

MONMOUTHSHIRE COUNTY COUNCIL

FLY POSTING POLICY

1. Introduction

1.1 Fly posting, apart from being an illegal activity, can degrade the local 'street scene' and can contribute to an impression of urban decay. Monmouthshire County Council would therefore aim to reduce fly posting throughout the county, and to control inappropriate fly posting and advertising through education and enforcement.

1.2. What is fly posting?

Fly posting is defined as 'the display of advertising material on buildings and street furniture without the consent of the owner'. Fly posting can be divided into three categories –

- (i) Adverts primarily for local events, for example advertising bands playing in pubs, car boot sales and fairs, and personal events, typically birthdays. They appear attached to lampposts, railings and street furniture, or pasted on equipment or buildings.
- (ii) Posters advertising products of large organisations and put up by professional poster companies.
- (iii) Posters displayed by pressure groups or political bodies, put up ad hoc and sporadically.

1.3 The problems of fly posting

Apart from being illegal, fly posting is also unfair on those companies who choose to advertise legitimately. It also puts an additional cost on the Authority and other landowners, who are required to remove fly posters from their street furniture, walls, etc.

Fly posting has a detrimental effect on the local environmental quality of our County. It can lead to an increase in local residents fear of crime, and act as a disincentive to new businesses setting up.

1.4 Legislation

- (i) Under section 224 of the Town and Country Planning act 1990 it is an offence for any person to display an advertisement in contravention of the regulations. The relevant legislation is contained in the Town and Country Planning (Control of Advertisements) Regulations 1992. Any person contravening the legislation is liable on summary conviction to a fine, currently not exceeding £2500, recently increased under the provision of the Anti-Social Behaviour Act 2003. In the case of a continuing offence, there is £250 for each day on which the offence continues after conviction.
- (ii) Under section 132 of the Highway Act 1980 it is an offence for any person to paint, inscribe or affix any picture, letter, or sign on the surface of a Highway, any tree, or structure without the consent of the Highway Authority. If guilty of an offence the person can be liable to a fine of up to £1000, in the case of a second offence up to £2500.
- (iii) Sections 48 – 52 of the Anti-Social Behaviour Act 2003, as amended by the Clean Neighbourhoods and Environment Act 2005, enable the Authority to serve a 'defacement removal notice' on the owners, occupiers, operators (such as telecommunication companies) of 'relevant surfaces' whose property is defaced with graffiti and/or any fly posters.

2. Methods of Prevention

The Council aims to prevent fly posting through a number of methods.

2.1 Highways activity

The Authority's Highways division has two existing policies that cover their activities around controlling fly posters and advertising on their property. These are –

- a. 'Control of Goods Displayed on the Public Highway' policy, adopted and effective from 1 April 2002. This covers aspects such as displaying of goods and advertising hoardings on public footways. The intention is to ensure a consistent approach, to ensure Highways Superintendents are clear when endeavouring to determine whether an obstruction is acceptable or not. This policy covers issues such as obstruction, for example where 'A boards' may cause an obstacle for people with disabilities (including the visually impaired) and people with pushchairs to negotiate. There is also reference here to the Council not adopting a rigid ban on street advertising. The policy refers to 'trader's livelihoods could be damaged by the imposition of a rigid ban. Some displays are considered to add colour and vibrancy to the street scene of our towns and are an accepted component of some retail businesses'.

It should be noted the policy was agreed following extensive consultation with the Town Councils covering Abergavenny, Monmouth, Chepstow, Caldicot and Usk, their respective Chambers of Commerce and CAIR (Monmouthshire Disablement association). Each trader potentially affected by the policy received a letter and background information prior to 1 April 2002.

- b. 'Tourism signing' policy, adopted and effective from 19 May 2006. This policy sets about making it easier for visitors to find facilities and attractions, thereby enhancing the local economy, notably in the run up to the Ryder Cup in 2010. It encourages the removal of illegal and shabby signs, through a grant scheme to replace with better standard and legal signage. It also encourages the removal of too many signs in certain locations.

Consultees included 260 tourism businesses across the County, all Community and Town Councils, and the Monmouthshire Tourism Alliance.

2.2 Planning activity

The Planning Enforcement team have no specific policy regarding dealing with illegal advertising and fly posting, but deal with all complaints received. They report currently dealing with approximately 20 cases per year, such as trailers advertising on the side of the highway on private land, and large banners hanging off buildings. The Planning Enforcement Manager is now a member of the 'Unlawful Advertising & Fly posting Database' group which allows all Councils around the country to share information regarding successful prosecutions, which can then be used after conviction to increase persistent offenders' fines.

A 'Planning Enforcement Policy' was approved by Council on 13th September, 2007 which reflects the national 'enforcement concordant principles' - see 2.4 below

2.3 Environmental Health activity

Environmental Health rarely have involvement with fly posting, most complaints going to Highways and Planning for investigation. Where there was a persistent problem, e.g. pasted advertising on telecommunication boxes, or on a privately owned building, then they could intervene to ensure the property owner or occupier removes the poster.

2.4 General

This Authority is also signed up to the 'Enforcement Concordat' which lays down national principles of good enforcement. This includes reference to being open about our approach to enforcement, being helpful, proportionate and consistent. The Authority awaits further guidance from the newly formed Local Better Regulation Office regarding a new 'compliance code' which will outline similar enforcement principles.

3. Our Approach

3.1 This Authority recognises the need for certain temporary signage, for example for village fetes, charitable events, 'Give Blood', temporary road safety awareness signs, etc. It does not therefore seek a 'zero tolerance' approach, recognising the difficulties this would present to charitable groups, statutory bodies and others. To provide guidance to the public, businesses, charities and other event organisers, a leaflet has been produced. A copy of the leaflet is provided as Attachment 5 at the end of this policy document.

3.2 Any complaints regarding fly posting will in the first instance be recorded at our Customer Contact Centre (CCC). A 'process map' outlining the procedure for dealing with fly posters is provided in Attachment 1. Staff at the CCC's will be updated to reflect recent changes in both legislation and personnel (notably in Highways). Highways would be the first point of reference for any fly posting complaints, referring to colleagues in other teams where the situation demands – as outlined in Section 2 above. The 'one point of reference' will allow the Authority to measure numbers of complaints, any trends, and our effectiveness.

3.3 It is the view of Officers in Highways, Planning and Environmental Health, that they deal with their elements of existing legislation, due to professional and competency issues. Thus Highway Engineers will determine compliance with the Highways Act provisions, Planning with Town & Country Planning Act etc. However, that does not preclude better joint working, with improved communication between the three teams. So, for example, Environmental Health have two Environmental Wardens who, if instructed, can remove fly posters on street furniture while out on the district. Similarly they could contact Planning for any breaches they see during their routine activities. It is the intention to provide a quicker response to illegal fly posting.

3.4 It is recognised that much of the fly posting in Monmouthshire tends to be small, often A3 or A4 size adverts on railings and lamp posts. Highway Superintendents will be charged with the removal of all but a small number of permitted signs. Businesses or organisers benefiting from unapproved fly posters will be warned of the consequences by letter. Repeat offenders will be referred to our Legal Services Section by a Planning Enforcement officer, with a view to prosecute.

Our staged approach to action will be by way of staged letters. These are provided in Attachments 2, 3 and 4. In appropriate circumstances, names and addresses will be traced from telephone numbers advertised on posters.

3.5 Highways staff, in the interests of clarity, will adopt the following prescribed approach:

Permitted temporary posting -

Approved organisations are permitted to erect signs on street furniture on a temporary basis, provided the signs:

- do not cause offence
- do not cause a traffic or pedestrian hazard or safety issue in any way
- do not damage hardware by their presence
- are of presentable quality and not excessive in number
- are present for no more than 15 days
- are removed by the organisations concerned
- are erected no further than 3 miles from the activity publicised
- general list of criteria, as attachment 5, standard permission but may change with local conditions

Approved Organisations

The list of approved organisations, determined by the Highways Section, will be strictly limited. Initially it will include:

The AA & the RAC

Blood Transfusion Service

Registered Charities, who have applied for blanket permission

Legitimate not-for-profit advertisers approved from time to time to provide public information. Approval by town or Community Council and or relevant Cabinet Member. (*note : this would allow for the church fate or local council approved car boot sale*)

The Head of Highways may extend the list of approved organisations, by written permit in exceptional circumstances. Applicants will be expected to demonstrate that they have no other reasonable way of spreading their message. Regard will also be made to the 'main interest' of the advert, when determining applications. High impact events may require special consideration

The following organisations are expressly not permitted to erect signs:

Advertisers for commercial benefit (*note : This would eliminate the pubs / fitness clubs etc who legally flypost by linking an event to a charity*)

Party political organisations

3.6 Approved organisations who fail to observe the Council's conditions may have their permit withdrawn and may risk prosecution.

3.7 To assist organisations and businesses determine what may be acceptable, and what specifically is not, a guidance leaflet is available - Attachment 5.

3.8 New provisions under the Clean Neighbourhood and Environment Act 2005, that came into force in March 2007, are shared with Planning Enforcement. This covers the aspect described in section 1.4 (iii) above. If there was repeat defacement in a particular location, (for example, persistent pasted posters on end wall to a corner shop), this would then be referred to the local Community Safety Action Team, for them to consider multi-agency intervention.

3.9 In addition to our enforcement options outlined above, Monmouthshire County Council will also consider any notable practice from other Local Authorities. For example, certain city Authorities have had success with the use of 'cancelled' stickers, deterring organisers of band performances particularly. Paragraph 2.2

above also referred to our participation in the 'Unlawful Advertising & Fly Posting database' which shares information and best practice.

4. Outcomes

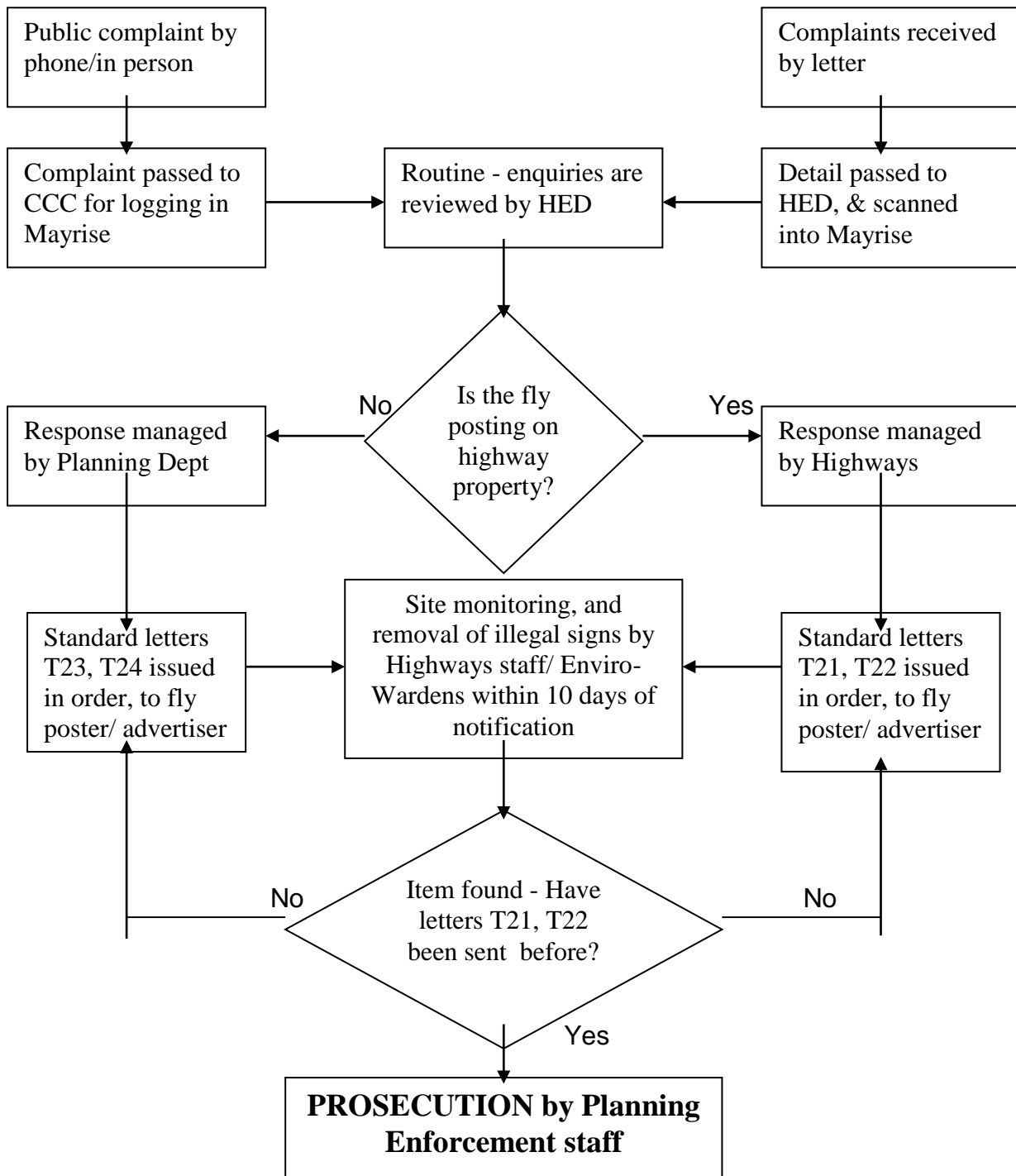
- 4.1 The outcome sought is to ensure a quick and effective response to illegal fly posters. By consistent recording of incidents, working together better with early intervention, problems associated with fly posting will be reduced.
- 4.2 Officers involved with the policy will ensure all relevant Officers, including One Customer Contact Centre, are aware of the content of this policy and monitor compliances, to update their procedures and provide some training.
- 4.3 The policy will be reviewed after 12 months to determine whether it assists in reducing fly posting in Monmouthshire, and subsequently every 3 years

5. Report Contributors

6. Report Authors –

Steve Lane
Highways Manager
Highways Operations

Process Flowchart for Fly posting complaints



Notes:

Mayrise = Highways enquiry system

HED = Highways Enquiry Desk
 CCC = Customer Contact Centre

The person dealing with this matter is:
Highway Enquiry Desk
Tel.No./Ffôn: 01633 644725
Fax/Ffacs: 01633 644725
Email/Ebost:

Our Ref:/Ein Cyf: HED/ **T21**
Your Ref: Eich Cyf:
Date/Dyddiad :

Dear Sir/Madam

I am writing to advise you that a sign bearing your identity has been found illegally placed on street furniture in Monmouthshire. It is an offence under section 132 of the Highways Act 1980 to erect such an object on the Council's equipment. No permission has been given for this sign to be erected, so it is therefore being removed by the Council.

Your co-operation in refraining from this fly posting activity will be appreciated.

Yours faithfully

Steve Lane
Highway Operations Manager
Operations Directorate

The person dealing with this matter is:

Highway Enquiry Desk

Tel.No./Ffôn: 01633 644725

Fax/Ffacs: 01633 644725

Email/Ebost:

Our Ref:/Ein Cyf: HED/**T23**

Your Ref: Eich Cyf:

Date/Dyddiad : 29 June 2016

Dear Sir/Madam

I am writing to advise you that a sign bearing your identity has again been found illegally placed on street furniture or structures in Monmouthshire. I have reminded you in the past that it is an offence under section 132 of the Highways Act 1980 to erect such an object on the Council's equipment without consent. No permission has been given for this sign to be erected, so it is therefore being removed again by the Council.

I am passing the matter to the Council's solicitors, who will now instigate legal proceedings. Our costs will be recovered through the courts.

Yours faithfully

Steve Lane
Highway Operations Manager
Operations Directorate

The person dealing with this matter is:

Highway Enquiry Desk

Tel.No./Ffôn: 01633 644725

Fax/Ffacs: 01633 644725

Email/Ebost:

Our Ref:/Ein Cyf: HED/**T23**

Your Ref: Eich Cyf:

Date/Dyddiad : 29 June 2016

Dear Sir/Madam

Thank you for your recent request.

Permission to position signs at the locations described is given. The following criteria should be met:-

- Posters not to be fixed at or near junctions where they can distract drivers (shall need to be 30 metres or more from a junction)
- Posters not to be fixed at or near roundabouts where they can distract drivers (shall need to be 30 metres or more from a roundabout)
- Posters not to be fixed to pedestrian guardrails / furniture at crossing points
- Should be fixed on straight sections of road away from junctions if drivers are the target of sign.
- Can be attached to street lights or timber post and rail fence
- We cannot approve fixing to BT or Electric poles; these companies have been known to prosecute fly posting companies
- We cannot approve fixing to private fences or property.
- All posters to be removed soon after last event
- Soft fixings to be used with loose ends removed

Signs that are legal have received permission and are installed in accordance with the criteria above. All other signs are illegal, either because they were not given permission or have been erected incorrectly.



**APPLICATION : COMMERCIAL OBSTRUCTION IN THE HIGHWAY LICENCE
TYPE B : FIX A POSTER TO HIGHWAY FURNITURE
Subject to section 132 of the Highway Act 1980**

Posting organisations are reminded that permission granted is subject to the full posting policy of Monmouthshire County Council. (copies available on request.) In particular, posters and signs must not a) cause offence, b) cause a traffic hazard or safety issue, c) damage street furniture by their presence, or d) compromise safety if fixed street furniture. They must be of accepted quality and size. Poster cannot be erected more than 15 days before an event, and must be removed immediately afterwards. An event to which the application applies must occur within the boundaries of Monmouthshire.

I wish to apply for permission to erect a poster(s) fixed to highways furniture in Monmouthshire

My organisation.....

Responsible representative :.....Signature :.....

Email Address :.....Tel No. :.....

Postal Address :.....

Are you a charity :

You are not allowed to advertise, seek support of Community Council or permission refused

Charity Nos.:.....

Event(s) promoted :.....

Public liability insurers :.....Policy expiry date :.....

Size of poster(s) :.....Total number of posters :.....

Event dates(s) :.....Will there be repeat events :.....

Signs to be fixed to :.....

Location(s) :.....

Official use : Permission :

Given : please refer to Attachment 5 detailing criteria : send attachment 5 with comments

Refused : please give reasons in comments : send attachment 5 with comments

Referred to Area Engineer for comments :

Comments :.....

.....

.....

Signed : _____ Date : _____

Background



Monmouthshire County Council welcomes the promotion of voluntary activities in its towns and in the countryside. This improves the range of activities on offer to citizens, and adds to the character of the area.

We need to balance the benefits of these events with the need for a safe, clean and welcoming place for residents and visitors.

The Council has developed a fly-posting policy to reflect this balance. It shows how we manage the use of the public highway for the display of temporary promotional posters.

This leaflet outlines the main parts of the policy and the limitations which apply to the erection of posters advertising such events in Monmouthshire.

Generally, we prefer organisations not to advertise using signs on or near our roads. Such signs tend to generate a cluttered street scene and detract from highway safety, giving the impression of a neglected environment.

However, community groups, registered charities and not-for-profit organisations may be allowed to advertise on the public highway, subject to certain terms which are summarised in this leaflet.

The Environment

We all want a better environment. We want it to be safe, clean, neat and well organised. That means a level of “good housekeeping” in our streets and verges. Strictly controlling the display of advertising material in public places helps to create areas we can be proud of, in which people can travel, shop and relax with comfort.



Fly-posting

“Fly-posting” is the unauthorised display of advertising signs, posters and stickers in public places. It can make our streets look uninviting to visitors and shoppers. Old and damaged signs can cause a hazard to road users and make our environment unsightly.

Fly-posting gives an unfair advantage to those who trade from it. Clearing up after illegal fly-posting also costs money. This money is better spent on other functions.

We do not want unauthorised fly-posting on our roads, signs and structures. But we will permit a limited number of signs for a short while to help promote community events.

Action

The Council will act in the interest of its citizens. Our highway staff will act on any complaints about fly-posting. We will remove any unauthorised signs from our roads. Records are kept of these actions. Persistent offenders will be prosecuted.

The Advertisers

So, who can advertise on Monmouthshire’s roads? Applications from the following types of organisation, who are adequately insured, will be considered:

- Registered charities
- Non-commercial organisations
- Public bodies

Advertisers such as developers, traders and party-political groups are generally not allowed to post notices on the highway.

The Conditions

Posters on our roads must be:

- licensed by our Head of Highways
- of presentable quality
- erected for no longer than 15 days
- less than 3 miles from the event
- generally fewer than 20 posters per event
- removed within 24 hours of the event ending

Posters must not:

- Cause offence
- Cause a hazard to traffic or pedestrians
- Cause damage to street furniture

Recurring events may only advertise on the event day. Those not meeting our terms risk losing the future right to advertise, or in extreme cases, may be prosecuted.

Who to contact

Call in at the one stop shop for an application form, or phone one of our 4 One-Stop-Shops, or email: highways@monmouthshire.gov.uk to apply.

The Law – (the small print)

It is illegal to display any advertisement without first getting the permission of the site owner, or a person who has legal powers to grant that permission. The Council has powers to grant permission.

The Highways Act 1980

Under section 132 of the Highway Act 1980 it is an offence for any person to paint, inscribe or affix any picture, letter, or sign on the surface of a Highway, any tree, or structure without the consent of the Highway Authority. If guilty of an offence the person can be liable to a fine of up to £1000, or in the case of a second offence up to £2500.

Town and Country Planning Act 1990

Under section 224 of the Town and Country Planning act 1990 it is an offence for any person to display an advertisement in contravention of the regulations. The relevant legislation is contained in the Town and Country Planning (Control of Advertisements) Regulations 1992. Any person contravening the legislation is liable on summary conviction to a fine, currently not exceeding £2500, recently increased under the provision of the Anti-Social Behaviour Act 2003. In the case of a continuing offence, there is £250 added for each day on which the offence continues after conviction.

Anti-social behaviour act 2003

Sections 48 – 52 of the Anti-Social Behaviour Act 2003, as amended by the Clean Neighbourhoods and Environment Act 2005, enable the Authority to serve a 'defacement removal notice' on the owners, occupiers, operators (such as telecommunication companies) of 'relevant surfaces' whose property is defaced with graffiti and/or any fly posters.

How you can help

We want to know about illegal fly-posting. Our Customer contact Centres located in, Monmouth, Chepstow, Caldicot and Abergavenny will be pleased to hear from you. You can call in or phone these numbers:

Monmouth: 01600 - 775200
(Whitecross Street)

Chepstow: 01291 - 635700
(Steep Street)

Caldicot: 01291 - 426400
(Woodstock Way)

Abergavenny: 01873 - 735800
(Cross Street)

Or you can email us at:

highways@monmouthshire.gov.uk

Tell us exactly when and where you saw the problem and the name of the organisation or the event advertised, and we will do the rest.

We will treat your approach confidentially, and will aim to remove unauthorised signs quickly and safely.

If you think a sign does not meet our strict guidelines, it is probably illegal. Help us to make Monmouthshire a better place for our citizens and visitors.

Report that Fly-poster!

A guide to using posters in public places

*Canllawiau ar gyfer defnyddio
posterï mewn mannau cyhoeddus*

