

DISTRIBUTION OF PRINTED MATTER CONSENT TERMS AND CONDITIONS

Distribution of Printed Matter Regulations

Proposed to be effective from xxxxxxxxxxxx

Made by Slough Borough Council

Pursuant to Environmental Protection Act 1990 section 94B
Schedule 3A

The Consents and Conditions came into force on xxxxxxxxxxxx.

1. DEFINITIONS

In the Consents and Conditions, unless the context otherwise requires, the following expressions shall have the following meanings:

- 1.1 **“Act”** means Environmental Protection Act 1990 section 94B Schedule 3A
- 1.2 **“Authorised Officer”** means an officer of the Neighbourhood Enforcement Team or Licensing Team duly authorised as required by the Act.
- 1.3 **“Charity”** has the meaning of the Charities Act 1993, where the printed matter relates to or is intended for the benefit of the charity.
- 1.4 **“Consent”** means permission granted by the Council to distribute free literature in a designated area.
- 1.5 **“Distribution”** means to give it out, 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.
- 1.6 **“Designated Land”** means (a) relevant land of the authority; (b) all or part of any relevant highway for which the authority is responsible; or (c) both (see attached plans showing designated land).
- 1.7 **“Fee”** means the cost of obtaining consent from the Council.
- 1.8 **“Free”** means if distributed without charge to the persons to whom it is distributed.
- 1.9 **“Highway”** means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership.
- 1.10 **“Literature”** includes advertising, promotional or other such printed matter or materials.
- 1.11 **“Litter”** has the meaning of material discarded as a result of the distribution of free literature.
- 1.12 **“Principal Litter Authority”** means ‘Slough Borough Council’.
- 1.13 **“Regulations”** refers to the contents of this document.
- 1.14 **“The Council”** means ‘Slough Borough Council’.

CONDITIONS APPLICABLE TO ALL CONSENTS DISTRIBUTION OF PRINTED MATTER

- 2.1 Distributors wishing to hand out free literature within restricted areas shall be restricted to two distributors per event to minimise the impact on the local environment and the defacement of the designated areas.
- 2.2 Distributing companies shall only delegate two distributors to distribute their literature in a designated area, on the approved date and between the approved times.
- 2.3 Consent cannot be granted if:
 - i) The applicant is unsuitable by reason of misconduct
 - ii) The applicant has within the last five years been convicted of any offence under Paragraph 1 of the Schedule 3A – distributing any free printed matter where no consent has been granted
 - iii) Consent has already been given to distribute literature in the area and at the time applied for;

- iv) There is a risk of danger or unreasonable inconvenience to users of highways
- 2.4 Distributions shall only take place between the hours of 07:00 hours and 15:00 hours and shall take place for no more than three hours during this period, either continuously or intermittently.
- 2.5 No consent will be given for the distribution of the following types of literature:
- * Racist, sexist or offensive material or literature encouraging criminal behaviour.
 - * Literature that promotes the irresponsible use of alcohol (e.g. 'happy hour advertisements', 'money-off' offers').
 - * The Council need not give consent where it is considered that the proposed distribution of free literature is likely to lead to the defacement of the designated area.
- 2.6 All staff engaged in the distribution of free literature shall be in possession of a current consent that has been issued by the Council whilst undertaking or supporting distribution activities.
- 2.7 All staff engaged in the distribution of free literature shall produce, on demand of an Authorised Officer, their consent to distribute within the area they are operating.
- 2.8 No free literature shall be left at any place on the Highway to facilitate the general public to take the literature at their discretion unless by prior agreement by the Council.
- 2.9 All literature shall bear the name and address of the consent holder who is responsible for the distributing the literature unless an agreement has been reached prior to distribution with the Council as part of the application process.
- 2.10 All staff distributing free literature should clear the area (within 25 meters of the allotted point) at the end of the distribution period of all dropped literature and remove the literature for correct disposal. Every effort should be made to recycle all dropped literature.
- 2.11 All staff distributing free literature should remove, at any time, any literature from the Public Highway on demand of an Authorised Officer where it is safe to do so.
- 2.12 Consent may be revoked if any of the above conditions are contravened.
- 2.13 Distributors/consent holders should ensure that staff employed in the distribution of free literature have not received a fixed penalty notice under the Environmental Protection Act 1990 section 88 (littering) or Environmental Protection Act 1990 Schedule 3A (unauthorised distribution of free literature). The consent holder may face cancellation of their consent if they do not comply with this requirement.
- 2.14 Consent shall not be given to an applicant that has been subject to prosecution under Environmental Protection Act 1990 section 88 (littering) or Environmental Protection Act 1990 Schedule 3A.
- 2.15 Applications for consent **must not be made** less than fourteen days prior to the proposed date that distribution is to take place.
- 2.16 Any distributions carried out whilst an application is being processed shall be treated as having no consent to distribute within the area.
- 2.17 Consent will only be granted to one distributor in each designated area on each day.

Informatives

- * Applications may be delayed beyond fourteen days should information not be supplied as required on the application form or where the fee is not submitted.
- * It is expected that all literature promoting alcohol shall display a responsible drinking strap line
- * It is expected that all literature promoting gambling does not contravene the Councils Gambling Policy