

Ballincollig Carrigaline Municipal District Meeting on 15th May 2017

To: Chairperson and Each Member of the Municipal District

I refer to the following Notice of Motion from which is on the Agenda for the meeting of the Municipal District on the 15th May 2017.

Cllr D O' Donnabhain:

“That this Municipal District would call on Cork County Council to introduce bye-laws preventing the placement of election posters in public areas.”

Report:

The requirements for election posters are set out under Section 19 of the Litter Pollution Act 1997 and the Electoral (Amendment) (No 2) Act 2009.

Posters may only be erected for a certain specified time period before an election. This time period is either (a) 30 days before the poll date or (b) from the date the polling day order for the election has been made, whichever provides the shorter period of time. Posters (including the plastic cable ties) must be removed within 7 days of polling day.

The power to make Bye-Laws is under The Local Government Act 2001. Section 199, Section 2 (b) below is the relevant provision.

199.—(1) Subject to *subsection (7)*, a local authority may make a bye-law for or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of the local authority, whether within or without its functional area or in relation to any connected matter.

(2) (a) Subject to this subsection and *subsection (7)*, a local authority may make a bye-law where in its opinion it is desirable in the interests of the common good of the local community—

(i) that any activity or other matter should be regulated or controlled by bye-law,
or

(ii) that any nuisance should be controlled or suppressed by bye-law.

(b) A bye-law may not be made under this subsection for a purpose as respects which provision for that particular purpose is made by or under any other enactment or may be made under such enactment.

Accordingly the Council does not have the authority to make bye-laws as proposed.

Kevin O' Regan
Municipal District Officer

15th May 2017