

FALKIRK COUNCIL

**Subject: REGULATION OF DISPLAY OF MATERIAL IN RELATION TO
SCOTLAND'S REFERENDUM 2014**
Meeting: FALKIRK COUNCIL
Date: 14 MAY 2014
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 Members agreed at the Council meeting on 3 March 2010 that, in relation to the display of election posters or other election material, the guidelines on display of election campaign publicity materials be amended to prohibit display of such material on any council property, including lighting columns, traffic sign poles and street furniture. This matter was considered, as consent from the Council as landowner to display such materials is required in terms of the Town and Country Planning (Control of Advertisement) (Scotland) Regulation and The Roads (Scotland) Act, both 1984. The decision was taken by the Council in its capacity as a landowner, not as an organisation which administers elections, and was made on the basis that use of the Council's property for widespread display of posters, boards etc was not appropriate regardless of the content of such materials.
- 1.2 The guidelines were amended in terms of that decision and reissued in February 2011. A copy is attached to this report as an appendix. The guidelines have been issued by the Council's Returning Officer since that date as part of the information pack issued to prospective election candidates and no issues have been raised with the Council to date in relation to this guidance which would merit revisal of its existing terms other than that described below.

2. SCOTLAND'S REFERENDUM

- 2.1 At the time of the decision in relation to the above, the holding of the referendum on Scottish independence was not confirmed and so no reference was made to materials promoting one or other of the possible referendum outcomes, either in the report or the subsequent guidelines.
- 2.2 It is considered appropriate that the guidelines be revised to make clear the approach this Council is taking in relation specifically to materials associated with the referendum and any future referenda that may take place.

3. RECOMMENDATIONS

It is recommended that Members;

- a) determine how such materials referred to in paragraph 2.2 above are to be treated in relation to the relevant guidelines; and
- b) instruct officers to revise the guidelines accordingly

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Director of Development Services

Date: 2 May 2014

Contact Officer: Rhona Geisler ext 4949

LIST OF BACKGROUND PAPERS

Nil

FALKIRK COUNCIL

DISPLAY OF ELECTION POSTERS

In respect all elections, the following guidelines for the display of posters or other election material on street furniture must be observed.

The fixing of bills to any part of the walls, railings, etc, within and surrounding the perimeter of the polling place is **not allowed**.

Bills, posters and advertisements in connection with the election **must not** be displayed on any property without the prior approval of the owner of that property. To affix bills, posters or advertisements to property without the approval of the owner is a contravention of the Town and Country Planning (control of Advertisements) (Scotland) Regulations 1984 which renders any person who so displays advertising material liable on summary conviction to a fine not exceeding £200. **Falkirk Council's policy is to refuse permission to any political party or independent candidate for the display on its properties of any election material. This ban applies particularly to the display of election material on lamp standards and road signs but also includes all Council owned property including roads, footpaths and road verges.** Posters, attached to or otherwise displayed on Council property, are liable to be removed and disposed of. A charge will be levied by Falkirk Council for the removal and disposal of such materials.

In August 2004 Falkirk Council adopted a Commercial Use Policy which specifically prohibited the use of free standing advertising boards on public roads including footways and therefore no advertising boards containing election literature will be permitted on public areas.

Candidates and agents should note that the Council has no locus on trunk roads which are the responsibility of the Scottish Government. The Council has been advised that Transport Scotland has a policy which precludes the placing of election material within the trunk road boundary. This policy has been endorsed by the Scottish Ministers.

For statutory reasons the Returning Officer cannot give advice or approval regarding the display of election material. Enquiries regarding the operation of this guidance should be made to Development Services, Abbotsford House, Bainsford, Falkirk, on 01324 504950. Enquiries with regard to the trunk road network should be made to Bear Scotland on 0800 587 1107.

Director of Development Services

February 2011