



**Report to the Planning & Urban Form  
Strategic Policy Committee November 2023.  
No. 4 on the Agenda**

**Motion from Councillor Janet Horner regarding Banners**

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**This planning and urban form SPC will write to the Minister for Housing, Local Government and Heritage to ask him to immediately address the loophole being exploited by betting shops, whereby they erect banners in front of their premises to encourage gambling during sports tournaments which they don't have planning permission for, without risk of penalty as the planning enforcement rules give them 4 weeks to comply with any orders given, by which time the sports tournament will be over. This is an exploitation of planning rules and of vulnerable people often in marginalised communities and needs to be immediately addressed through planning legislation rather than being kicked to touch with the Gambling Regulatory Authority. This is in line with policy CCUV46 in the city Development Plan.**

**Report**

The Planning Enforcement statutory provisions are contained in Part 8 of the Planning and Development Act 2000 (as amended). The general provisions require that where it comes to the attention of a planning authority that unauthorised development may be taking place that a Warning Letter be issued on the owner/occupier/operator of the premises concerned pursuant to Section 152 of the Planning and Development Act 2000 (as amended). The letters concerned outlines the nature of the alleged unauthorised development and permits a 4 week period from the date of service of the letter for a submission from the party/parties it has been served upon. Following the expiry of the four week period an inspection is carried out by the Planning Enforcement Officer for the area and a recommended course of action is made at that time. The purpose of these timeframes is to allow for a reasonable opportunity for a person carrying out development to remedy the situation or to make a case in writing that the development concerned is development that does not require planning permission. These timeframes are generally considered to be reasonable and equitable timeframes should the matter require further action to resolve.

There are two provisions that can be utilised to expedite this process. A planning authority can issue an enforcement notice in cases of urgency pursuant to Section 155 of the Planning and Development Act 2000 “Where, in the opinion of the planning authority, due to the nature of an unauthorised development and to any other material considerations, it is necessary to take urgent action with regard to the unauthorised development, notwithstanding Sections 152 and 153 , it may serve an enforcement notice under section 154”.

The other provision of the Act that can be utilised is to go for a straight prosecution to the District Court for an offence pursuant to Section 151 of the Planning and Development Act 2000. Section 151 of the act states “Any person who has carried out or is carrying out unauthorised development shall be guilty of an offence”.

As outlined above there is legislation that can be utilised to pursue the banners concerned where they come to the attention of Dublin City Council’s Planning Enforcement Section.

By way of background the Planning Enforcement Section of Dublin City Council receives in excess of 1500 complaints a year relating to individual locations that alleged unauthorised developments has/is taking place. At any given time there are 2500 live enforcement files being investigated that are at different stages of action. This includes approximately 50 cases at any given time before the courts. Having regard to the huge volume of work before the planning enforcement section it would be very difficult to prioritise advertising banners in circumstances where they are being removed within the four week period following the issuing of warning letters. While the provisions exist to take action within a shorter period of time, the Planning Authority has to satisfy itself and subsequently the courts that there is urgent action required in respect of the matter concerned. Failure by the Planning Authority to convince a court of this will likely lead to a loss of the court case concerned and costs being awarded against us. While there is a possible moral issue for some people at play here relating to advertising gambling services that in itself may not be sufficient to establish urgency from a planning and legal perspective. I have discussed this matter with the current Planning Enforcement Manager and we have agreed that we will go straight to legal action in respect of the next suitable case that comes before Dublin City Council relating to a banner erected on a betting shop advertising betting services. Following the outcome of this case we can then consider amending our current protocols in the future relating to such matters subject to resourcing and priorities before the planning enforcement section at any given time.

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