



Committee and date  
Strategic Licensing  
Committee

8<sup>th</sup> June 2011

Item No

7

Public

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

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### **Purpose of Report**

To consider the introduction of orders to control the distribution of free literature within Shropshire market towns.

### **Summary**

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 will mean that anyone distributing free literature in such an area without consent commits an offence.

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

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.

Shrewsbury town centre is covered by such an order, attached at Appendix 1.

### **Recommendation**

- A That Committee resolve that a consultation shall take place, to obtain the views of interested parties including parish and town councils, to determine whether there are any areas where the introduction of Orders to control the distribution of free printed matter would be beneficial.

## **REPORT**

### **1.0 Purpose of Report**

- 1.1 To consider the introduction of orders to control the distribution of free literature within Shropshire's market towns.
- 1.2 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. This occurs on an almost daily basis, and 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 litter.

### **2.0 Policy**

- 2.1 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 will mean that anyone distributing free literature in such an area without consent commits an offence.
- 2.2 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.
- 2.3 Land can only be designated if the authority is satisfied that the discarding of free literature is causing its defacement.
- 2.4 The Control of Distribution of Free Literature (Shrewsbury & Atcham Borough Council) Order 2007 covers Shrewsbury town centre.

### **3.0 Finance**

- 3.1 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.
- 3.2 Signage and advertisement costs would be incurred should new Orders be introduced, this will amount to approximately £600 per Order. Enforcement would be carried out by authorised officers of the Council, and potentially West Mercia Police.
- 3.3 The application process would be administered through the Council's Licensing section with the costs of administration being met through a permit scheme.
- 3.4 The Council currently charge £27 for a weekly permit, £81 for a monthly permit and £271 for an annual permit. Income generated in the 2010/2011 financial year amounted to £3,300, a total of 18 applications were received.

**4.0 Consultations**

- 4.1 Prior to the introduction of an order, 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.
- 4.2 All representations would need to be considered prior to any order being made.
- 4.3 A scheme 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 the between a weekly, monthly or annual permit.

**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.

**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 reduce litter

**Risk Management Appraisal**

Not applicable.

**Community / Consultations Appraisal**

Site notices, public notices in local press, parish/town councils

**Cabinet Member**

Councillor Charmley

**Local Member**

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