

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 23<sup>rd</sup> February 2012

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**WARD(S):** ALL

### **PART I** **FOR DECISION**

#### **REGULATION OF DISTRIBUTION OF FREE PRINTED MATTER**

**1. Purpose of Report**

For the Licensing Committee to consider the Neighbourhoods and Community Services Scrutiny Panel recommendation not to endorse the proposal to implement regulations requiring the need to apply for consent to distribute free printed matter.

**2. Recommendation**

The Committee to formally resolve the Neighbourhoods and Community Services Scrutiny Panel recommendation not to endorse the proposal to implement regulations requiring the need to apply for consent to distribute free printed matter.

**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

None

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
From section 2 above	NA	NA

(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 On 5<sup>th</sup> October 2011 a report was put before the Licensing Committee requesting approval for a formal consultation to take place on proposals to implement the regulations regarding the control of the Distribution of free printed matter in designated areas under the Environmental Protection Act 1990 Section 94B and Schedule 3A, the identified designated areas being Slough Town Centre, Farnham Road, Chalvey and Langley.
- 5.2 The Committee decided and resolved that they had insufficient information to make an informed decision at the time and agreed to refer the matter to the Neighbourhoods and Community Services Scrutiny Panel to investigate a number of issues further:-
- *How were the areas referred to in the report identified as having a problem of litter by the distribution of leaflets - how information/evidence put together.*
  - *Benefits of introducing the policy.*
  - *Impact on small businesses.*
  - *How would the policy be enforced and what would the penalties be for non-compliance – i.e. likelihood of individuals being prosecuted.*
  - *Legal implications of introducing a policy specific to certain areas of the Borough – discriminating against businesses in specific areas?*
  - *If introduced, what the fee should be set as and what time period this would cover.*
- 5.3 On 5<sup>th</sup> December 2011 a full report was put before the Neighbourhoods and Community Services Scrutiny Panel detailing full responses and additional information to the above issues.
- 5.4 Having discussed the issues at some further length, some members accepted that there could be a need for the scheme to be introduced in the High Street area in the town centre but this was not the majority view. The overriding concern of the Panel was that the introduction of such a scheme could adversely affect the ability of new businesses starting up as the changes for the distribution of leaflets would be an additional burden in difficult economic times.

- 5.5 Members concluded that without the availability of firm evidence that the scheme was needed, it would not be appropriate to introduce the proposed regulations at this time and formally resolved as follows:

“That the panel recommends that the Licensing Committee does not endorse the proposal to implement regulations requiring the need to apply for consent to distribute free printed matter”.

- 5.6 The minutes of the Neighbourhoods and Community Services Scrutiny Panel meeting are attached at **Appendix A**.

## **6. Comments of Other Committees**

- ‘1’ Licensing Committee recommendations of 5<sup>th</sup> October 2011 are detailed at Point 5.2 of this report.
- ‘2’ The Neighbourhoods and Community Services Scrutiny Panel recommendations are detailed at Point 5.5 of this report.

## **7. Conclusion**

The Committee to formally resolve the Neighbourhoods and Community Services Scrutiny Panel recommendation not to endorse the proposal to implement regulations requiring the need to apply for consent to distribute free printed matter.

## **8. Appendices Attached**

- ‘A’ - Minutes of the Neighbourhoods and Community Services Scrutiny Panel of 5<sup>th</sup> December 2011

## **9. Background Papers**

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

**Neighbourhoods and Community Services Scrutiny Panel – Meeting held on Monday, 5th December, 2011.**

**Present:-** Councillors Minhas (Chair), Dar, Plenty, Strutton,  
A S Wright (Vice-Chair), Malik and Morris  
**Non Voting** Sandy Malik, Slough Federation of Tenants and  
**Co-Opted Members** Residents,  
**present:** Darren Morris, Customer Senate

**Apologies for Absence:-** Councillor Buchanan, Carter, Munawar and Sohal

**PART 1**

**20. Declarations of Interest**

Councillor Dar declared an interest in that he was a licensed Hackney Carriage Driver.

**24. Regulation of Distribution of Free Printed Matter**

Mick Sims, Licensing Manager, outlined a report regarding the distribution of free printed matter which sought the Panel's view on proposals to introduce regulations.

The Panel was advised that at its meeting on 5<sup>th</sup> October 2011, the Licensing Committee considered a report requesting approval for a formal consultation to take place on proposals to implement regulations regarding the control of the distribution of free printed matter in designated areas. On that occasion the Committee had determined that it had insufficient information to reach a decision on this matter and had requested that the Neighbourhood and Community Services Scrutiny Panel scrutinise the issue. The Panel was asked to consider matters such as the benefits of introducing the policy, the impact on small businesses, how problem areas had been identified, how the policy would be enforced, and the legal implications of introducing a specific policy within areas of the borough. The Panel was also asked to consider what the appropriate fee should be and what time period the fee would cover.

Members were advised that the proposed areas to be regulated were Slough town centre, the Farnham Road area, and areas within the Chalvey and the Langley St Mary's Wards. The suggested consent would cover a period of 8 hours after which the applicant would need to reapply for each designated area and the nominal charge of £25 would be applied to each application for a consent. Additional permissions for other designated areas would also be charged at £25. The Officer discussed the consent limitations and the definition of free printed matter.

In the ensuing debate Members raised a number of concerns regarding the introduction of the scheme. In particular there were concerns about the affect the cost of applications would have on local businesses, and that not all of the four identified areas appeared to be problematic to Members. The Panel also questioned the current use of fixed penalty notices to combat litter problems and whether if enforcement was carried out, this would reduce the need for consent applications to distribute leaflets in the first place. Some Members accepted that there could be a need for the scheme to be introduced in the high street area in the town centre but this was not the majority view. The overriding concern of the Panel was that the introduction of such a scheme could

adversely affect the ability of new businesses starting up as the charges for the distribution of leaflets would be an additional burden in difficult economic times. Members concluded that without the availability of firm evidence that the scheme was needed, it would not be appropriate to introduce the proposed regulations at this time.

**Resolved:** That the Panel recommends that the Licensing Committee does not endorse the proposal to implement regulations requiring the need to apply for consent to distribute free printed matter.