hove.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report. Costs associated with public consultation regarding the introduction of Community Protection Warnings and Community Protection Notices will be contained within existing City Clean Budgets.
- 7.2 Any surplus income from Fixed Penalty Notices are legally ring fenced to support specific environmental purposes. Additional spend is expected to be funded from additional income and any significant variation to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 14/02/2022

8. Legal implications

- 8.1 The statutory background to Community Protection Warnings and Community Protection Notices is set out in paragraph 3.11 of the report.

Name of lawyer consulted: Hilary Woodward Date consulted: 15/02/2022

9. Equalities implications

- 9.1 There are no equalities implications resulting from this report.

10. Sustainability implications

- 10.1 Environmental enforcement activity can improve the environment by reducing the volume of fly-posting and stickering.