

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 5th October 2011

CONTACT OFFICER: Michael Sims – Licensing Manager
(For all Enquiries) (01753) 477387
Patrick Kelleher – Assistant Director Public Protection

WARD(S): ALL

PART I **FOR DECISION**

REGULATION OF DISTRIBUTION OF FREE PRINTED MATTER

1. **Purpose of Report**

For the Licensing Committee to consider approval in principle for the introduction of controls and regulations regarding the distribution of free printed matter in designated areas of the borough under section 94B and Schedule 3A of the Environmental Protection Act 1990, the advertisement of the details of the controls proposed as required by the Act and for formal consultation to be conducted. The designated areas would cover Slough Town Centre, Farnham Road, Chalvey and Langley.

2. **Recommendation**

The Committee to approve the proposals to regulate the distribution of free printed matter, for the advertisement to be published and to authorise a formal consultation to be conducted.

3. **Community Strategy Priorities–**

- **Being Safe, Feeling Safe**
- **A Cleaner, Greener place to live, Work and Play**
- **Prosperity for All**

4. **Other Implications**

(a) **Financial**

It is proposed that a nominal charge of £25 shall be applied to each application for a consent. This charge is to cover the costs of accepting and processing each application.

Each consent will cover a period of 8 hours, after which, the applicant will need to reapply. Each application can be made for one designated area only.

Additional permissions for other designated areas shall also be charged at £25.00.

(b) **Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
From section 2 above	The approval of the proposals to regulate distribution of free printed matter would reduce the amount of waste printed material currently left in the areas around Slough.	All persons or organisation wanting to distribute free printed matter will need to apply for a consent and will be responsible for removing any left over litter once the activity has ceased. Any persons distributing free printed matter without a consent will be doing so illegally.

(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Part 1 and 11 of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to a peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal by law.

(c) Equalities Impact Assessment

An Equality Impact Assessment screening has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for any equality group or for any reason.

5. Supporting Information

- 5.1 The Environmental Protection Act 1990 Section 94B and Schedule 3A authorises the 'Principle Litter Authority' i.e. Slough Borough Council to introduce controls and regulations regarding the distribution of free printed matter in designated areas.
- 5.2 The distribution of free printed literature can create blight on our public spaces. Often, the leaflets and other printed materials that are handed out are dropped by recipients as litter. This mostly occurs within a short distance of the point of distribution. These flyers are not always collected by the distributor, thus creating an increased level of litter.
- 5.3 Current littering legislation enables the Authorised Officers to serve a Fixed Penalty Notice on those who drop litter; however the Council currently does not have powers to control distribution activities.
- 5.4 Powers under section 94B read in conjunction with Schedule 3A of the Environmental Protection Act 1990 enables the Council as a 'Principal Litter Authority' to designate certain streets and/or areas of land within Slough Borough Council where the distribution of free printed literature is prohibited without prior

consent and under set conditions. These areas, in essence, must only be land which the Council is responsible for.

5.5 It is proposed that the areas of land as detailed and as outlined **Appendices A to D** of the report are to be designated.

- Slough Town Centre
- Farnham Road
- Chalvey
- Langley

5.6 The draft proposed 'Consent Terms and Conditions' are attached at **Appendix E**.

5.7 In order to implement this legislation, a 3 stage process needs to be followed which involves:

1. Advertising and Consultation of the Council's intention to amend the manner in which free literature may be distributed in areas specified in the notice;
2. Consideration of any responses received during the consultation or as a result of the advertisement;
3. Notifying and advertising the final decision with regard to the proposals.

5.8 Items 2 and 3 above will be the subject of a further report to the Licensing Committee which will outline the outcome of the consultation with an opportunity for the Committee to make a final decision with regard to the proposals and to make a recommendation for formal resolution by Full Council.

6. Consultation on the proposal

6.1 Initial comments in support of the proposals have been received from officers of the Neighbourhood Enforcement Team for measures to control the distribution of free printed matter to be adopted.

6.2 All views from the consultation will be carefully considered as part of the wider consultation process which will be reported back to the Licensing Committee for a final decision. In addition to the required wider public consultation, officers will consult with the following:

- Thames Valley Police
- Ward Members (in all areas where controls are proposed)
- Relevant Council Service areas, including Transport, Highways, Waste Management and the Neighbourhood Enforcement Team.

Consultation documents will also be available via the Councils web pages.

6.3 The Committee are also advised that if adopted, the Council is entitled to charge a reasonable fee for the distribution of free literature. This fee may take into account consultation and administration costs for the scheme.

6.4 Free printed matter distributed on or behalf of a Charity or where the distribution is for political purposes or for the purpose of a religion or belief, are exempt under the Act.

7. **Comments of Other Committees**

None

8. **Conclusion**

The Committee to approve the proposals to regulate the distribution of free printed matter, for the advertisement to be published and to authorise a formal consultation to be conducted.

8. **Appendices Attached**

- 'A' - Map of designated area for Slough town centre
- 'B' - Map of designated area for Farnham Road
- 'C' - Map of designated area for Chalvey
- 'D' - Map of designated area for Langley.
- 'E' - Draft 'Consent Terms and Conditions'

9. **Background Papers**

- '1' - Section 94B and Schedule 3A of the Environmental Protection Act 1990.