

## Election Advertising

### Guidance for Candidates

No doubt as part of your campaign for the forthcoming Election you will be considering placing posters and other election-related materials where the public can see them. The purpose of this note is to set out the County Council's position in its capacity as Highway Authority as to what is not permitted on Highway land /furniture/structures /trees and the action the Council will take and the consequences. This is distinct from the role of the Planning Authority (the local District Council) and their powers in connection with unlawful advertising.

As a preliminary, all persons involved in an election must follow the guidance provided by the Electoral Commission regarding any campaign. See in particular "Guidance for candidates and agents – The Campaign". The Guidance provides that **you must** comply with planning rules relating to advertising – if necessary you should ask your local Planning Authority for advice.

It should be further understood that in the period before the election the County Council must be seen to be neutral and not allow any of its land (highway or otherwise), highway furniture/structures /trees /facilities to be used to promote any political party.

In the context of this note 'highway' and 'highway land' means road pavement and verge as shown on the County Council's records as public highway.

Section 132 of the Highways Act 1980 makes it an offence for any sign to be erected within the limits of the highway or attached to any item of furniture structures/trees without the consent of the Highway Authority. It is also necessary to mention that, in addition to any fine the Court may impose on conviction in respect of the unauthorised placing of signs, any person(s) erecting such signs can also be liable for any injury incurred by any person as a result of a sign being there.

**This note confirms that the County Council does not give permission for the display or erection of election material/publicity anywhere within the highway or on any furniture/structure /tree.**

This approach will also be taken in the case of election material/publicity in relation to any individual, party or position.

**To be absolutely clear the restrictions in relation to highway includes:**

- the approaches to the junctions or on central reservations or on any other part of the highway where they can interfere with sight-lines and/or with other road safety issues;

- roundabouts or splitter islands;
- highway furniture/structures such as lighting columns, traffic lights and traffic signs;
- Any public footway/pavement or any highway verge.;
- Any vehicles/trailers displaying election material/publicity on any highway or highway land or in such a place as to cause a danger or nuisance to users of the highway.

**In the prohibited situations specified above and where the County Council considers that the election material/publicity is a danger to highway users it will use its powers including those under sections 132 and 149 of the Highways Act 1980 and**

- **Remove and dispose of any offending signs/vehicles/trailers without further notice and recover its reasonable expenses thereof and/or**
- **Charge for any repairs to highway land street furniture/structures and/or**
- **Consider whether to prosecute.**

**IN SEEKING TO RECOVER ITS EXPENSES/CHARGES THE COUNTY COUNCIL WILL PURSUE THE COST OF REMOVAL, DISPOSAL AND CHARGE FOR REPAIRS FROM ANY PERSON FOUND TO BE ERECTING THE SIGN(S)/MATERIAL IN QUESTION, WHETHER THIS IS THE CANDIDATE, THE CANDIDATE'S AGENT OR POLITICAL PARTY THAT IS THE SUBJECT OF THE SIGN/MATERIAL AS THE CASE MAY BE.**

Please ensure that this guidance is followed. Your-co-operation in doing so will be most appreciated.

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