



Guidance on fly-posting and A-board and swing board advertising

Unauthorised affixation (fly-posting) of items to highways

It is a criminal offence under Section 132 of the Highways Act 1980 to “affix a sign, picture or letter onto the surface of the highway, a tree, structure or works in or under the highway”. The owner would be liable for a fine, or fixed penalty notice of £100 per each instance. As the local authority, Hart District Council may remove any unauthorised signs or items.

Guidance in brief:

- Signage must not be affixed, attached to street furniture or planted into the ground on public land
- No item is to be chained to, attached to, or affixed to street furniture such as lampposts, road name signs etc
- Signage or any item must not be attached at junctions
- Signage or any item must not be attached at or on a roundabout
- The view of pedestrians and drivers must not be blocked or become a safety hazard.

Guidance expanded

If an unauthorised sign or item is seen, reported and logged and there are no public safety concerns, the owner will be contacted and the sign must be removed with two working days. Failure to remove will result in a Fixed Penalty Notice being issued to the owner or management of that business.

A Fixed Penalty Notice for this contravention has been decided at £100 per each individual sign discovered in contravention and will be issued under Section 43 of the Antisocial Behaviour Act 2003. Non-payment will result in the matter being escalated to the magistrates' court and fines imposed by the Court can be up to £2,500 (Level 4 on the standard scale).

Hart District Council may also, on a case-by-case basis, issue a notice of costs incurred for labour, removal, storage and even destruction costs in the form of subsequent Fixed Penalties.

Hart District Council must be informed or a request made of Hart District Council that informs of the event and procedures to remove signage two working days after the event's end by contacting, either Planning, Licensing or Environmental Enforcement.

No signage once approved may be erected before the event at a time **no earlier than one calendar month before** the event and must be removed within **two working days of the event's end**.

Objectives

- to limit and reduce the growing proliferation of unauthorised signs on the highways and street furniture and land across the district
- to provide guidance and support to officers enforcing this policy
- to offer guidance and assistance to local business to place signage safely
- to keep Hart District looking the best it possibly can by removing excessive unnecessary signage which may reduce sight lines or distract drivers and pedestrians
- to ensure that any costs incurred by the Council, as part of enforcing this policy, are recovered (where applicable)
- to ensure that a consistent approach to unauthorised signing is applied across Hart.

Key influences

- Highways Act 1980
- Town and Country Planning Act 1990
- Traffic Sign Regulations and General Directions 2002
- Equalities Act 2010

Legal basis

Hart District Council has the power to remove any items, including signs, placed within or on the highway that are considered a nuisance or a danger to highway users (including causing a danger by obstructing view).

Signage may be removed under section 149 of the Highways Act 1980, but this isn't a requirement if the threat to public safety justifies the immediate removal of the item or sign.

It is also an offence under section 132 of the Highways Act 1980 to "affix a sign, picture or letter onto the surface of the highway, a tree, structure or works in or under the highway". The owner would be liable for a fine or fixed penalty notice and the Highway Authority could remove the sign.

The sign cannot be destroyed or sold unless a Court Order is first obtained under section 149 of the Highways Act 1980, as above or not claimed by a person or owner after 90 days.

Definitions and scope

This guidance is to cover any sign placed within or on the highway, apart from the standard highway signs as detailed in the Traffic Sign Regulations and General Directions 2002 and placed by or with consent of the Highways Authority.

A small-scale charity event is one that is organised by a charity, organisation, religious organisation, school, parish or town council, etc. and that has a duration of no more than two days and one that is not expected to attract more than 500 people per day.

It may be religious, educational, cultural, political, social or recreational in nature and it may involve fundraising, but its primary purposes should be charitable, community-driven and not commercial in nature.

Inclusions where enforcement actions may be taken

- applies to unauthorised signing placed on the highway (including verges, footpaths, paved areas, footway and other pavements) and/or attached to highway furniture, bridges, fencing, lampposts, bollards, street name signs
- signs for commercial purposes (e.g. sale of goods advertising or housing developments)
- signs for events which are purely for private purposes (e.g. birthdays) where the sign is deemed to represent a danger to highway users
- signs for temporary events which are purely advertising and provide no traffic direction information (although exceptions may be made for large-scale events where significant traffic congestion is expected and advanced notification is helpful).

Exclusions from this guidance

- signs associated with small-scale charity events are unauthorised, but the Council will usually exercise discretion not to enforce if the signs do not create a danger to highway users and are erected **no sooner than one calendar month before the event and removed within 48 hours of the event finishing**
- other unauthorised signs erected on the highway such as A-boards, are dealt with separately under the A-boards guidance (please see below)
- direction signs for approved charity or community events are to be considered in the same way as the signage for the event and may be erected **no sooner than one calendar month before the event and removed within two working days of the event finishing.**
- signing on private property, including privately owned shopping centres

Outline of process

Unauthorised signs will not be permitted on the highway.

In cases where it is not affecting safety, a letter will be sent to the owner/business to remove within 48 hours or two working days. If the signage is not removed within this time, a Fixed Penalty Notice (FPN) will be issued for the signage and an additional FPN for each

other sign(s) witnessed. The signage may be removed without notice and stored at a cost which will be an additional FPN(s) as part of recouping the cost to the Council.

The issue may also be taken to magistrates' court and a fine of up to £2,500 (level 4) imposed.

The originator of the sign may also be contacted to inform that the sign(s) has been removed. They will be told that they can pick up the sign(s) within seven working days.

Where there is a continuous breach of this policy, Hart District Council may authorise court action.

Measures of effectiveness

- number of complaints/comments relating to unauthorised signs
- number of enforcement actions required to deal with unauthorised signs
- efficiency of cost recovery for dealing with unauthorised signs

Trial

Set up of the guidance and process was conducted from December 2024 until March 2025. In April 2025, a one-week trial period occurred where 100% of signage was removed after contact was made with the sign owners.

Other guidance and information

<https://www.gov.uk/guidance/advertisements#requirements-for-consent>

[Highways Act - Section 132](#)

[Highways Act - Section 149](#)

[Antisocial Behaviour Act - Section 43](#)

[Antisocial Behaviour Act - Section 43A](#)

[Antisocial Behaviour Act - Section 43B](#)

[Antisocial Behaviour Act - Section 44](#)

[Antisocial Behaviour Act - Section 45](#)

A-boards and swing board advertising

Hart District Council, as the local authority, has a duty to promote the safe use of the highway by keeping it clear of obstruction. Hart District Council can use its discretion to the degree which it actively enforces against their placement.

Hart District Council also recognises that many local businesses use A-boards or swing boards to advertise their goods and services and wishes to support this if certain conditions are met to avoid nuisance and hazards to highway users.

Guidance in brief

- A-boards or swing boards must be functional and not damaged or broken
- A-boards or swing boards must not be placed where they may impede free movement for foot traffic, blocking pedestrian movement or in the roads blocking vehicle movements
- A-boards or swing boards must not be attached to street furniture, railing, lamppost or secured by any locking device, rope, cable tie or mechanism
- A-boards or swing boards must not block lines of sight at a roadside or placed on a junction or a roundabout

Guidance expanded

These conditions are non-negotiable and failure to meet these requirements will result in the removal of the A-boards or swing boards in accordance with the Highway Authority's powers under the Highways Act 1980.

- Hart District Council's Officer(s) may assist with understanding
- A-boards must be in good condition and appear professionally made (for example, proper sign writing, painting/printing) and will not contain offensive content
- Boards should not be so large that they block the movement of pedestrians or vehicles
- The A-Board must be two-sided, or otherwise freestanding, creating an "A" shape or easel effect. Other designs which achieve the same purpose, such as a board suspended from a top-rail within a frame, or "swing board" is also acceptable. The structure must be of sufficient weight or design to prevent it being blown over in strong winds. It should not be on trailer wheels or another trailer-type device, nor leant against a wall or be a rotating cylinder
- When placed on the pavement the position must be consistent on a day-to-day basis
- A-boards must not block an emergency access or impede sightlines
- Only one A-Board will be allowed per customer entrance at the premises
- Where a business has its own private forecourt adjacent to the highway, any A-board or swing board shall be placed wholly within this forecourt
- When erected on the highway, A-boards or swing boards must be positioned immediately outside the premises and as near to the premises as possible. Any sign found at a distance will be returned
- A-boards or swing boards on roundabouts, pedestrian refuges or central reservations will be considered a danger and will be removed immediately in

accordance with section either section 132 or 149 of the Highways Act 1980, case dependant.

- A-boards must be taken in at night or when the business is closed
- A-boards must not be attached to street furniture, trees or other items of infrastructure within the highway (including pavements)
- A-boards or swing boards must not be partially buried in the ground
- Where an accumulation of A-boards and/or other advertising techniques result in the pavement not being easily accessible or appearing cluttered, all must be removed until agreement is reached as to what is acceptable
- Contravention of these guidelines may result in a business receiving a Fixed Penalty Notice of £100 per each witnessed event of a contravention or a fine in a court of up to £2,500 upon conviction

Objectives

- to ensure that A-board signs are erected in a safe manner and do not obstruct the highway
- to support Hart's economy by helping or advising local businesses to advertise their business and services lawfully and safely
- to ensure a consistent approach is taken across the district to the management and the use of A-boards and swing boards and signs

Key influences

- the need to support Hart District's economy
- Pride of Place initiative
- Highways Act 1980
- Town and Country Planning Act 1990
- Equalities Act 2010

Legal basis

Hart District Council, as the local authority, has the power to remove any items, including signs, placed within the highway that are a nuisance or a danger to highway users (including causing a danger by obstructing view) under Section 132 of The Highways Act 1980 and/or utilising Section 149 of The Highways Act 1980.

It is an offence under section 137 of the Highways Act 1980 to wilfully obstruct free passage along the highway. This would make the sign owner liable for a fine but does not entitle the Highway Authority to remove the sign.

If the sign constitutes a danger to highway users, the sign will be removed.

It is also an offence under section 132 of The Highways Act 1980 to "affix a sign, picture or letter onto the surface of the highway, a tree, structure or works in or under the highway".

The owner may be issued with a Fixed Penalty Notice and would be liable for a fine and the Highway Authority may remove the sign. The sign cannot be destroyed or sold unless a

court order is first obtained under section 149 of the Highways Act 1980, as above, however, if the sign is not claimed in 90 days, the council will destroy it.

This guidance is written with the Equality Act 2010 and Hart District Council's equality policies in mind.

Definitions and scope

All A-boards and swing boards are a type of unauthorised sign with the potential to cause a nuisance or obstruction to highway users, especially those with visual impairment or other disability. However, if certain conditions are met when A-boards and swing boards are erected by local businesses, it may be possible to balance their commercial needs with the needs of the wider public using the highway.

When the required conditions are met, the Council will not actively enforce the removal of an A-board unless the board is considered to constitute a public nuisance or a danger. If the conditions are not met, the Council will take reasonable steps to remove these signs and may recover all reasonable expenses incurred in accordance with their powers under the Highways Act 1980. Alternatively, the Council may return it to the business and advise accordingly.

The erection of A-boards in certain locations can cause friction between traders and highway users, therefore it is important that this guidance is enforced consistently across Hart District whilst retaining a degree of sensitivity, helpfulness and responsiveness to local needs.

Outline of process

Hart District Council will not, at this time, grant licences for A-boards or swing boards, therefore there is no defined process. As mentioned in **Definitions and Scope**, "All A-boards and swing boards are a type of unauthorised sign".

Measures of effectiveness

- fewer numbers of complaints received about A-boards and swing boards on our highways
- a limitation on the use of A-boards and evidence that those being used are erected in more appropriate locations
- records that show a consistent approach to A-board enforcement across the district both helps with health and safety and local business relations and council relations with locals

Other guidance and information

<https://www.gov.uk/guidance/advertisements#requirements-for-consent>

[Highways Act - Section 132](#)

[Highways Act - Section 149](#)

[Antisocial Behaviour Act - Section 43](#)

[Antisocial Behaviour Act - Section 43A](#)

[Antisocial Behaviour Act - Section 43B](#)

[Antisocial Behaviour Act - Section 44](#)

[Antisocial Behaviour Act - Section 45](#)

Visual chart aid

Signage	At roundabouts and/or junctions	Attached to Street Furniture (pre-approval)	Not in excess	Attached to tree(s) (pre-approval)	Displayed not earlier than 1 calendar month before and removed no later than 2 working days after the event ends
Charity or Charity events	Not permitted	Permitted	Not permitted	Permitted	Permitted
Town Council Town Council events	Not permitted	Permitted	Not permitted	Permitted	Permitted
Local Authority	Not permitted	Permitted	Not permitted	Permitted	Permitted
Religious organisations	Not permitted	Permitted	Not permitted	Permitted	Permitted
Private events	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Advertisements for products	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Job seeking	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Messages	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Signage can be displayed in agreement with a business, in their shop window.

Signs can be displayed in and on town council noticeboards in Hart District

Signs must not be:

- A distraction to pedestrians and drivers
- Attached to roundabouts or at a roundabout(s)
- Attached at road junctions where they can be a distraction to pedestrians and drivers
- Attached to street furniture (fences, utility boxes, lampposts, bus stops, bins, etc - unless for pre-approved purposes)
- Attached to trees (Unless for pre-approved purposes)

Where approved, these signs must not be in excess and unnecessary and in high volume for the area.

Fly-posting is also a crime and fly-posting on walls or external windows will also be handled by a Fixed Penalty Notice.