

## **FREQUENTLY ASKED QUESTIONS**

### **What is meant by the term ‘free distribution of printed matter’?**

In short, the free distribution of printed matter means to give printed information like newspapers, documents, cards, leaflets, pamphlets, stickers or other literature to the public, at no cost.

The Clean Neighbourhoods and Environment Act 2005 states that:

- To ‘distribute’ printed matter means to give it out to, 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 letter-box.
- Printed matter is ‘free’ if it is distributed without charge to the persons to whom it is distributed.

However, a person does not distribute printed matter if the distribution takes place inside a public service vehicle (within the meaning of the Public Passenger Vehicles Act 1981).

### **How do I get consent to distribute printed matter in North West Leicestershire?**

Anyone wishing to distribute printed matter in the area covered by the Designation Order in North West Leicestershire will need to apply to the Council. The Council may choose to grant consent without limitation, or impose limitations by reference to:

- The material to be distributed
- A particular period, or particular times or dates
- Any part of the designated land
- A particular distribution

Conditions can also be imposed to protect the designated land from defacement and to enable the effective operation and enforcement of the Designation Order.

The Council can revoke consent at any time if the person to whom it was given has failed to comply with any of the conditions. Consent can also be revoked if the person to whom it was given received a Fixed Penalty Notice or a conviction for an offence associated with the free distribution of printed matter.

### **Are there any standard conditions for consent in North West Leicestershire?**

Yes. All consents granted contain the following standard conditions:

- No free printed matter shall be left unattended on the highway by staff for the general public to pick up themselves at any time.
- The area within 150 metres of any distribution point is to be cleansed by the consent holder of any litter caused by the matter being distributed at regular intervals during, and at the conclusion of, the distribution to prevent defacement of the environment.
- The free printed matter distributed must bear the business name and address of the consent holder who is responsible for its distribution unless the Council has agreed otherwise.
- A distributor or consent holder shall, upon request by an authorised officer of the Council remove any discarded free printed matter.
- Free printed matter shall not encourage illegal or irresponsible behaviour, nor advertise illegal events or activities.

### **How much does consent cost?**

The Council can require the payment of a fee giving consent and this is currently £30.

### **Can the Council refuse to given consent?**

Yes. The Council can refuse 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.

Consent can also be refused if an applicant has received a Fixed Penalty Notice or a conviction for an offence associated with the free distribution of printed matter.

Any person aggrieved by a decision of the Council to refuse or revoke any consent or to any conditions attached to consent, may appeal to the Magistrates Court.

### **How will the Council know if someone is distributing without consent?**

Authorised officers of the Council will regularly inspect the designated area to monitor activity. If requested to do so by an authorised officer of the Council, any person distributing printed matter will have to display proof of consent in the form of the licence issued by the Council.

### **What will be the penalties if someone is caught distributing literature in the designated area?**

A person commits an offence if they know that an area is designated, and they then distribute any free printed matter in that area without the consent of the Council. A person also commits an offence if they cause another person to distribute any free printed matter without the consent of the Council.

A Fixed Penalty Notice for £80 can be issued as an alternative to prosecution for each offence committed. If an authorised officer of the Council decides to issue a Fixed Penalty Notice they will require the person to give his or her name and address. If a person fails to give his or her name and address when required to do so, or gives a false or inaccurate name or address they will have committed a separate offence.

If a person is found guilty of an offence of distributing printed matter in the designated area they will be liable on summary conviction to a fine not exceeding level 4 (currently £2,500) on the standard scale.

Where it appears to an authorised officer of the Council that a person distributing any printed matter is committing an offence, he or she may seize all or any of it. Any person claiming to own any printed matter seized can apply to a magistrates' court for an order that the printed matter be released.

### **Are there any exceptions?**

Yes. Free printed matter can be distributed in the designated area without consent if it is:

- By or on behalf of a charity within the meaning of the Charities Act 1993, where the printed matter relates to or is intended for the benefit of the charity.
- For political purposes or for the purposes of a religion or belief.