



Policy Formulation Options for Restriction of Election Posters in Dublin City.

Background

The restriction of the display of election posters is considered desirable in the face of a number of factors that include those set out hereafter.

- The environmentally unsustainable nature of the materials generally used to produce and display the posters. Corriboard and Plastic cable ties
- The proliferation of posters in terms of the numbers on display during an election period and the effect this has on the appearance of the city.
- The considerable number of complaints received regarding the placement of election posters during any election period.
- The display of posters in inappropriate and unauthorised locations that cause hazards to pedestrians, motorists and cyclists.
- The display of posters below the regulation height of 2.3 metres which is also common causes a particular hazard for those that are visually impaired.

Current Situation

The City Council has established a Committee of the Whole House to investigate how the matter may be progressed.

It is considered that it is possible to restrict the numbers and prevalence of election posters displayed in Dublin City during election periods. Precedent for restricting the use of City Council property for the display of poster advertising has been established through the posters protocol and motions carried by the City Council restricting the use of council owned property completely for the display of posters for a two week period in advance of the most recent local and European elections and referendum in 2019.

It must be clearly stated that there exists no method of punitive enforcement through law or bye law of any such policy. There is no capacity to make a bye law governing activities in respect of the display of posters and any legislative provision would have to be enacted by the Oireachtas through specific regulations or amendments to primary legislation.

Therefore there is no existing remedy available to the City Council for non - compliance with an agreed policy other than by acting to remove of posters where a policy restricting the display of such posters has been agreed and approved.

Suggested Courses of Action

A number of suggestions have been made in respect of limiting the display of posters to certain poles or limiting the numbers of posters permitted to be displayed on any pole. Neither of these suggestions is considered to be workable from a practical management perspective. The City Council does not have the resources to maintain counts of posters displayed or to inspect widespread locations on an ongoing basis to ensure compliance with such schemes.

It has also been suggested as per the motion debated that certain areas would be provided in each of the administrative areas for the display of posters. This again is not considered to be workable from a management perspective as it would be required to ensure that each area had in place adequate facility for all candidates to display an equitable number of posters.

Any such space provided by the city council would also require day to day management to ensure fairness and equity is maintained for each candidate and to address issues that might arise surrounding abuse or vandalism of any such advertising space.

Importantly the final number of candidates seeking election in a particular electoral area may not definitively be known until after an election order has been issued. Consequently the permitted time in which posters may be displayed may have commenced before all candidates have registered their candidacy and as such space provided for the display of posters may not be available to additional candidates.

Further suggestions were made regarding the use of designated areas where posters may be displayed or excluded from and the potential to reduce the numbers of posters permitted to be displayed. Additionally the introduction of deposit schemes and the provision of a poster removal service by the City Council were suggested. These are explored in more detail below.

Recommended Options for Consideration

1. Exclusion Zones

For the reasons set out above it is considered that the best method of restricting the display of posters is to initially establish exclusion zones where no posters are permitted to be displayed.

Exclusion zones are considered to be the most manageable method of applying policy to the area as posters displayed within exclusion zones may easily be identified and removed.

Such arrangements already exist within the posters protocol where the display of posters is not permitted in O'Connell St / Henry St and Grafton St. The exclusion of poster displays in these locations has generally been well adhered to in election periods where candidates and parties have been requested to respect this arrangement.

Exclusion zones could be set on the basis of urban village centres / main arterial routes / specific speed limited areas / commercial centres and so on. It is suggested that the methodology could be based on agreement of proposals from the executive brought to the relevant SPC.

An initial suggestion is to consider the enhancement of the existing exclusion zone in the Central Commercial District to mirror the extent of the Business Improvement District area.

2. Limiting of Number of Posters Permitted Per Candidate

It was suggested that the number of posters permitted for any candidate could be restricted to a certain number. In practice this is extremely difficult to enforce if not unworkable unless such a measure is linked to a permitting or charging scheme that includes remedy for breaching any such limit applied. Two options are outlined below for consideration.

Permitting Scheme

Permits would be mandatory for all candidates seeking to display posters. The permitting scheme would allow for a permitted number of posters to be displayed in an electoral area with the exception of any exclusion zones in that area. Permits would be issued in line with the current procedure for poster protocol application.

Applicants would be required to provide details of the poster, electoral area and confirmation of public liability insurance in place in order to obtain a permit.

Posters displayed without having obtained a permit would be removed. Posters displayed in exclusion zones would be removed. Posters found to be in excess of the permitted number would be removed.

A charge would be levied on posters displayed above the permitted limits or found to be displayed within exclusion zones. See table below for indicative charge per breach.

The permit would provide for agreement that a charge be levied in the case of a breach being identified.

Charging Scheme for Permitting and Removal

A mandatory scheme whereby a deposit payment would be applied to each candidate seeking a permit to display posters and a removal service that would also be provided by Dublin City Council, charged at cost to each candidate, is suggested as an alternative course of action to be considered in order to achieve the introduction of any such restriction on poster displays.

A premium charge would be applied to any candidate found to have breached the permitted limits on numbers of posters displayed. This charge could be applied to each poster above the permitted limit. Similarly a charge could be applied to candidates found to have breached exclusion zones. In both scenarios any deposit payment made to the City Council would also be forfeited.

It is only in such a scenario where the financial penalties for non-compliance with an agreed policy would be of a significant enough nature that it would be an effective disincentive to breach the policy that it might be effective.

An indicative charging scheme might be structured and applied as set out below.

€200 - Deposit for permission to erect 200 posters on Dublin City Council Property

(Refundable where there is no breach of exclusion zones or limited numbers)

€480 - Charge for removal of posters by Dublin City Council

(Non-refundable or negotiable charge applied for removal of posters based on permission to erect 200 such posters within permitted areas of Dublin City)

€32 - Charge for breaching exclusion zone per breach / Charge per poster for numbers in excess of permitted numbers

(Breach of exclusion zones or permitted numbers would also result in forfeiting of deposit)

The initial charge would therefore be €680 of which €200 is a fully refundable deposit

In the indicative scheme set out above the deposit is set at a limit where the potential to lose the deposit would be unpalatable.

The removal charge is based roughly on the cost of providing the labour and vehicles on an overtime basis to provide the service.

The charge for breaches of exclusion zones and permitted number is based on the indicative cost to despatch a vehicle with labour to remove a single offending poster.

Issues Arising

Where a permitting system alone is implemented it is dependent on a level of commitment from the candidates to adhere to the policy.

It is noted that there could be objections to the implementation of a charging scheme particularly from candidates reliant on personal funding alone to campaign for election. However any charging scheme must include a financial penalty that is set at a level that is an effective deterrent or disincentive to abuse if it is to have any chance of success.

Such a scheme if implemented would remain at risk of abuse from candidates who refuse to adhere to the policy or may have principled objection to the implementation of a policy of this nature. In such a scenario the only remedy remains the removal of posters of candidates who have not complied.

Widespread abuse or non-compliance would be extremely onerous to manage and address however the City Council would dedicate resources to the monitoring of any system in place and investigate complaints of breaches.

The additional advantage of scheme that provided for a removal service, aside from the reduction and regulation of the display of posters, would be that the responsibility for removal of posters and consequently the risk of fines being issued for breaches of the Litter Pollution Act would be removed as the City Council would assume the responsibility for removal of all posters displayed.

The forgoing is submitted for the consideration and further debate of the committee.

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