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**COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL**



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, July 09, 2018**

**QUESTION NO.15**

**QUESTION: Councillor F. Timmons**

To ask the Chief executive for a report into the issue of posters advertising Job Clinics / Clinics and meetings by Councillors and others? What is the policy in regards to this and is there any way it can be stopped by SDCC? How many fines have been issued in regards to same?

**REPLY:**

 Postering is primarily regulated by the following suite of legislation:

* Planning & Development Regulations 2001-2016.
* Planning and Development Regulations 2001-2015.
* Electoral (Amendment)(No 2) Act 2009
* Litter Pollution Act 1997
* Protection of the Environment Act 2003
* European Parliament Elections Act 1997
* Referendum Act 1994
* Electoral Act 1992
* Road Traffic Act 1961
* Local Elections Regulations 1995

In general planning permission is required for the erection of posters, unless specifically exempted.

[**Section 19 (1) of the Litter Pollution Act 1997,**](http://www.irishstatutebook.ie/eli/1997/act/12/section/19/enacted/en/html) as amended, regulates / prohibits placing of articles and advertisements on certain structures while Section 19 (7) of the Litter Pollution Act 1997, as amended, provides for the erection of posters for elections and public meetings.

A poster advertising a public meeting may be erected in a public place provided it doesn’t cause a road safety issue / traffic hazard and the content doesn’t breach any other aspects of the relevant legislation i.e. is not an advertisements for an auction (See Section 19(7) Litter Pollution Act 1997, as amended). The poster may be in place for up to 30 days before the meeting and must be removed within 7 days of the date of the meeting specified on the poster. The poster must contain the name and address of the person promoting the meeting.

Postering / advertising for political clinics does not accord with Section 19 (7). The legislation currently facilities posters / advertisements for a public meeting but not clinics. Accordingly, if the poster includes the terms “clinic” or “advice clinic” it breaches the legislation and will be considered illegal.

The Council was aware that there may have been some recent ambiguity in relation to the erection of posters advertising Job Clinics / Clinics and meetings by Councillors and clarification issued in this regard to all SDCC Councillors.  A number of individuals were contacted and asked to remove non-compliant posters. While no fines have been issued for this particular scenario recently, the situation is being closely monitored and all Public Representatives, Political Parties and Non-Elected members of the public are strongly advised to observe the provisions of the statutes as outlined above to avoid sanction.

Recent activity regarding political posters resulted in the issuing of 3 notices to 3 separate individuals/groups pursuant to Section 19.

The Council's Litter Warden Service enforces the provisions of [**Section 19 of the Litter Pollution Act 1997**](http://www.irishstatutebook.ie/eli/1997/act/12/section/19/enacted/en/html), as amended with regard to all illegal signage in South Dublin County Council's administrative area and litter fines are issued where possible.

It is important to note that, in accordance also with the provisions of the Section 19 Litter Pollution Act 1997 as amended, signage is not illegal if placed on private property with the consent of the property owner and subject to certain conditions provided for in the Planning and Development Regulations 2001 to 2015. Owners / occupiers can exhibit electioneering signage at any time on private property (and not confined to the certain specified election time constraints) if it has the benefit of planning permission, or is exempt development as prescribed in planning regulations.

Previously, a working group of the former Environment SPC developed a voluntary code of practice whereby election candidates in Local Elections in Lucan, Clondalkin and Palmerstown agreed not to erect posters in those villages at the request of the local Tidy Towns groups. However, there is currently no legislative provision to enforce this voluntary code, and it was only relative to Local Elections.

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