

Licensing Act 2003

- The Act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:
 - the prevention of crime and disorder
 - public safety,
 - prevention of public nuisance, and
 - the protection of children from harm

THE CONTROL OF FLY POSTERING AT THE RAINBOW VENUES GROUP: GOOD PRACTICE GUIDE

Summary: This document provides local authorities and other agencies with assurances to demonstrate our **UNDERSTANDING**, auditing and operating procedures for the controlling of fly-posting effectively. It combines an explanation and understanding of current legal procedures with operations/auditing taken by the Rainbow venues management, as well as steps that can be taken to limit the incidence of fly-posting in our city.

1. Introduction 1.1 The Purpose of this Guide This Good Practice Guide has been prepared by Leonard Copping to provide local authorities and other agencies with a manual to assist them with transparency reference our operating procedures for controlling fly-posting in an effective and efficient way, as well as actions which will be taken to limit the incidence of fly-posting.

The Guide is divided into a number of sections each dealing with different aspects of control together with actions taken by the rainbow venues with regards to offending promoters OR staff.

OUR UNDERSTANDING, What is Fly-posting? There is no formal definition of fly-posting. However, it is generally taken to be the display of advertising material on buildings and street furniture without the consent of the owner, contrary to the provisions of the Regulations. In practical terms, fly-posting can be divided into three broad types, each with particular characteristics and problems of control:

(i) Adverts primarily for local events, often photocopies put up in large numbers on a regular basis. These may advertise dance events, bands playing in pubs, car-boot sales and fairgrounds. They may be attached to lampposts, railings, and street furniture or pasted on buildings.

(ii) Posters advertising products of large organisations and put up by professional poster companies. These are usually larger (8/16 sheet), higher quality, colour posters, such as for record releases or national events. These are often pasted on vacant buildings and signal control/telecoms boxes 4.2

Fly-posting is illegal and can be prosecuted through the magistrate's courts using a number of legislative procedures.

CONTROL OF FLY POSTERING

Licensing Act 2003

• The Act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:

- the prevention of crime and disorder
- public safety,
- prevention of public nuisance, and
- the protection of children from harm

THE CONTROL OF FLY POSTERING AT THE RAINBOW VEUNES GROUP: GOOD PRACTICE GUIDE

(iii) Town and Country Planning Act 1990 Section 224(3) of the 1990 Planning Act makes it an offence for any person to display an advertisement in contravention of the Regulations (Town and Country Planning (Control of Advertisements) Regulations, 1992). Authorities may prosecute those involved in putting up posters where caught red-handed but more often action is taken against beneficiaries people/organisations whose products are advertised or in some other way derive benefit from having the product advertised.

(iv) Highways Act 1980 Section 132 of the 1980 Highways Act makes it an offence for any person to display an advertisement in contravention of the Regulations and authorities have the power to remove posters without notice. Local authority experience of prosecuting under the 1980 Highways Act is mixed, with some authorities experiencing difficulties in its use. One major criticism was that the fines are too low and that the legislation does not permit prosecution solely on the basis of the illegality of the sign; instead an offence only occurs if it impedes safety or is an obstruction to the highway

There are other types of unauthorised advertisements (such as hoardings, A boards and business cards displayed in telephone boxes) which fall outside the normal definition of flyposting. The control of these will be included in our operations at the rainbow venues to help minimize costs and damage our city.

CONTROL OF FLY POSTERING

Licensing Act 2003

- The Act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:
 - the prevention of crime and disorder
 - public safety,
 - prevention of public nuisance, and
 - the protection of children from harm

OUR COMMITMENT

THE CONTROL OF FLY POSTERING AT THE RAINBOW VENUES GROUP: GOOD PRACTICE GUIDE

Good practice

- Policy and toolbox talk for all promoters explaining flyerin is illegal and not tolerated
- All promoters will enter into a formal solicitor's contractual agreement with our zero tolerance stance to flyerin.
- Warning notices displayed on the rainbow venues sites and our social media platforms explaining that flyerin is illegal and not tolerated by the venue. Offenders will be immediately dismissed from our venue if our guidelines are contravened.
- Proactive Fortnightly audits/monitoring of the city and its suburbs with the focus on historical offending areas, to ensure the rainbow team and its external promoters are adhering to their contracts and the licensing objectives.

Actions and penalties

- If the contract is breached by any persons then the legally binding contract will stipulate the following:
 - A fine of up to £1000 could be imposed by the premises License holder.
 - The offending promoter will be entered into the banned register list and will not be allowed to continue with their event at the rainbow or other linked venues.
 - The Promoter details including their event details with date of offence and location of incident will be emailed to the responsible authorities
 - Any Promoter found flyerin illegally, their event will be cancelled immediately.

4

CONTROL OF FLY POSTERING

Promoter/Club Agreement

- The premises license holder shall ensure that their premises are not in any way promoted by use of illegal fly-posting or unauthorised advertisements attached to street furniture
- The premises license holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly posting and or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises license holder shall maintain a register of individuals and companies contracted with, for inspection by any responsible authority on request.
- The premises license holder shall take all reasonable steps and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainments or the premises, in particular: a) no display of advertisements should take place on the street furniture; b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the license has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the Environmental Health on request.
- The premises License Holder shall remove or shall ensure the removal of any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council of an illegal advertisements being displayed. Such removal shall take place within 48 hrs. of receiving said notice.

I D.O.B. Of address

Agree that I have read and understood the above document and will agree to abide by the four venue license conditions set out in the document and will abide by the operating protocol of the Rainbow venues, set out in this document

Date10/13/2016.....

Name of eventCirque Du Soul.....

Signed

CONTROL OF FLY POSTERING

Promoter/Club Agreement

- The premises license holder shall ensure that their premises are not in any way promoted by use of illegal fly-posting or unauthorised advertisements attached to street furniture
- The premises license holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly posting and or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises license holder shall maintain a register of individuals and companies contracted with, for inspection by any responsible authority on request.
- The premises license holder shall take all reasonable steps and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainments on the premises, in particular: a) no display of advertisements should take place on the street furniture; b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the license has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the Environmental Health on request.
- The premises License Holder shall remove or shall ensure the removal of any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council of an illegal advertisements being displayed. Such removal shall take place within 48 hrs. of receiving said notice.

I P.O.B. Of address
Agree that I have read and understood the above document and will agree to abide by the four venue license conditions set out in the document and will abide by the operating protocol of the Rainbow venues, set out in this document

Date

13/10/2016

Name of event

record

Signed

CONTROL OF FLY-POSTING

Club Agreement

- The premises license holder shall ensure that their premises are not in any way promoted by use of illegal fly-posting or unauthorised advertisements attached to street furniture
- The premises license holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly posting and or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises license holder shall maintain a register of individuals and companies contracted with, for inspection by any responsible authority on request.
- The premises license holder shall take all reasonable steps and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainments or the premises, in particular: a) no display of advertisements should take place on the street furniture; b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the license has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the Environmental Health on request.
- The premises License Holder shall remove or shall ensure the removal of any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council of an illegal advertisements being displayed. Such removal shall take place within 48 hrs. of receiving said notice.

I, D.O.B. Of address

Agree that I have read and understood the above document and will agree to abide by the four venue license conditions set out in the document and will abide by the operating protocol of the Rainbow venues, set out in this document

Date14/10/16.....

Name of event ...FINGER, / VICE IS NICE

Signed ..

CONTROL OF FLY POSTERING

Promoter/Club Agreement

- The premises license holder shall ensure that their premises are not in any way promoted by use of illegal fly-posting or unauthorised advertisements attached to street furniture
- The premises license holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly posting and or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises license holder shall maintain a register of individuals and companies contracted with, for inspection by any responsible authority on request.
- The premises license holder shall take all reasonable steps and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainments or the premises, in particular: a) no display of advertisements should take place on the street furniture; b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the license has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the Environmental Health on request.
- The premises License Holder shall remove or shall ensure the removal of any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council of an illegal advertisements being displayed. Such removal shall take place within 48 hrs. of receiving said notice.

I Name - D.O.B - Of

Agree that I have read and understood the above document and will agree to abide by the four venue license conditions set out in the document and will abide by the operating protocol of the Rainbow venues, set out in this document

Date 17/10/16

Name of event PORTAL MUSIC

Signed

CONTROL OF FLY POSTERING

- Any Promoter found flyer in illegally, their event will be cancelled immediately.

Promoter/Club Agreement

- The premises license holder shall ensure that their premises are not in any way promoted by use of illegal fly-posting or unauthorised advertisements attached to street furniture
- The premises license holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly posting and or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises license holder shall maintain a register of individuals and companies contracted with, for inspection by any responsible authority on request.
- The premises license holder shall take all reasonable steps and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainments or the premises, in particular: a) no display of advertisements should take place on the street furniture; b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the license has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the Environmental Health on request.
- The premises License Holder shall remove or shall ensure the removal of any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council of an illegal advertisements being displayed. Such removal shall take place within 48 hrs. of receiving said notice.

I _____ D.O.B. _____ Of address _____

Agree that I have read and understood the above document and will agree to abide by the four venue license conditions set out in the document and will abide by the operating protocol of the Rainbow venues, set out in this document.

Date 17/10/2016

Name of event Get Together

Signed _____

CONTROL OF FLY POSTERING

- Any Promoter found flyering illegally, their event will be cancelled immediately.

Promoter/Club Agreement

- The premises license holder shall ensure that their premises are not in any way promoted by use of illegal fly-posting or unauthorised advertisements attached to street furniture
- The premises license holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly posting and or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises license holder shall maintain a register of individuals and companies contracted with, for inspection by any responsible authority on request.
- The premises license holder shall take all reasonable steps and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainments or the premises, in particular: a) no display of advertisements should take place on the street furniture; b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the license has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the Environmental Health on request.
- The premises License Holder shall remove or shall ensure the removal of any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council of an illegal advertisements being displayed. Such removal shall take place within 48 hrs. of receiving said notice.

I, _____, D.O.B _____ of address: _____

Agree that I have read and understood the above document and will agree to abide by the four venue license conditions set out in the document and will abide by the operating protocol of the Rainbow venues, set out in this document

Date 17.10.16

Name of event Tektu

Signed

