



Guidance for the Distribution of Free Printed Matter in Designated Area of Preston

1.0 Legislation

- 1.1 Section 94B and Schedule 3A of the Environmental Protection Act 1990 (as inserted by Section 23 of the Clean Neighbourhoods and Environment Act 2005) enables Preston City Council (“the Council”) to designate land and places where the distribution of free printed matter is prohibited without the prior consent of the Council.
- 1.2 A significant amount of littering within parts of Preston can be directly associated with the activity of the free distribution of printed matter. Street litter has a detrimental impact on the quality of the local environment and can reduce the feeling of community well being. Littered streets can also heighten the fear of crime and attract further environmental crimes and anti-social activities. These new controls on the distribution of free printed matter are intended to limit items such as flyers, handouts, newspapers and pamphlets from being discarded and becoming litter.
- 1.3 For the purposes of the legislation, printed matter is “free” if it is distributed without charge to the persons to whom it is distributed. This includes, for example, any newspaper, document, card or other printed matter for which no charge is made to the recipient. Distribution includes fixing or placing leaflets on a vehicle unless it is distributed inside a public service vehicle.
- 1.4 The Council operates a scheme whereby people wishing to distribute free printed matter within the designated area described in paragraph 2.2 below must have a consent. A consent is not needed where free printed matter is placed into a letterbox or building and therefore the distribution of free newspapers and handbills to residential or commercial premises is not affected. Similarly, organisations such as charities (charities within the meaning of the Charities Act 1993), political parties and religious groups are exempt from these provisions and can distribute free printed matter within the designated areas without a consent. However, the Council expects them to comply with the conditions numbered 5-9 as described in the application form.
- 1.5 The Council charges a fee for issuing a consent. The amount of the fee is to cover the costs of operating and enforcing the provisions of the legislation in the designated areas. The fee calculator form enables you to calculate the cost of the consent for your particular circumstances. The consent fee includes the cost of one distributor badge. Additional badges may be requested when applying for a consent subject to payment of an additional fee per badge. Each person employed to distribute free printed matter must wear a distributor badge issued by the Council.

1.6 The consent will allow you to distribute free printed matter in the designated areas from the date specified on it for a 12 month period. After this period has expired (or shortly before in order to ensure there is no break between a consent) you will need to complete and submit a new application form to the Council.

2.0 Designated Areas

2.1 The Council has designated an area where prior consent from the Council is required in order to distribute free printed matter. A map showing the designated area can be viewed or downloaded from the website.

2.2 The boundaries of the designated area are as follows:-

- To the west – west coast railway line, Fishergate, Butler Street;
- To the north – The Fylde Road viaduct and Victoria Street;
- To the east – Moor Lane, Walker Street, Ringway, Church Street and Manchester Road; and
- To the south – Avenham Lane, Bleasdale Place.

2.3 A consent is required in order to deliver free printed matter in any of the streets included in the designated area.

2.4 A consent is not required if you intend to distribute free printed matter in any streets outside the designated area.

3.0 Applications for Consents

3.1 A completed application form must be submitted at least 14 days prior to the proposed commencement date of a distribution activity to the address shown in paragraph 7.1 below. Consents will normally be granted and issued within 5 working days subject to the receipt of completed application forms and the relevant fee. Incomplete application forms will be returned to the applicant.

3.2 Applications may be refused if the applicant has been convicted of an offence of distributing free printed matter without consent, or causing another person to distribute free printed matter without consent within the last 5 years; or paid a Fixed Penalty Notice within the last 5 years.

3.3 Applications may also be refused if, in the opinion of the Council, the proposed distribution would be likely to lead to defacement of the designated land. In these circumstances the Council will notify applicants as to the reasons why it is considering such a decision in order to give you the opportunity to comment before making a final decision.

3.4 The application form contains standard conditions of the consent. The Council will inform the applicant if any additional conditions are to be imposed upon individual consents. A consent may be revoked if any of the conditions are not complied with.

3.5 In the event of a consent being revoked, any fees paid by the applicant will not be refunded.

3.6 The Council may share information with other Authorities in accordance with the Data Protection Act 1996.

4.0 Charges and Cancellation.

4.1 Fee payments can only be made with acceptable debit and credit cards by telephone (01772 906911) during office opening hours.

4.2 Without prior notice the Council may change the fees for consent at any time.

4.3 The consent is for 12 consecutive months from its issue. The Consent cannot be cancelled within this period.

5.0 Appeals

5.1 Any applicant aggrieved by a decision to refuse an application or to revoke a consent may appeal to Preston Magistrates' Court.

5.2 If an appeal is made to the Magistrates' Court following the revocation of a consent, the appellant shall not distribute free printed matter until the court determines that appeal.

5.3 If the appellant distributes free printed matter pending the outcome of the appeal, an offence is committed and the appellant could be liable on conviction to a fine of up to £2,500.

6.0 Enforcement

6.1 While any authorised Officer of the Council can carry out enforcement duties it will be Neighbourhood Service Enforcement Officers, Licensing Officers and Police Community Support Officers who will undertake the enforcement of the conditions on the consent. Authorised Officers of the Council may revoke a Consent (subject to the requirements of the Act), issue a Fixed Penalty Notice and can recommend legal action.

6.2 Enforcement observations may be through indirect interaction with the distributor, via the Council's 24 hour CCTV Operation (who will retain the film with images of the distributor for further investigation), or by other techniques. Any staff member of the Council or other Consent holder can report contraventions of compliance to Waste Enforcement Section (Tel No. 01772 906221).

6.3 Any person who distributes free printed matter without a consent from the Council may be committing an offence and could be liable on conviction in a Magistrates' Court to a fine up to £2,500. An offence is also committed if someone causes

another person to distribute free printed matter in a designated area without consent. The person commissioning the actual distributor therefore also commits an offence. Authorised Officers may offer any person the opportunity to discharge the liability to conviction for the offence by paying a Fixed Penalty Notice of £80.

- 6.4 The free printed matter may be seized and kept for 6 months after which period it will be returned on proper application to the Magistrates' Court.
- 6.5 A Consent may be revoked at any time, by notice to the Consent holder, if they fail to comply with any of the conditions imposed in relation to the Consent. Any subsequent activity in breach of the legislation on distribution of free printed matter may be prosecuted as if a Consent had never existed. NB – Revocation may also take place where the person is convicted of a relevant offence or is issued with a fixed penalty notice.

7.0 Enquiries

- 7.1 Any enquiries about an application or consent should be directed to:

Licensing Services
Environmental Health Department
Town Hall
Lancaster Road
PRESTON
PR1 2RL

Telephone No 01772 906496

E-mail: licensing@preston.gov.uk