HAGLEY PARISH COUNCIL FLY POSTING POLICY

Hagley Parish Council's Position

Hagley Parish Council (HPC) does not wish to discourage the advertisement of local events but this should be done with the appropriate consideration and relevant permissions.

If unauthorised advertising material is displayed on any HPC assets, they will be removed, and the Council may seek recovery of any costs incurred.

Background

Fly-posting was discussed at Hagley Parish Council's (HPC) meeting on 26th June 2017.

Fly-posting is displaying adverts and other promotional materials without permission, on buildings, posts, poles, litter bins and elsewhere in public. Fly-posting is mainly done by businesses and community groups that want free advertising. Many local councils have a 'zero tolerance' policy on fly-posting.

Legal Position

In England/Wales, fly-posting is illegal (in certain circumstances) under the Highways Act 1980 and the Town and Country Planning Act 1990. Offences under the 1980 Act include that of obliterating a traffic sign, while under the 1990 Act it is an offence to display an advertisement in a way that breaches specified regulations. Legal measures to prevent fly-posting include:

- On-the-spot fines
- Use of fixed penalty notices
- Prosecution in a magistrates' court
- Special powers to tackle Anti-Social Behaviour
- Charging the offender for the cost of removing the posters

The relevant regulations are the Town and Country Planning (Control of Advertisements) Regulations 1992 (the Advertisements Regulations). Where an offence is proven the contravener shall be liable on summary conviction to a fine, currently not exceeding £1,000 (level 3 on the standard scale) and, in the case of a continuing offence, £100 for each day during which the offence continues after conviction. This provision applies to all types of unauthorised advertisement and not exclusively to fly-posting.

Further Information

Government Guidance: The Control of Fly- Posting – A Good Practice Guide

Adopted 26th June 2017 – Minute 158/17