



Committee and Date

Strategic Licensing  
Committee

13<sup>th</sup> June 2012

Item

10

Public

**The Clean Neighbourhoods and Environment Act 2005  
Distribution of Free Printed Matter**

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**1.0 Summary**

- 1.1 The purpose of this report is to consider the introduction of orders to control the distribution of free literature within Shropshire market towns.
- 1.2 The Clean Neighbourhoods and Environment Act 2005 gives powers to local authorities to designate, by order, areas of land or highway, in which the distribution of free literature is permitted only with their consent. The introduction of an order would mean that anyone distributing free literature in such an area without consent commits an offence.
- 1.3 Land can only be designated if the authority is satisfied that the discarding of free literature is causing its defacement.
- 1.4 Literature distributed 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 purpose of a religion or belief, is exempt.
- 1.5 Shrewsbury town centre is currently covered by such an order, attached at appendix one.
- 1.6 Strategic Licensing committee, at its meeting on 08 June 2011 agreed to seek the views of interested parties including town councils to determine whether any other areas within Shropshire would benefit from the introduction of an order. It was also agreed as part of that consultation to assess whether town councils would be willing to adopt orders themselves.

**2. Recommendations**

- 2.1 That the introduction of additional orders to control the distribution of free printed matter not be progressed.
- 2.2 That Shropshire Council continue to administer the Control of Distribution of Free Literature (Shrewsbury & Atcham Borough Council) Order 2007.

**3. Risk Assessment and Opportunities Appraisal**

- 3.1 Orders can only be introduced if the authority considers that there is a problem with discarded literature. Town councils and street scene managers do not consider that there is a requirement for additional orders to control this activity, as such there are no risks associated with this report.

**4. Financial Implications**

- 4.1 The revoking of the existing order would result in a loss of income.

## REPORT

### 5.0 Background

5.1 The purpose of this report is to consider the introduction of orders to control the distribution of free literature within Shropshire's market towns.

5.2 One of the contributory factors to litter within town centres is the act by many companies, local and otherwise, of handing out of fliers, vouchers, leaflets and like matter. Although the majority of the public act in a responsible manner regarding the disposal of this literature, a number do not, and this results in litter lying on the floor which the Council then have a responsibility to clean up. The introduction of such an order would enable the Council to control the distribution of free printed matter by the issuing of licences with conditions attached, which would place a responsibility on the distributors to keep the surrounding area free from their litter.

### 6.0 Legislation

6.1 The Clean Neighbourhoods and Environment Act 2005 gives powers to local authorities to designate, by order, areas of land or highway, in which the distribution of free literature is permitted only with their consent. The introduction of an order would mean that anyone distributing free literature in such an area without consent commits an offence. Literature distributed 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 purpose of a religion or belief, are exempt.

6.2 Land can only be designated if the authority is satisfied that the discarding of free literature is causing its defacement.

6.3 The Control of Distribution of Free Literature (Shrewsbury & Atcham Borough Council) Order 2007 covers Shrewsbury town centre.

### 7.0 Income and expenditure

7.1 The penalty for committing an offence punishable by a fine of up to level 4 on the standard scale (currently £2,500) or alternatively, the opportunity to pay a fixed penalty may be offered in place of prosecution. Fixed penalties would be £50, if paid within 14 days or £80 if paid within 28 days.

7.2 Signage and advertisement costs would be incurred should new orders be introduced; this will amount to approximately £600. Administration would be through the licensing team and enforcement would be carried out by authorised officers of the Council.

7.3 The Council currently charge £27 for a weekly permit, £81 for a monthly permit and £271 for an annual permit. Income generated in the 2011/2012 financial year amounted to £595, a total of 12 weekly and 1 annual permit applications were received.

### 8.0 Consultation

- 8.1 Consultation has now taken place with Shropshire Council's environmental maintenance service manager and town councils.
- 8.2 The environmental maintenance service manager reported that there were occasions when leafleting had caused minor problems but had not been raised as a particular issue by the Council's Street Scene managers. He considered that the existing order that covers Shrewsbury should remain and orders could be advantageous in larger market towns (Oswestry, Bridgnorth, Ludlow, Market Drayton and Whitchurch) if town councils considered them necessary.
- 8.3 Responses have been received from Wem, Ellesmere, Market Drayton, Oswestry, Bishops Castle, Ludlow, Bridgnorth, Craven Arms and Church Stretton town councils. All stated that they do not have a particular problem with the distribution of leaflets within town centres. However some stated that they do have problems with other litter, particularly from late night takeaway establishments. There was no expression of interest in town councils wanting to introduce their own orders.
- 8.4 With regard to the existing order for Shrewsbury, the Town Clerk requested that it remain in place at the current time, with a view to reviewing it at a later date.
- 8.5 If it is considered that new orders be introduced, the Council would be required to carry out consultation by way of a notice in the public notices section of the local press and notices would need to be displayed within the area to be covered by a proposed order. The Council would also need to consult with appropriate parish or town councils.
- 8.6 All representations would need to be considered prior to any order being made.
- 8.7 Schemes should be fair and simple to administer. Consideration should be given to smaller local businesses who may wish to hand out free printed matter as a 'one off' (for example, to announce the opening of a new shop), as well as giving companies the flexibility to operate more frequently. The Council's current charging structure enables an applicant to choose between a weekly, monthly or annual permit.
- 9.0 Officer Recommendation**
- 9.1 That the Council continue to administer the existing order for Shrewsbury Town Council, but do not introduce additional orders at this stage.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Section 94B of Schedule 3A to, the Environmental Protection Act 1990, as inserted by the Clean Neighbourhoods and Environment Act 2005.

The Control of Distribution of Free Literature (Shrewsbury & Atcham Borough Council) Order 2007.

Consultation responses received

**Human Rights Act Appraisal**

The Committee is required to consider the consequences any recommendation on

the applicant's human rights.

**Environmental Appraisal**

Introduction of orders will place a duty on persons handing out free printed matter to ensure that any discarded litter be removed.

**Risk Management Appraisal**

No risks identified.

**Community / Consultations Appraisal**

Consultation with Shropshire town councils, Shropshire Council environmental maintenance service manager and street scene managers.

**Cabinet Member**

Councillor Charmley

**Local Member**

All members responsible for town centre areas.

**Appendices** Appendix one – The Control of Distribution of Free Literature (Shrewsbury & Atcham Borough Council) Order 2007.