

Guidance on the Distribution of Free Printed Matter

These guidance notes relate to the decision by the City Council to designate land under the provisions below from 15 September 2008.

Section 94B and Schedule 3A of the Environmental Protection Act 1990 contains powers (brought in by the Clean Neighbourhoods and Environment Act 2005) for councils to control the free distribution of printed matter where areas are being defaced from time to time with litter arising from such activities.

The Council may determine that a consent is required to distribute free printed matter on designated land which it owns or which is part of the highway, and which is being defaced by free printed matter. Any person who distributes free printed matter on such land or causes another person to do so commits an offence.

A map showing the area proposed to be designated can be viewed on the Council's website – www.leicester.gov.uk/licensing

“Free printed matter” includes any newspaper, document, card, leaflet, pamphlet, sticker or other literature for which no charge is made to the recipient. “Free” means to distribute without charge to the person(s) to whom it is distributed.

“Distribute” means to give out to, or offer or make it available to, members of the public and includes placing it on or affixing it to vehicles, but does not include putting it inside a building or letterbox. Distribution that takes place inside a public service vehicle is also excluded, but the provisions will apply to material distributed to the public from a vehicle onto designated land.

The Act gives the Council the power to attach conditions to any consent given to any person to distribute free literature. These conditions will be specified in any consent given.

Any person who distributes free printed matter in a designated place without the consent of the Council is liable on summary conviction to a fine not exceeding level 4 on the standard scale (currently £2,500 maximum). An offence is also committed if someone ‘causes’ another person to distribute free printed matter in a designated area without consent.

Offenders may be issued with a Fixed Penalty Notice as an alternative to prosecution; the default sum has been set at £80. An authorised officer of the Council may also seize any supply of free printed matter which is being distributed without consent. The material may be reclaimed by the owner by way of application to a Magistrates Court.

The City Council may refuse to issue or revoke consent. The Council's policy will be that there will be a presumption against granting a consent to an entertainment venue.

Any person aggrieved by a decision of the Council to refuse or revoke any consent or to any conditions attached to consent may appeal to the Magistrates Court.

Consents are not required where the distribution of free printed matter is undertaken by or on behalf of a charity (within the meaning of the Charities Act 1993) or where the distribution is for political purposes or for the purposes of a religion or belief.

11. Application forms for a consent may be obtained via the Council's website: www.leicester.gov.uk/licensing or by contacting the Licensing Section on (0116) 4543040.

Fees

Application fee of £110 plus a fee of £30 per authorised distributor per day for limited period consents,

Application fee of £110 plus a fixed fee of £1251 and a fee of £30 per authorised distributor for annual consents,

Standard Conditions for Consents

All staff engaged in the distribution of free printed matter must wear so that it is clearly visible an authorisation badge issued by the City Council.

Authorisation badges shall be produced on demand to an officer of the Council or a Police Constable.

No free printed matter shall be left unattended by staff for the general public to pick up themselves

The area within 100 metres of any distribution point is to be cleansed by the consent holder of any litter caused by the matter being distributed.

The free printed matter must bear the name and address of the consent holder who is responsible for its distribution.