

TELFORD & WREKIN COUNCIL

CABINET – 11 DECEMBER 2014

USE OF COUNCIL STREET FURNITURE AT FUTURE ELECTIONS

REPORT OF THE RETURNING OFFICER/ MANAGING DIRECTOR

PART A) – SUMMARY REPORT

1. SUMMARY

1.1. The Council currently allows election posters to be attached to the Council's street furniture in the Borough (principally lamp posts) provided that the posters are taken down within 14 days after the close of Poll.

1.2. As a result of experience during the recent European Elections the Returning Officer/Managing Director, (acting in both capacities but referred to only as the Returning Officer in the remainder of this report) has been consulting on whether or not election posters should be allowed to be attached to the Council's street furniture in future elections, referenda or other polls that may arise.

2. RECOMMENDATIONS

2.1 That Members consider the Returning Officer's recommendation to ban the display of election posters on Council property at any time with effect from 1 January 2015.

2.2 That Members note the existing powers to prosecute for breaches of the law

3 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-operative Council priorities?	
	Yes	<i>Ensuring that neighbourhoods are safe, clean and well-maintained</i>
	Will the proposals impact on specific groups of people?	
	No	

TARGET COMPLETION/DELIVERY DATE	Changed policy to become effective from 1 January 2015	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	There is a cost to the Council of removing posters. The work is generally undertaken by the Council's Rapid Response Team so this is an opportunity cost, i.e. if they are doing this they are not clearing up elsewhere in the Borough
LEGAL ISSUES	Yes	<p>Whilst posters erected on land not owned by the Council are subject to control through planning laws, see below, the Council can control signs/posters erected on the highway or on street furniture as the land owner.</p> <p>The Control of Advertisements (Town and Country Planning (Control of Advertisements) Regulations 1992) do not require planning permission for advertisements relating to a pending election. However, there is a requirement to remove such posters within 14 days after the close of the Poll.</p> <p>The Council may restrict the use of its land and property for the display of such posters. The vast majority of lamp posts and other street furniture within the Borough are within the ownership of the Council.</p> <p>If no permission is granted the Council may remove the posters. Furthermore it is an offence to put such signs up if no permission is granted and if found guilty the fine can be up to £2,500</p> <p>There are human rights considerations to be addressed in respect of the right to freedom of expression or the right to free elections but it is considered that this proposal does not stop the use of election posters on private land – in windows or fields for example and, in</p>

		a world of social media, is an increasingly outdated method of communicating with the electorate and, in the circumstances the proposal has a legitimate purpose and is both proportionate and reasonable.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Posters de-faced with offensive graffiti on street furniture within the Borough has a divisive impact upon the community and offends people living in the area and affects the reputation of the Borough
IMPACT ON SPECIFIC WARDS	No	Borough-wide impact

PART B) – ADDITIONAL INFORMATION

4 Background

4.1 Political groups have, in the past, used Council owned street furniture/ land, principally lamp posts, to put up election posters during the pre-election period. This has been allowed by the Council on the understanding that the posters are removed within 14 days of the close of poll.

4.2 This has generally worked well although sometimes election posters have remained up for longer than the agreed 14 days.

4.3 During the European elections earlier this year election posters on the street furniture in a number of areas of the Borough were damaged or de-faced, some with offensive language or symbols on them.

4.4 Complaints were received and Council officers incurred time and expense taking these posters down. The Returning Officer has also received complaints about the number of posters in certain parts of the Borough.

4.5 Reasons to consider a change of policy include:-

- Damage to posters also causes litter problems which have to be cleaned up by the Council at its cost.
- The proliferation of signs in certain areas does not enhance the appearance of Borough neighbourhoods.
- The offensive nature of some of this graffiti means that the Council, in accordance with existing service standards, is committed to act within 2 hours to remove it.
- Complaints were received from residents who felt that the display of large numbers of posters on lamp posts was detrimental to the appearance of the Borough.

- Giving consent to advertise this material on Council property could arguably be in conflict with the prohibition on the use of Council resources for political purposes.
- The council's current approach results in parties/individuals being charged for the cost of removal for signs still up 14 days after the election. However, contacting individual agents/candidates after an election is not straightforward. Recovery of the council's costs, particularly for individual candidates, of removing posters is not guaranteed as people may no longer be contactable.

4.6 Practices in other West Mercia and West Midlands councils

The table of responses from other councils shows that Telford & Wrekin is now amongst a minority of councils who allow posters to be affixed to street furniture.

Councils currently allowing display of election posters (subject to conditions)	Councils currently not permitting display of election posters
Telford & Wrekin Birmingham Shropshire Sandwell	Wolverhampton Coventry Hereford Wyre Forest Stafford County Stafford Borough Worcester Warwickshire Rugby Solihull

4.7 In the light of this the Returning Officer has consulted with interested parties, detailed in Appendix 1, and via the media, with local people by way of press release reported by the Shropshire Star and the Telford Journal, an interview on Radio Shropshire and listing on social media and the Council's web-site.

4.8 A list of the people consulted, and a summary of the responses received are included in Appendix 2 to this report.

5 **CONCLUSIONS**

5.1 From the consultation responses it can be seen that a majority of the people or organisations that have responded support the idea of a ban.

5.2 Respondents who supported a ban did so on the grounds that the existence of the posters was very disruptive to local communities, the graffiti was "shameful" and, in a world of 24 hours news and social

media, was an outdated practice.

5.3 Respondents who were against a ban objected on the grounds that posters help to publicise elections and increase turnout and that this outweighed the small scale disruption to the local authority.

5.4 There was a particular comment regarding the importance of this facility for independent candidates who might not have resources for other methods of campaigning. The Returning Officer has considered this and addresses this in his rationale supporting his recommendations.

5.5 Accordingly the Returning Officer has considered the consultation responses and taken into consideration the experience from the last elections held in Telford, the European elections in May 2015, where he was the local Returning Officer.

5.6 It is clear that there is a preference from the, albeit relatively small number of respondees, in favour of a ban.

5.7 It is the Returning Officer's view that, if the Council was to continue to allow the use of posters it could only expect to see at least a similar level of detrimental impact in the community as were experienced in the European Elections earlier this year, accompanied by complaints about offensive graffiti and de-facement, complaints about the number and location of posters and the fact that they remain in place long after the 14 day deadline post-election for their removal. Furthermore there are many ways for both political groups and independent candidates to engage with the public during the pre- election period that do not carry the same risks of causing the same degree of offence and disruption to the community. He particularly refers to the use of social media, as easy for political groups to make use of as it is for independent candidates. These are the primary reasons for his decision and appear to be supported by the consultation responses. The impact on the Council's budgets, in a time of severe financial constraint being an important, but secondary consideration.

5.8 In conclusion the Returning Officer's recommendation to Cabinet is that they agree to withdraw consent for the use of Council owned street furniture or any other means of displaying election posters on Council owned land with effect from 1 January 2015.

6 BACKGROUND PAPERS

6.1 Redacted consultee responses.

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