

Agenda Item	14
Report No	HC/33/23

The Highland Council

Committee: Full Council

Date: 14 September 2023

Report Title: Policy for Display of Election or Referenda Campaign Material within Property Owned, Adopted or Maintained by the Council

Report By: Executive Chief Officer Infrastructure & Environment

1 Purpose/Executive Summary

- 1.1 The purpose of this report is to propose a change to the Council's policy on the Display of Election Posters for all future elections and referenda to no longer permit the fixing of campaign materials on property owned, adopted or maintained by the Council, excluding tenanted homes.

2 Recommendations

- 2.1 Members are asked to **approve** that from after the Ward 7 by-election on 28 September 2023, the updated policy in **Appendix 1** is adopted, which will have the effect that the Highland Council no longer permits the display of any campaign related material on any property under the Council's control, with the exception of tenanted homes.

3 Implications

- 3.1 **Resource** – The proposal will have a positive impact on resources. Currently, officer time is invested in managing requests to erect posters, queries regarding imprints and dealing with complaints from the public, election agents and liaising with Police Scotland in connection with campaign materials placed on Council assets. If the policy were to be adopted, it would remove the pressure from the Election and Corporate Communications team of addressing such concerns. The revised policy would also remove the need for officers to be involved in pursuing the removal of posters following the electoral event allowing those officers to be available for other duties.
- 3.2 **Legal** – There are no direct legal implications of agreeing to the change in policy. There is no obligation upon the Council to support the placing of election related material on Council assets such as street lights. There are detailed imprint rules in place for election related material under the Scottish Parliament (Elections etc) Order 2015, Representation of the People Act 1983 and Elections Act 2022 which require to be adhered to by candidates and agents.

- 3.3 **Community (Equality, Poverty, Rural and Island)** – The next UK Parliamentary General Election will be administered following the new UK Parliamentary constituency boundaries which will involve cross local government boundary administration with Moray and Argyll and Bute Councils. The poster policies of the three authorities are not currently aligned. Argyll and Bute Council allows posters while Moray Council does not. These differences may lead to confusion on the part of voters, candidates, agents and parties. In the event the revised policy is agreed this will be shared with the two authorities concerned.
- 3.4 **Climate Change / Carbon Clever** – The proposed amendment to the policy would actively contribute to compliance with Net Zero targets and lead to a reduction in the carbon footprint. Prohibiting the use of election materials such as election posters would lead to a reduction in the amount of paper, plastic and cardboard used by parties and independent candidates. This would lead to a reduction in the amount of waste generated over the course of an election campaign and also consequential reduction in transport costs for those engaged in fixing the materials, as well as the emissions generated in creating them. Recent experience has been that plastic cable ties are typically used to secure the materials and the proposed change would reduce the reliance on such single use plastic items.
- 3.5 **Risk** – there is no evidence that posters increase voter turnout and consequently no evidence that amending the policy would have a detrimental impact on participation and engagement.
- 3.6 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** - Adopting the revised policy would make a positive contribution to health and safety. The revised policy would reduce the risk to candidates and volunteers who put up materials, as they would no longer be working at height or on live carriageways and footways.
- 3.7 **Gaelic** - there are no direct implications because of this report.

4 Background

- 4.1 For many years, the Council has allowed campaign material to be displayed on lighting columns provided the material complied with the Council's Policy on Display of Posters. The current policy is included in **Appendix 2**. Before posters are erected, permission must be sought from the Executive Chief Officer Infrastructure and Environment.
- 4.2 The Council does not have the power to deal with campaign materials placed on privately owned property or roads which are not under the Council's control, e.g. private or Trunk Roads.
- 4.3 For transparency, all election campaign material must comply with the appropriate imprint legislation and expenditure on election campaigns is regulated by the Electoral Commission to make sure the elections are conducted in a fair, transparent and open manner.

5 Changes in Creating an Election Environment

- 5.1 Getting messages to voters is important in a healthy democracy, and in order to do this, political parties, referendum campaigners and candidates will campaign by using a variety of ways to communicate.

5.2 Campaigning tools have developed and diversified considerably over the last few years and now include much greater use of online and social media options, besides the more traditional campaign activities such as election posters, hustings, leaflets and door-to-door canvassing.

5.3 Currently only five of Scotland's thirty-two local authorities permit political posters to be placed on Council assets. The five local authorities are Argyll and Bute, Highland, West Dunbartonshire, Comhairle nan Eilean Siar and Shetland Islands Councils.

6 Election Poster Complaints

6.1 The Election Office have dealt in the past two years with several complaints directly related to election posters received from the public, candidates or election agents. These concerns have mainly related to:-

- imprint issues - either missing or incomplete;
- posters not compliant with the Council policy;
- poster removal by others;
- overlapping of posters;
- defacing of posters;
- posters obstructing road signs;
- campaign material obstructing pavements;
- posters within the perimeter of the polling station;
- posters obstructing business signs; and
- posters remaining in place after the election when the removal period has passed.

6.2 At the most recent Highland Council Election in 2022, the Election Team dealt with 10 individual complaints relating to campaign posters. Whilst this number may not seem excessive on first consideration it is important to recognise that each issue might result in lengthy and complex discussions with those involved to achieve a resolution. This burden increases the workload for the election team and colleagues at a time when they are operating under extreme pressure in preparing for the upcoming election.

6.3 Any vandalism of posters e.g. defacing, incidents are reported to Police Scotland with 3 such incidents being officially recorded in 2022.

6.4 Where posters or other materials are placed inappropriately, they could pose a threat to public safety by obstructing road signage, coming loose from their ties or blocking footways. The absence of such posters will ensure there are no such distraction to drivers and pedestrians.

6.5 Candidates, election agents and volunteers, if available, spend considerable time in erecting and removing posters during and after the campaign period. The current poster policy encourages such activity. Any individual involved in such activities should have been trained both in working at height safely and operating within the road boundary. It will be common practice for ladders to be used for fixing materials on lighting columns.

7 A Poster-free Environment

- 7.1 The Highlands is a major tourist attraction bringing tourists from around the world. The campaign signs may be seen by some as unsightly and a poster free environment may portray tidier, environmentally friendly communities.
- 7.2 Alternative communication tools instead of printed campaign materials in public places are likely to offer better value and any existing posters held in stock by political parties or produced by independent candidates could be used for display in private premises.

8 Proposed Policy Changes

- 8.1 The proposed policy completely bans the use of printed campaign materials on any property under the Council's control for any election or referenda. This would include local authority street furniture or apparatus on adopted roads, parks, recreational areas and buildings but exclude homes leased by Council tenants.
- 8.2 Any materials found to be erected within the road boundary or on Council property would need to be removed. If the political party or independent candidate responsible for the erection of such materials does not arrange for the immediate removal of the material, the Council will do so and the party or candidate will be charged by the Council for the removal. The relevant Council Service will be responsible for the removal and respective charging for the removal of any materials erected in breach of this policy.

Designation: Executive Chief Officer Infrastructure & Environment

Date: 26 July 2023

Author: Linda Johnstone, Elections Manager

Background Papers: None

Appendices: Appendix 1: Policy for Display of Election or Referenda Campaign Material within Property Owned, Adopted or Maintained by the Council
Appendix 2: Display of Election Posters on Verges and Lighting Columns

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Policy for Display of Election or Referenda Campaign Material within Property Owned, Adopted or Maintained by the Council

Roads and Infrastructure

Infrastructure and Environment

Approval

	Name	Date
Prepared By:	L Johnstone/ E Maciver	15 th June 2023
Approved By:	E Maciver	3 rd July 2023

Responsible Officer:	Head of Roads and Infrastructure
Committee / Meeting:	Economy and Infrastructure Committee
Approval Date:	17 th August 2023

Document Control

Version Number	Date	Comments
2.0	03/07/23	Updated to reflect removal of permission to put up election/ referenda material.



1.0 Policy

- 1.1. This policy applies to the following assets owned or maintained by The Highland Council:
 - Roads (including footways, cycleways, verges and remote paths) either adopted by The Highland Council as the local Roads Authority or maintained by another Service such as Housing;
 - Property owned, maintained or leased by The Highland Council such as parks, recreational areas, buildings, etc. (with the exclusion of homes leased by Council tenants).
- 1.2. No election or referenda poster or campaign materials are authorised to be affixed or displayed by any means, on any property under the Council's control. The policy will apply to any area adopted or maintained by the Council and any street furniture or apparatus thereon, whether installed by the Council or other bodies. This includes any display of posters within the road boundary (as described in 1.1), including but not limited to roadside verges, any street furniture, lighting columns or any telecommunications apparatus.
- 1.3. This policy also applies to parks, open spaces, and Council buildings regardless of whether they are owned, leased, or adopted by The Highland Council. This policy does not apply to campaigning materials which Council housing tenants choose to put up in the windows of homes which they rent from the Council.
- 1.4. Any unauthorised campaign material found to be placed within the road boundary or Council property shall be removed forthwith. The election agent or independent candidate responsible for the erection of such materials will arrange for this to be done immediately or will be charged by the Council for their removal. The relevant Council department where material is displayed in breach of this policy shall remove it as soon as practicable and then recharge the election agent or independent candidate to recover the costs in doing so.

Appendix 2



Display of election posters on verges and lighting columns

The Returning Officer

Policy approved by The Highland Council on 16 December 2010
Policy confirmed by The Highland Council on 18 December 2014
Revised Contact details on 18 February 2016
Revised Contact details on 11 January 2021

www.highland.gov.uk



The Council's general policy on the display of election posters was originally confirmed by The Highland Council at its meeting on 16 December 2010. The policy will be issued to each election Candidate and Election Agent.

The Policy applies only to roadside verges in the direct ownership of The Highland Council.

Road safety is of paramount concern. The Council will permit the display of election posters on roadside verges and lighting columns within the Council area in connection with any election but only subject to the following conditions:

- Before posters are erected, the Chairman or Secretary of the relevant party association (or candidate if there is no such association) must request permission by email only to CEX.support@highland.gov.uk, for the attention of the Executive Chief Officer Infrastructure, Environment and Economy, that the association (or, where appropriate, the candidate) agrees to indemnify the Council against any damages as a result of the display of election posters. Associations (and candidates) must ensure that they are in a position to meet any successful claims in these respects.
- Posters must not be erected prior to the date of announcement of an election.
- Posters must not in any circumstances be located upon the central reserve of dual carriageways, refuge islands in the centre of roadways, traffic signal posts, control boxes or upon roundabouts.
- Posters must be located at the rear of any verge provision and in any case no closer than 1.5 metres to the running surface of any carriageway.
- Posters must not be located so as to interfere with the visibility required for persons emerging from side roads or private accesses.
- Posters must be so mounted that the poster and mount will not afford any resistance or damage to a vehicle coming into contact with them.
- Posters attached to lighting columns must be first fixed to card of adequate stiffness which in turn must be tied with string to the road lighting column. The



mounting height of the card must not be less than 2100 mm (7 ft) above the height of the adjoining footway.

- The area of any poster must not exceed 0.2 sq. m, and the maximum overall vertical or horizontal dimension must not exceed 500 mm.
- Posters, mounts and string must be removed within the 7 days following the election.
- For statutory reasons the Returning Officer cannot be involved in controlling the erection of election posters. Any questions or problems concerning this policy will be dealt with by the Executive Chief Officer Infrastructure, Environment and Economy.
- Except as stated above no permission is given for election posters to be displayed on any Council property.
- If candidates intend to erect Election Posters adjacent to a Trunk Road, please note that permission to erect posters should be sought from the company's representatives as follows:

BEAR Scotland Limited
BEAR House
Inveralmond Road
Perth PH1 3TW

Tel: 01738 448 600

Email: enquiries@bearsotland.co.uk

