

Leicester
City Council

WARDS AFFECTED
Castle Ward

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Overview And Scrutiny Management Board
Cabinet

10 April 2008

21 April 2008

Control of the Distribution of Free Printed Matter

Report of the Corporate Director, Regeneration and Culture

1 Purpose of Report

- 1.1 To obtain Cabinet's approval to make an order to designate land within the inner ring road as an area for which consent is required to distribute free printed matter.

2 Summary

- 2.1 The Clean Neighbourhoods and Environment Act 2005 amends the Environmental Protection Act 1990 to give local authorities power to designate land on which consent is needed to distribute free printed material. Designated land must either be a highway or owned by the local authority. Distribution or causing another person to distribute without consent then becomes an offence subject to a fixed penalty notice. Authorised officers may also seize any printed material found.

- 2.2 Evidence of defacement of various streets in the City Centre by discarded free printed material has been gathered by the Environmental Crime Team. These are:

- Bede Park
- Belgrave Gate
- Belvoir Street
- Belgrave Road
- Bishop Street
- Bonners Lane
- Bowling Green Street
- Charles Street
- Cheapside
- Churchgate
- Deacon Street
- Eastgates
- Every Street
- Gallowtree Gate
- Gosling Street
- Granby Street
- Grange Lane
- Gravel Street
- Grasmere Street
- Gray Street
- Halford Street
- Havelock Street
- Haymarket
- Henshaw Street

- High Street
- Horsefair Street
- Hotel Street
- Humberstone Gate
- Jarrom Street
- King Street
- Mansfield Street
- Market Place
- Market Place South
- Market Street
- Mayors Walk
- Mill Lane
- Millstone Lane
- New Walk
- Newarke Street
- Newarke Close
- St Martins Square
- St Nicholas Place
- Sandiacre Street
- Silver Street
- Richmond Street
- The Newarke
- University Road
- Western Boulevard

2.3 Free printed material is a significant contributor to City Centre litter. A recent examination of the sweepings from City Centre on the morning of 10 February 2008 indicated that the largest single category of identifiable items were advertising flyers. As might be expected, discarded smoking material and food and drink packaging were the other significant categories identified. Overall four sweeper loads of litter, each weighing around half a tonne were collected. This does not include any rubbish from litter bins or put out for collection. Appendix 1 shows photographs of typical defacement and litter collected by street sweepers.

2.4 Restricting the distribution of free printed material is one arm of a strategy aimed at reducing the amount of litter deposited in the City Centre. The strategy ties in with the government's cleaner, greener agenda and complements the Leicester Partnership's 25 year vision to transform Leicester into Britain's sustainable city. The other arms of this strategy are:

- Using street litter control notices which require the occupiers of specified premises (including take-aways and licensed premises) to prevent or remove litter in the vicinity of their premises;
- Patrols by City Wardens to deal with people who drop litter; and
- Increased education and publicity to encourage people to dispose of rubbish responsibly.

2.5 In view of the evidence of widespread defacement of parts of the City by discarded printed material, it is proposed to designate the whole City Centre and streets around the Universities for the purposes of Schedule 3A of the Environmental Protection Act 1990. A map showing the area proposed to be designated is shown in Appendix 2.

2.6 The procedure for designation requires notice of at least 28 days of the intention to make a designation to be placed in a newspaper and on the streets. Any

representations need to be considered, followed by a further notice of at least 14 days. Therefore it is proposed that, subject to any representations made, delegated power is given to the Corporate Director for Regeneration and Culture, in consultation with the Cabinet Member for Environment and Sustainability, to make an order designating the land.

- 2.7 The main aim of designating a consent area is to control the distribution of printed material which causes defacement. In the case of Leicester this is mainly fliers relating to entertainment venues. However, once designated the requirement for a consent applies to all free printed matter, apart from material for charitable, religious and political purposes is exempt from the controls. This means that free newspapers such as the *'Metro'*, would be included.
- 2.8 There will be a general presumption against granting consents for distributing free printed material relating to entertainment venues, but anyone who wishes to apply for a consent may provide information to Licensing Committee about why they should be granted a consent. It is proposed to allow applications for limited period or annual consents. For limited period consents, it is proposed to charge an application fee of £100 and plus a fee of £25 per authorised distributor per day if a consent is granted. For annual consents the proposed fee is £100 per application plus £1000 and £25 per authorised distributor if granted.
- 2.9 Conditions may be attached to consents. It is proposed to attach the conditions set out in Appendix 3, which mainly related to distributors wearing authorisation badges and a requirement to clean the area around distribution points.
- 2.10 Enforcement of the provisions would be undertaken by Licensing Enforcement Officers, City Wardens and Envirocrime Officers. Action will include the use of fixed penalty notices against individuals and companies involved in distributing printed matter without a consent. The amount of the fixed penalty was set by Cabinet on 30 October 2006 at £80.

3. Recommendations

- 3.1 Cabinet is asked to give delegated power to the Corporate Director for Regeneration and Culture to approve the designation by order of all land which is part of a highway or which it owns, within the inner ring road and within 100 meters of streets around Leicester University and De Montfort University as identified in Paragraph 2.2 above and shown on the map at Appendix 2 below, for the purposes of Paragraph 2 of Schedule 3A of the Environmental Protection Act 1990.
- 3.2 Cabinet is asked to approve a general policy of not granting consents under Paragraph 3 of Schedule 3A of the Environmental Protection Act 1990 to entertainment venues, but to give delegated power to Licensing Committee to decide whether applications for particular consents should be granted.
- 3.3 Cabinet is asked to approve an application fee as set out in Paragraph 2.8.
- 3.4 Cabinet is asked to approve the conditions for consents shown in Appendix 3.

- 3.5 Overview and Scrutiny Management Board is recommended to provide comments on the report for consideration by Cabinet.

4. Financial Implications

- 4.1 There are no significant financial implications arising from this report. There is an assumption that any additional administration costs can be absorbed within existing resources and by any additional income generated. The enforcement of this will be carried out by existing resources within the Environmental Service Division.

Martin Judson, Head of Finance, extension 297390

5. Legal Implications

- 5.1 Section 23 of the Clean Neighbourhood and Environment Act 2005 amends the Environment Protection Act 1990 inserting Section 94B and Schedule 3A making it an offence to distribute commission or pay for the distribution of free printed matter without the Council's consent in a designated area. Material distributed for charitable, religious and political purposes is exempted from the offence. The offence does not extend to putting literature inside a building or letter-box, nor does it apply where the distribution takes place entirely within a public service vehicle, such as a bus or coach.
- 5.2 The Council may make an order to designate areas where this offence will apply. However, they must be satisfied that the area in question is being defaced by the discarding of free printed matter. The Act sets out the procedure and requirements for achieving designation, including public notification, consideration of objections and timing of designation.
- 5.3 The Council may issue consents for the distribution of free literature in a designated area. This includes provisions allowing an authority to impose conditions on the consent to prevent defacement and ensure enforcement, to refuse consent in certain circumstances, and to revoke consent. The consent may also specify that others can also distribute the material in accordance with that consent, for example, a distributor, an individual or the employees of the applicant. Local authorities can charge a fee, within the confines of overall cost recovery for this.
- 5.4 An authorised officer can also seize the material when it appears to them that an offence is being committed. A person claiming ownership of the literature may apply to the magistrates' court requesting the return of this material.
- 5.5 Offences are punishable by a FPN, with the amount currently set by the Council at £80.
- 5.6 These provisions are likely to provide an important means of tackling the current problems arising from the distribution of printed matter in the city centre, particularly club and bar "flyers" distributed at night.

Jamie Guazzaroni - Legal Services, extension 296350

6. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	Yes	Section 2
Crime and Disorder	Yes	Section 2
Human Rights Act	No	
Elderly/People on Low Income	No	

7. Background Papers – Local Government Act 1972

Report to Cabinet 30 October 2006 - Clean Neighbourhoods and Environment Act 2005

8. Consultations

Finance
Legal Services

9. Report Author

Mike Broster – Head of Licensing and Pollution Control
Ext. 296408

Decision Status

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

Sweeper Contents



Belvoir Street



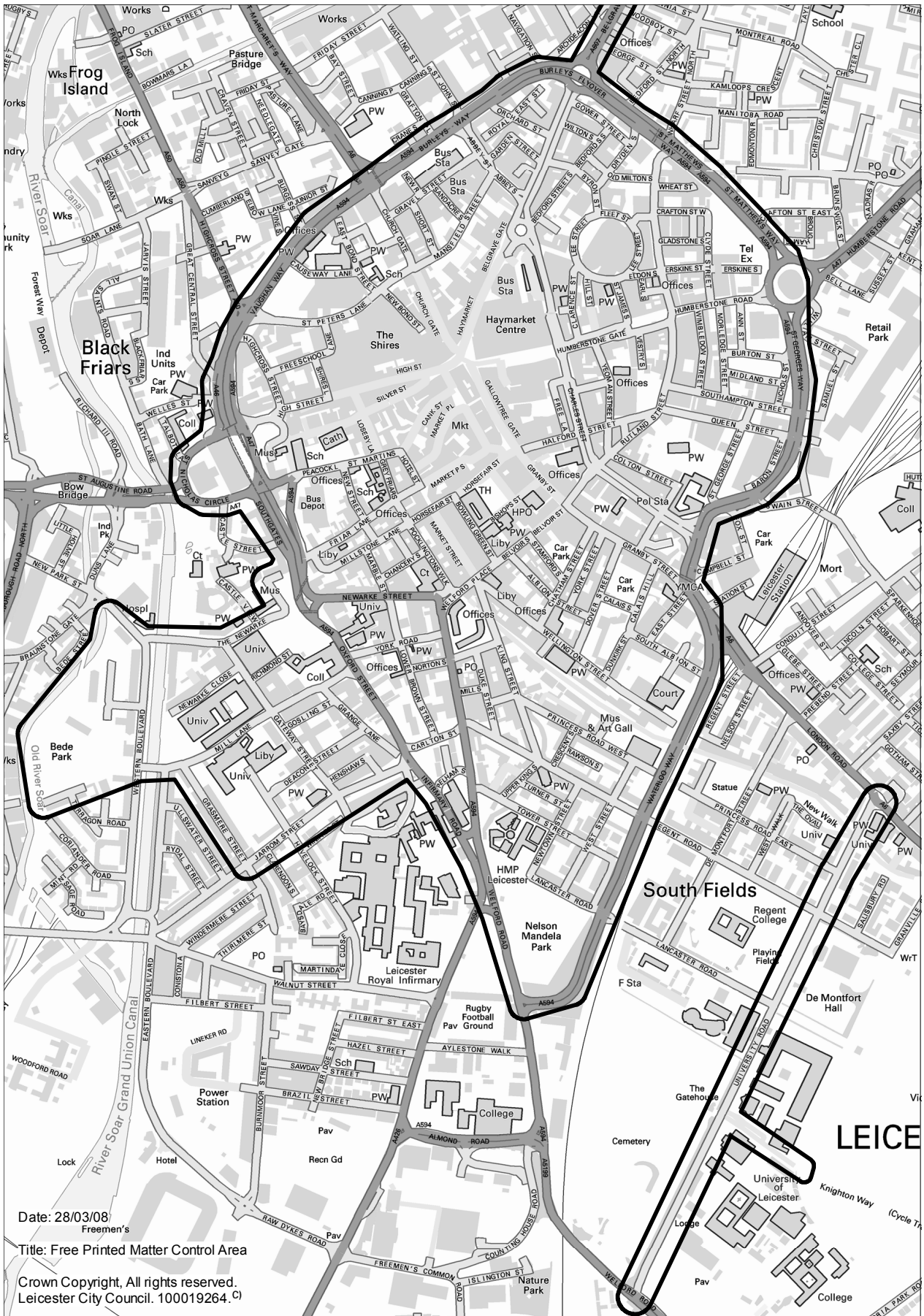
Churchgate



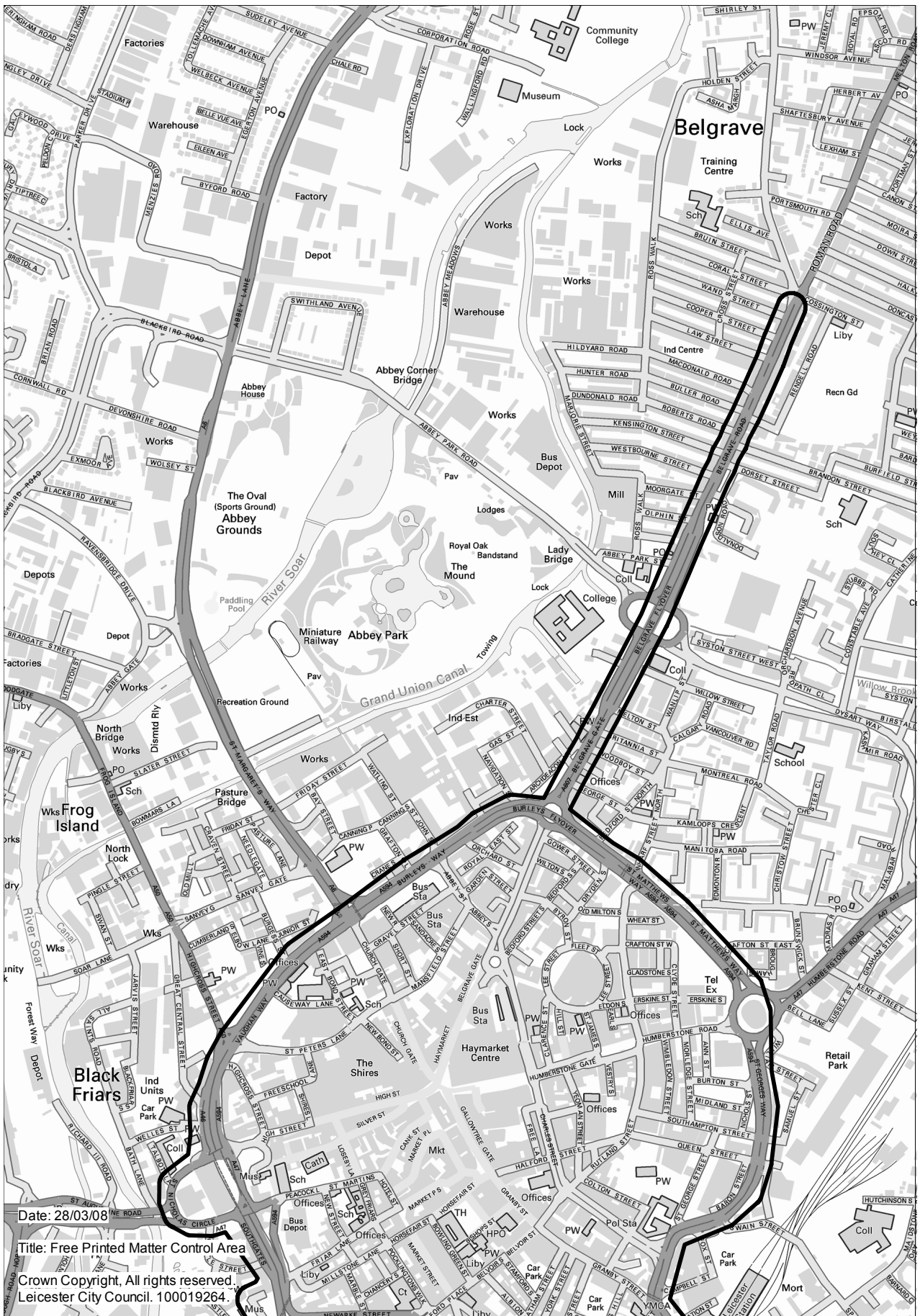
Eastgates



Map Showing Proposed Consent Area for Distribution of Free Printed Matter



Date: 28/03/08
Freemen's
Title: Free Printed Matter Control Area
Crown Copyright. All rights reserved.
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Date: 28/03/08

Title: Free Printed Matter Control Area

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**Conditions of Consents Granted under Paragraph 3 of Schedule 3A –
Environmental Protection Act 1990**

1. 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.
2. Authorisation badges shall be produced on demand to an officer of the Council or a Police Constable.
3. No free printed matter shall be left unattended by staff for the general public to pick up themselves
4. 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.
5. The free printed matter must bear the name and address of the consent holder who is responsible for its distribution.