

Advertising your Venue – a Guide for Voluntary Committees and Community Venues

Why are there laws about advertising?

If not managed, advertisements can be an eyesore and a danger to public safety.

The local planning authority is responsible for managing consent for all forms of advertisement in the city under the Town & Country Planning Act 1990 and its Regulations. The Neighbourhood Enforcement Team uses these powers to enforce the removal of fly posting on the public highway.

What is fly posting?

Fly posting is where an advertisement is displayed either:

- without consent of the local planning authority
- or fails to meet conditions for its consent

Are community venues allowed to display advertisements such as posters or banners in the local area?

If you are holding a local, temporary event for charitable purposes you have permission to put up signs and temporary notices. A charitable event may be for religious, educational, cultural, political, social or recreational purposes. However, the event cannot be for any commercial purpose.



Too big – must be no more than 0.6m square



Too big and dangerous



This permission would include an advertisement for:

- a church bazaar
- a fete for a parent-teacher association
- a sponsored marathon in aid of charity
- an amateur sports event, but not any sporting event organised for commercial purposes

Permission to put up signs and temporary notices for a charitable event is known as "deemed consent".

This means you do not have to apply for permission from the local planning authority before you put up your advertisements.

There are certain conditions which you must follow under "deemed consent". Following these conditions will ensure that you are not required to remove your advertisements:

- The poster cannot be dirty or untidy
- The poster cannot be in an unsafe condition, for example, insecure or damaged
- The poster cannot be positioned to obscure a road sign
- The poster must not be over 0.6m² in area
- The letters etc. must be less than 0.75m tall
- Don't put the advertisements up more than 28 days before the date of the event
- Take the advertisements down within 14 days after the end of the event
- The top of the poster must not be more than 4.6m above the ground
- The poster must not advertise a local event more than 28 days in the future or an event that happened over 14 days ago
- The event must not be purely for commercial purposes



Size OK, charitable event but unsafe location.

Right size (about A2) see A4 sheet next to it.



What are commercial purposes?

An advertisement for a business would be considered as purely commercial if it was not in some way benefiting a charity and therefore in the public interest.

Examples including slimming and exercise classes, theatrical performances and sales events.

If there is a charitable element to the event, this should be made clear on the advertisement.

If we have a commercial operation using our venue and advertising in the area, is this OK?

Unfortunately, a commercial operation is not permitted to advertise in the area under the conditions of "deemed consent", as these conditions state that the event must not be purely for commercial purposes. If the commercial operator provides a charitable element to their event, then advertising in the area would be acceptable. This should be made clear on their advertisement.

If your advertisement is purely commercial, you should seek advice and consent from the planning authority at City of York Council on 01904 551550. More information regarding advertising consent can be found by visiting:

https://www.york.gov.uk/info/20050/planning_applications/132/advertisement_planning_permission_application



Events must be for charitable purposes. This banner is also too big. Make sure the display dates are compliant with consent conditions.



Not charitable events



What happens if we do not follow the conditions?

- We will first check with the Planning department to see if you have applied for express consent to put up your advertisements outside the conditions of “deemed consent” within the Regulations.
- We will then write to you, making you aware that your advertisements are not lawful and require express consent from the local planning authority.
- We will ask you to remove the advertisements within 7 days.
- If the advertisements are still on display after the 7 days, we will serve a notice in accordance with the Town & Country Planning Act 1990, requiring you to remove them within 2 days.
- If we find new unlawful advertisements within a year of writing to a venue, we will serve a notice immediately, rather than another warning letter.
- If you fail to remove the advertisements and they have to be removed by the council, we will recover reasonable removal costs from you.



Too big.

What are the council doing to tackle fly posting by others?

Any form of fly posting is an offence which is immediately open to prosecution or to the removal or obliteration of any fly-posting material if the council decide to take remedial action. City of York Council's policy is to remove rather than obliterate an advertisement.

The Neighbourhood Enforcement Team responds to complaints about fly posting and carries out both city wide checks and checks of hot spot areas as part of a programme of campaigns to improve the appearance of local neighbourhoods.