



## Belfast City Council

<b>Report to:</b>	Health and Environmental Services Committee
<b>Subject:</b>	<b>Issues Surrounding Illegal Flyposting in Belfast</b>
<b>Date:</b>	4 <sup>th</sup> August, 2010
<b>Reporting Officer:</b>	Suzanne Wylie, Director of Health and Environmental Services, Ext. 3260
<b>Contact Officer:</b>	Sam Skimin, Head of Cleansing Services, Ext. 5273.

### Relevant Background Information

At the Licensing Committee meeting on 19<sup>th</sup> May 2010, a discussion took place regarding the issue of illegal fly posting in the city and, in particular, the lack of any powers to effectively deal with the problem under the licensing legislation. The Director of Health and Environmental Services undertook to present a report on the matter to the Health and Environmental Services Committee.

Illegal fly posting has been a significant problem in the city over a number of years and is used by many venues and promoters as a cheap form of advertising. Its use has significant implications for the Council in terms of:

- The amenity of the city, it is unsightly and has an adverse affect on the look of the city.
- The limited enforcement powers available to the Council to deal with it in an effective manner.
- The cost to the Council in removing and obliterating illegal posters.
- The need for the Council to also support and promote, in an appropriate way, the vibrant music scene in the city from an Arts and Economic Development perspective.

Cleansing Services took the lead a number of years ago in setting up an interagency group to look at the possibility of facilitating the placement of managed fly poster sites across the city. A company from England was interested in installing numerous pillars at key points. After much hard work, primarily driven by the Council, the company finally withdrew the proposal due to problems with the proposed sites and the possibility that objections would be raised during the planning application process. This would have been a costly exercise for the company concerned as separate planning permission had to be sought for each site.

The Council has also been lobbying the DoE over the last 6 years to ensure that effective enforcement powers for Councils would be available in the forthcoming Clean Neighbourhoods legislation. This legislation is now due to be enacted in 2011 and the Council made a very detailed response to the consultation document early this year.

The Development Department has also been engaging more recently with promoters and venue owners to look at alternative means of advertising, using for example web media

## **Key Issues**

There are currently a number of ongoing actions in relation to flyposting which may lead to some improvement in the situation over the next 6 to 18 months.

### **Alternatives to fly posting.**

There are a number of ongoing initiatives to provide promoters with alternatives to fly posting;

The Development Department has been instrumental in developing two new initiatives which let users know what events are on in Belfast. These are;

- A new "Belfast Music" iPhone application which allows users to find out what is on in the city.
- A new web site "Belfastmusic.org" which has a similar function for internet users.

Development Department and Cleansing Services staff are also currently engaging with a Belfast City Centre Management initiative to look again at the issue of managed poster sites in the city. The Planning Service and DRD Roads Service have also been asked by BCCM to engage with the initiative. BCC will as members of the BCCM Board encourage a focus on this issue.

These initiatives will only prove beneficial however if they reduce promoters and venue owners use of illegal fly posting. The main issue is that fly posting is a cheaper alternative to legal advertising media and with the current lack of adequate enforcement powers there is no disincentive to them continuing with illegal fly posting. It is hoped that with the introduction of the Clean Neighbourhoods legislation will provide effective enforcement powers which will ensure that alternatives to illegal fly posting will be taken up.

### **Enforcement Powers**

The initial consultation document on the Clean Neighbourhoods and Environment Bill was very disappointing in that it provided Councils with no enforcement powers to deal with illegal fly posting. Enforcement powers would remain with the Planning Service, who do not utilise them. Councils would only retain their current powers to remove or obliterate posters. However, since the Council pointed this deficiency out, the DoE has taken on board Councils' comments on this issue and staff from both Cleansing Services and Legal Services Department are engaging with Civil Servants from the DoE's, Clean Neighbourhoods Bill Team, to investigate how the appropriate powers can be provided to councils.

In the interim Cleansing Services will continue to remove and obliterate posters.

## **Resource Implications**

The Council spends up to £90,000 per annum removing fly posters and graffiti. It removes or obliterates around 2,500 posters per month.

## **Recommendation**

Members are asked to note the content of this report.

## **Document attached**

Extract from Licensing Committee meeting of 19<sup>th</sup> May, 2010.

## Extract from Minutes

### **Application for the Renewal of a Seven-day Annual Entertainments Licence - Mono Bar Café, 96-100 Ann Street**

- [Meeting of Licensing Committee, Wednesday, 19th May, 2010 4.30 pm \(Item 9.\)](#)

#### **Minutes:**

The Committee considered a report in respect of an application for the renewal of a Seven-Day Annual Entertainments Licence for the Mono Bar Café, 96-100 Ann Street, based upon the Council's standard conditions to provide dancing, singing, music or other entertainment of a like kind. The areas of the premises to which the application related were the ground floor and the first floor bars, with a maximum capacity of 280 and 150 persons respectively.

The Head of Building Control informed the Members that an objection had been received in relation to the renewal of the Annual Entertainments Licence. The objector had stated that the Mono Bar Café was responsible for persistent illegal bill posting around the cities of Belfast and Lisburn and that British Telecom cabinets, cell phone cabinets, bridges and builders' hoardings had been defaced continuously as a result. The objector had stated also that ratepayers from both areas were required to meet the costs associated with the removal of these posters.

He pointed out that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee, when considering an application, must have regard to any representation which had been received within the twenty-eight statutory period, as was the case with this application. He explained that, whilst both the objector and the applicant were in attendance, he had been advised that the objector was no longer available to address the Committee. The Committee agreed to receive the applicant and, accordingly, Mr. G. McCann, together with Mr. C. Cargo, Entertainments Manager, were admitted to the meeting and welcomed by the Chairman.

Mr. McCann informed the Members that, due to the current economic recession, it had been necessary to reduce the opening hours of the Mono Bar Café to the extent that it now operated for only three hours each night from Friday till Sunday. He explained that, in view of high costs associated with placing advertisements in local newspapers, it had been necessary to erect posters across the City in order to publicise events taking place within the premises. However, he had advised the persons who were employed to do that work not to position posters on structures such as bridges. Mr. McCann pointed out that other venues across the City advertised entertainment in the form of posters and that, in order to compete with them, he was forced to do likewise. He added that he had been fined by the Council for flyposting and that he wished to work with the Council in order to address the issue. Mr. Cargo informed the Committee that, in addition to the premises using posters to advertise entertainment, the Mono Bar Café used also networking sites such as Facebook and Twitter. He expressed the view that there should be areas within the City designated for the erection of posters. The deputation then answered a number of questions which were put to them by the Members and, having been thanked by the Chairman, they retired from the meeting.

During discussion, several Members highlighted the adverse effect of flyposting upon the visual appearance of the City and stressed that the Council needed to take all measures to ensure that the issue was addressed. It was pointed out that flyposting had been included in the top five issues raised by visitors to the City and that its eradication was a major source of continual expenditure for the Council. It was suggested that the Council should engage in discussions with agencies, particularly the Planning Service and the Roads Service, in order to address the issue and that measures such as the designation of specific sites should be included within the discussions.

In response, the Director of Health and Environmental Services explained that the Council played a proactive role in relation to flyposting and removed or obliterated approximately 2,500 per month, at an annual cost of approximately £90,000. She reported that the Council had, for many years, been lobbying for stronger powers to address the issue and pointed out that the Health and Environmental Services Committee, at its meeting on 12th April, had agreed a comprehensive response to the Department of the Environment's consultation document on proposals for a Clean Neighbourhoods and Environment Bill. She added that, whilst the Council was supportive of the majority of the proposals set out within the proposed Bill in relation to flyposting and graffiti, it had expressed concerns in relation to some of the provisions and had made a number of recommendations aimed at strengthening the legislation. She undertook to submit to the Health and Environmental Services Committee a comprehensive report addressing issues surrounding flyposting.

The Principal Solicitor reported that the erection of posters was not covered within the provisions of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 and that the Committee should consider whether it would be reasonable to refuse the application on that basis.

After further discussion, it was

Resolved – That the Committee, in its capacity as Licensing Authority, grants a renewal of a Seven-day Annual Entertainments Licence in respect of the Mono Bar Café, 96-100 Ann Street, subject to all outstanding technical matters being addressed to the satisfaction of the Building Control Service.