

ELECTORAL POSTERS AND OTHER MATERIAL PLACED ON COUNCIL (HIGHWAY) ASSETS

Introduction

Conwy County Borough Council has powers to take action against those responsible for the above actions under the following legislation:-

- **The Highways Act 1980 (S.132)** - Currently anyone found guilty of an offence is liable to a fine of up to £1,000 and, in the case of a second offence, up to £2,500.
- **The Town and Country Planning Act 1990 (S.224)** - Any person contravening the legislation is liable on summary conviction to a fine (currently) not exceeding £2,500.
- **The Anti-social Behaviour Act 2003** - This Act empowers local authorities to issue a fly-posting removal notice on the owner of a relevant surface, and a fixed penalty notice where the offender can be identified.
- **The Clean Neighbourhoods and Environment Act 2005** - This Act sets the range of fines for a fixed penalty notice at £75 payable within 14 days, which can be reduced to £50 if paid within 7 days and makes it an offence to give a false name and address to an authorised officer proposing to issue such a notice. It also changes the defences available to companies benefiting from fly-posting.

At Elections

In the run-up to, and during the Parliamentary General Elections 2019, Conwy County Borough Council are seeking your co-operation and assistance in adhering to its policy of not placing election posters and materials on Council Assets e.g. on traffic signs, street lighting columns, railings around roundabouts and at pedestrian crossings etc.

Placing election posters and other materials on Council assets can result in relatively high costs for cleaning or subsequently replacing such assets, and the Council has resolved that it will take action against those persons responsible, where they can be clearly identified.

The Council will be vigilant, and where such practices do occur both within Highway Limits and on Highway Assets, then they will be dealt with in-line with Council Policy i.e. 24-hour notification to the identified political party, via the election agent, to have such material removed. Furthermore, where such posters and material are considered to be a nuisance and/or a danger, then action will be taken under Section 333 of the Highways Act 1980 i.e. immediate removal with no notification given.

We hope that all your assistants will bear in mind the danger and problems caused by attaching election posters as described, and trust that there will be no need for further action during the period of electioneering.