

Title:	ILLEGAL ADVERTS ACTION PLAN
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What are illegal adverts?

1. There is a full explanation of the legal framework for regulating adverts [here](#). *For the purposes of this action plan*, an illegal advert is an outdoor advert which is displayed in Fylde Council's area without the consent that it needs under the [Advertising Regulations](#).

Why take action against illegal outdoor advertising?

2. Illegal adverts can make public places untidy and unsightly. They can make the area less attractive for residents and tourists, less safe for blind or partially-sighted people and less convenient for wheelchair users and people pushing pushchairs. They can give an unfair advantage to rogue businesses or promoters compared to advertisers who obey the rules.

Why make of an action plan to guide enforcement?

3. Like all councils, Fylde's resources are limited. We want to target our enforcement efforts where they are most needed, and where they will make the most difference. The action plan sets out where this will be. It also lets businesses and promoters with illegal adverts know that they risk being prosecuted or having other enforcement action taken against them if they don't remove their adverts and keep them removed. Giving these businesses and promoters the chance to take action themselves is fair and is in line with the [Regulators' Code](#).

How did we decide what the action plan would focus on?

4. We carried out a survey of residents, businesses and voluntary groups in the council's area. We asked questions about whether illegal adverts caused a problem, why they were a problem, what kinds of adverts caused the biggest problems and where the most problems were caused. Councillors on the council's Planning Committee considered the results of the survey and applied their own local knowledge and their experience of their constituents' concerns to the survey outcomes to produce the areas of focus in the action plan.
5. The survey told us that:
 - A large majority feel that illegal adverts were a problem that the council needed to address
 - Most people believe that illegal adverts make the area less attractive to visitors and residents, less safe to blind and partially-sighted people, and less accessible to wheelchair and pushchair users, as well as being unfair to businesses who comply with the law
 - People think free-standing placards (sometimes called 'A-boards') cause the most problems
 - St Annes was the area seen as being most affected by illegal adverts, followed by main roads and other town centres
 - Local businesses and events promoters were perceived as causing the most problems by their illegal adverts.

How will this action plan be used?

7. The action plan is intended to be just that: a plan showing where we will target action, based on the places and kinds of advert that are seen as causing the most problems. The idea is that the targeted

enforcement set out in the plan will aim to deal with those first, and that we will then look at whether other areas or kinds of advert should be targeted.

8. The action plan does not mean that we will not take action on illegal adverts which are not covered by the plan. But it does mean that we will prioritise the areas and kinds of adverts which the action plan covers.

What areas and kinds of adverts does the action plan target?

9. Free standing placards (or 'A-boards') are mainly used by local businesses to draw attention to their premises. Some A-boards on business forecourts are allowed by law. But others, including those at road junctions, can present hazards to footpath users, block the highway and be unsightly. Road junctions on main shopping streets tend to attract clusters of A-boards, which compound the problems.
10. A-boards are particularly prominent in St Annes, Lytham and Kirkham, and on some main roads in other areas. The action plan therefore targets A-boards within the main urban areas and main roads of the borough.

How will the council enforce against the A-boards in the targeted areas?

11. In the areas targeted by the action plan, we will be proactive in trying to secure the removal of the kinds of illegal adverts targeted by the plan. This means that we will not wait until there has been a complaint about a particular advert before asking its owner to remove it.
12. We will give the owners of illegal adverts reasonable opportunity to remove or stop displaying them. In the first instance, we will write to businesses likely to be affected to tell them about this action plan. If this is not effective and an illegal advert continues to be displayed, we will write to its owner and specifically ask them to stop displaying it.
13. If engaging with the business concerned in this way does not work, we will normally use formal powers. We will decide on which formal power is the most appropriate in all the circumstances of the case. The powers we could use are:

Direct Action pursuant to section 225 of the Town and Country Planning Act 1990, to remove or obliterate a placard or poster, after giving notice of our intention to do so as required by law.

Community Protection Notices, pursuant to sections 43 and 53 of the Anti-Social Behaviour Crime and Policing Act 2014, which can be served on anyone whose behaviour has a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature, and is unreasonable. A Community Protection Notice could require the person responsible to remove the offending advert. If a Community Protection Notice is breached (and has not been appealed), failure to take the action required by it can result in the issue of a fixed penalty notice of £100¹.

Prosecution in the Magistrates' Court under section 224 of the Town and Country Planning Act 1990, which, on conviction, carries a fine of up to £2,500 and £250 for each day that the offence continues after conviction.

How long will the action plan last?

14. We will look at the action plan again after a year. If the plan has succeeded fully (so that the problems caused by the illegal adverts targeted by it have largely been solved), we will consider making another action plan to target other areas or other kinds of illegal adverts. If the plan has succeeded partially (so that it has made some difference, but has not solved all of the problems), we will consider continuing with it. If the plan has failed (so that the problems caused by the illegal adverts targeted by it largely remain), we will consider whether to adopt a different approach.

¹ . Failure to pay the fixed penalty within the requisite timescale could result in prosecution, with a fine of up to £2,500

What about adverts not covered by the action plan?

15. The action plan sets out where we will target our enforcement while the plan is in force. But it does not mean that we will not enforce in areas outside the action plan, or against other kinds of illegal adverts, especially if an advert is harmful or dangerous. If we receive a complaint about any illegal advert, we will investigate it and take enforcement action if we consider that it is appropriate to do so.

Directorate		Section		Ref. Number	
Authorised By		Job title		Issue Date	
Author		Job title		Revision No	
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