Atworth Parish Council

Approved December 2021

Fly posting policy

Posters may be displayed on Parish Council notice boards, where they
Fly posting Policy

- Relate to an event(s) in the Parish of Atworth;
- Relate to a pet lost in the Parish of Atworth or immediately adjacent parishes;
- Relate to a supply of services in the Parish of Atworth;
- Are displayed in the immediate neighbourhood of the location of the event;
- Clearly state the date of the event;
- Clearly state name and contact details for the organiser/ person responsible;
- Do not appear to cause offence, danger or obstruction;
- Are displayed no more than 14 days before the event and removed as soon as possible after the event, and certainly within 7 days.
- Where there is limited space on notice boards, current Parish Council documents will take precedence and should not be removed.

Bus shelters and benches in Atworth are the property of Atworth Parish Council. No posters will be displayed on these. They will be removed immediately.

Where posters are erected before 14 days of the event advertised, the person responsible will be asked by the Clerk to remove them. If this is not done within three days, the posters will be removed.

Following an event, where someone fails to remove posters within the 7 days, the person responsible will be asked by the Clerk to remove them. Habitual failures could affect the tolerance to accept future posters.

Posters on telegraph poles and also placards/A -frames on verges only will be tolerated providing that they have a sparse distribution over the length of Atworth village, as judged by the Parish Clerk. All the above points will apply, other than advertisements for supply of services, which should never be placed on telegraph poles.

By tolerated, it is meant that the Parish Council will not actively request that Highways remove these posters/ placards/A-frames, although they are in fact illegally fly posted, nor will the Parish Council remove them on behalf of Highways.

All other fly posters will be removed by the Parish Council on behalf of Highways.
Persistent fly posting will be reported to the Highways Authority.
Illegally placed banners and feather flags will be reported to Wiltshire Council Planning, and also to Highways.

Fly posting – General Governance

Planning Authority, Wiltshire Council

Most advertising is illegal under the Town and Country Planning Act 2007 without the consent, under planning law and the permission, of the landowner.
The Planning Authority (i.e. Wiltshire Council) has the right to remove illegal advertising and can enforce through the courts (fines)
Appendix 1 shows exceptions to the Planning regulations but NOT to the Highways Act; advertising on Highways land is almost always illegal.

Highway Authority, Wiltshire Council

Fly posting on the public highway and Council maintained land is an offence under the Town and Country planning act 1990. Any instances of fly posting can be reported through the MyWiltshire app system where the Council Street Scene Team will take the appropriate action.

- Advertising on Highways property is illegal Under the Highway Acts 1980 without the permission of the Highways Authority.
- Highways property includes the public highway including pavements, verges, road or traffic signs, near road junctions, and street furniture, such as telegraph poles, benches or some walls.
- Street furniture consists of telegraph poles, benches, trees, bus stops, bus shelters and such like, which are all private structures within the limits of the public highway and so any fly posting on these structures would be deemed illegal under the act. The organisers of the fly posting could get permission from the owner of the structure but they would also have to gain local Highway Authority consent which would be very unlikely.
- There is no time limit applicable as the sign/fly posting is either legal or illegal under the Act.
- Where a Parish Council does not want illegal fly posting within the village, then they would have the dispensation of the local Highway Authority to remove any offending fly posters.

Appendix 1

Exceptions to the Planning Regulations

Exceptions to the Planning regulations are as follows, but bear in mind that they are **not** exceptions to the Highways Act; advertising on Highways land is almost always illegal.

- for any local religious, educational, cultural, political, social or recreational event for non-commercial purposes (<0.6sq. m)
- by a religious, educational, cultural, recreational, medical or similar institution on the premises which it is advertising. (max 1.2 sq. m)
- for the selling/renting of the property on which the advert is located (residential max 0.5 sq. m, other max 2 sq. m)
- for a travelling circus or fair (max 0.6 sq. m)
- any advert about building operations upon the hoarding around the land advertised
- for a Neighbourhood Watch scheme
- comprising solely the national flag of any country, provided it is unaltered
- not readily visible to the general public.
- for an article for sale provided the advertisement is not illuminated
- relating to a pending election
- is a lawful traffic sign
- inside a building, and >1m from an external door, window or other opening through which it is visible from the outside.
- identifying the name of the person/organisation/company occupying the building on which it is displayed
- advising of building work on the building/Land
- directing potential buyers to a residential development site. (max 0.15 sq.m)
- comprising the flag of the building/business
- advertising the function of a local authority (max 1.55 sq. m)
- informing the presence of CCTV cameras