

Proposed Public Spaces Protection Order: Chelmsford City Council Fly Posting and Roadside Advertisements

Anti-social Behaviour Crime and Policing Act 2014 ('the 2014 Act') - Section 59

NOTICE is hereby given that Chelmsford City Council ('the Council') is proposing to make a Public Spaces Protection Order ('PSPO') which will apply to the public place ('the restricted area') known as 'Chelmsford City Council area except that part of the district which is covered by the Chelmsford City Council (Chelmsford City Centre and surrounding area) Public Spaces Protection Order 2019.

Under section 74(1) of the 2014 Act 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The effect of this PSPO, if made, will be to prohibit within the restricted area the following activities:

- The placing of any advertisement on the highway or roadside without the Highway Authority's or landowner's prior written permission. A person or body who (i) benefits or may benefit commercially from the advertisement or (ii) in the case of an event advertised by the advertisement is the owner or occupier of any venue referred to in the advertisement; shall be deemed to have engaged in the placing of the advertisement, in addition to any person(s) who physically places the advertisement on the highway or roadside. The distribution of free literature (which includes advertising and publicity materials or items) unless it is for religious, political or charitable purposes.
- Fly-posting (including the unlawful affixing of any placard, notice, or sign to street furniture). A person or body who (i) benefits or may benefit commercially from the fly posting or (ii) in the case of an event advertised by the fly-posting is the owner or occupier of any venue referred to in the advertisement; shall be deemed to have engaged in the fly-posting, in addition to any person(s) who physically affixes the placard, notice or sign to street furniture or other structures.

For the purposes of this Order:-

A vehicle used principally for advertising and left unattended on the highway or roadside will be deemed to be an advertisement.

Note: This makes it clear that vehicles which are, in effect, used as advertising structures are prohibited on the highway or roadside without the Highway Authority's or landowner's prior written permission. The Order is not intended to prohibit an advertisement displayed on or in a vehicle normally employed as a moving vehicle.

"local community event or activity" means an event/activity of the the kind described in Schedule 3 Class 3, 3 D of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Exemptions

(1) An advertising board placed on the highway in accordance with Essex County Council's policy for the placement of advertising boards on the publicly maintainable highway.

(2) An advertisement announcing any local community event or activity (e.g. a school fete or village fair), not being an event or activity promoted or carried on for commercial purposes. The advertisement(s) must be located in close proximity to the venue for the event (e.g. the village where the event is to take place.)

(3) Advertisements relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place within the district of Chelmsford provided that all the requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are met in respect of the display of any such advertisements.

It is proposed that the PSPO (if made) would have effect for a period of 3 years from the date of making. The duration of the PSPO could be extended for a further period (not exceeding 3 years) in certain cases.

Failure without reasonable excuse to comply with the prohibitions and requirements imposed by this PSPO (if made) is a summary criminal offence under section 67 of the 2014 Act. A person guilty of an offence under section 67 of the 2014 Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

A constable or authorised person may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under sections 63 or 67 of the 2014 Act in relation to this PSPO.

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Director of Public Places

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