

## **APPLICATION FOR CONSENT TO DISTRIBUTE FREE PRINTED MATTER**

### **GUIDANCE NOTES FOR APPLICANTS**

#### **INTRODUCTION**

The Clean Neighbourhoods and Environment Act 2005 inserted Schedule 3A into the Environmental Protection Act 1990 which enables the Council to designate relevant land and highways where the distribution of free printed matter is prohibited without the prior consent of the Council.

The distribution of free leaflets and other free printed matter can blight public spaces if they are subsequently dropped as litter. The purpose of this legislation is to help control these distributions and associated litter problems.

“Free printed matter” includes amongst other things newspapers, leaflets, pamphlets and stickers.

“Distribute” means to give the free printed matter out to, or offer to make it available to, members of the public it does not include putting it inside a building or letterbox.

“Relevant Land” includes all public places such as parks, cemeteries, car parks which are in the open air and owned and managed by the Council. A definitive interpretation can be obtained from the Council if you are in doubt.

“Relevant Highway” includes streets and pavements maintainable at the public expense for which the Council is responsible.

This legislation does not apply and consent under this legislation is not required for the distribution of free printed matter:

- By or on behalf of a charity within the meaning of the Charities Act 1993, where the free printed matter relates to or is intended for the benefit of the charity.
- Where the distribution is for political purposes or for the purposes of a religion or belief.
- By a person who distributes the free printed matter by delivering it into a building or letterbox.

## **Designated Streets and Places**

Kirklees Council has by Order designated the area identified on the attached plan, so that the distribution of free printed matter within that area is prohibited without the prior consent of the Council. If you wish to distribute any free printed matter on the relevant land and relevant highway within this area you must obtain the prior consent of Kirklees Council. Consent is not currently required from Kirklees Council if you wish to distribute free printed matter on relevant highway or on relevant land which is not included on the attached plan.

When making an application for consent you must specify the street(s) where you wish to distribute free printed matter.

## **Application for Consent to Distribute Free Printed Matter**

Please apply on Kirklees Council's Distribution of Free Printed Matter application form, which is available from the Kirklees Council, Public Protection Service, Licensing Department, Flint Street Depot, Flint Street, Fartown, Huddersfield, HD1 6LG. Kirklees Council must receive the completed form not less than 14 days before the date you would like to start to distribute free printed matter.

**Kirklees Council reserves the right to refuse to give consent to any applicant where it considers that the proposed distribution would in all the circumstances be likely to lead to defacement of the designated land.**

## **Fee for application**

A Consent can be applied for upon payment of the appropriate fee. The amount of fee is £116 which entitles you to one distributor's badge. Additional and replacements badges can be purchased for £116 each. Each consent lasts for the period of one year from the date the consent is granted.

Your application for consent will not be considered until payment of the appropriate fee has been received by Kirklees Council. The fee is not refundable.

Cheques should be made payable to "Kirklees Council".

## **If a consent is granted, who can distribute the free printed matter?**

Each consent, if granted, will allow one premise or undertaking to distribute free printed matter. If you wish to have more than one person distributing free printed matter at any one time additional badges will be required @ £116 each so that each distributor has a badge.

Consent will be subject to conditions which may restrict for example the time or places where free printed matter may be distributed and the type of material which may be distributed. It should be noted that the Council does not endorse your business/product/event if it grants consent to distribute free printed matter. All consents will also be subject to the following standard conditions, plus specific conditions as determined by the Council.

- The badge will state the name of the premises. These details are not transferable. The badge will not name the actual person undertaking the distribution.
- Applicants granted consent will be given one permit including one badge to be used by whoever the consent holder wishes to distribute free printed matter (“the distributor”) in the areas that the consent has been granted for. This consent is not transferable. If the applicant wishes to use more than one person at any one time to distribute free printed matter they will need obtain an additional badge @ £116 each, for each additional distributor.
- It is the consent holder’s responsibility to make the distributor aware of the conditions of the consent and for ensuring that the conditions are complied with.
- All individuals engaged in the distribution of free printed matter shall wear the badge issued by Kirklees Council pursuant to the consent bearing the number of the consent and showing the name and address of the consent holder, and the consent expiry date so that it is clearly visible.
- The above badge shall be produced on demand to an authorised officer of Kirklees Council.
- No free printed matter shall be left unattended by the distributor for the general public to take at their discretion.
- If an authorised officer of the Council requests the distributor to pick up relevant discarded literature, the distributor shall do so immediately, providing that it is safe to do so.
- All areas in which free printed matter has been distributed are to be cleansed of relevant discarded free printed matter on a regular basis during the period of distribution by the consent holder along both the street of distribution and other designated streets.
- The free printed matter must clearly identify the consent holder who is responsible for its distribution.
- Restrictions may be made regarding the number of distributors to be allowed in a particular area at a particular time, if this applies the applicant will be made aware of this.
- It is the responsibility of the consent holder to maintain a record of who has been given the badge enabling the distribution of free printed matter. The record shall be in a format agreed by the Council and shall be made available forthwith for inspection by authorised officers of the Council at all reasonable times.
- If any conditions of the consent are breached the consent may be limited, amended, suspended for any period of time or revoked by Kirklees Council at any time.
- By 5:00am on any given day, the designated streets shall be clean of discarded flyers/free literature related to your business.

## **Right of Appeal**

There is a right of appeal to the Magistrates' Court against the refusal to issue a consent, against any conditions attached to a consent or the revocation of a consent.

## **Offences**

This new legislation creates two new offences, which essentially means:

- For the actual distributors on the street: it is an offence for any person to distribute free printed matter on land designated by Kirklees Council without a licence from Kirklees Council. Offenders are liable on conviction to a fine not exceeding £2,500. A fixed penalty currently in the sum of £75 can be issued as an alternative to prosecution.
- For the premises or businesses getting the free printed matter distributed: it is an offence if a person causes another person to distribute any free printed matter without a licence from Kirklees Council on the designated land. Offenders are liable on summary conviction to a fine not exceeding £2,500. A fixed penalty currently in the sum of £75 can be issued as an alternative to prosecution.

An authorised officer of Kirklees Council may also seize any free printed matter from a person found distributing it in a designated place without the consent of Kirklees Council.

In addition to the above offences, businesses distributing free printed matter with a licence from the Council will have conditions on that licence which they must adhere to. Failure to comply with a licence condition gives the Council further options: The Council may amend or suspend or revoke the licence and/or its conditions.

## **Replacement Badges**

A fee of £116 will be charged to replace a lost or missing badge. Any replacement badge will be issued for the remaining period of the consent.

## **Enquiries**

Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

Telephone: 01484 456868.