

Consent to Distribute Free Printed Matter

GUIDANCE NOTES



Environmental Protection Act 1990
Clean Neighbourhoods and Environment Act 2005

The Council has adopted powers to control the distribution of free printed matter within Solihull Town Centre. Since the 15th January 2007, it has been a criminal offence to distribute free printed material, such as flyers, business cards, newspapers and leaflets, without prior consent. The powers were adopted as a further tool to reduce the amount of litter within the town centre.

Legislation

The controls are derived from Section 94B and Schedule 3A of the Environmental Protection Act 1990, which were inserted by Section 23 of the Clean Neighbourhoods and Environment Act 2005. The Distribution of Free Printed Matter Control (Solihull No.1) Order 2006 makes Solihull Town Centre designated land.

Designated Land

The following areas of Solihull Town Centre are subject to the controls. A map of the designated land is available on the Council's website www.solihull.gov.uk.

Public Car Parks

- Churchill (Pay & Display) Car Park
- Council House (Pay & Display) Car Park
- Dominion Court (Pay & Display) Car Park
- Lode Lane (Multi Storey) Car Park
- Marks & Spencer (Multi Storey) Car Park
- Mell Square (Multi Storey) Car Park
- Monkspath Hall (Pay & Display) Car Park

Public Highway

- Church Hill Road
- Drury Lane
- George Road
- Herbert Road
- High Street
- Homer Road
- Lode Lane
- Malvern Park Avenue
- Manor Walk
- Manor Square
- Mell Square
- Mill Lane
- New Road
- Poplar Road
- Princes Way
- Station Road
- Warwick Road
- Whitefields Crescent
- Whitefields Road
- Widney Manor Road

Definitions

To "distribute" printed matter means to give it out to, or offer or make it available to, members of the public. These activities are therefore subject to the controls if they take place within Solihull Town Centre. Placing printed matter on or affixing it to vehicles is also subject to the controls, although it is a condition of every consent that printed matter is not distributed in this way. The controls do not apply to putting printed matter inside a building or letterbox. Printed matter is "free" if it is distributed without charge to the persons to whom it is distributed.

Exemptions

The distribution of free printed matter by or on behalf of a charity where the printed matter relates to or is intended for the benefit of the charity are exempt from the controls. A charity has the same meaning as in the Charities Act 1993. The distribution of free printed matter for political purposes, or for the purposes of a religion or belief, are also exempt from the controls. This means that there is no need to apply for consent, although we do ask that printed matter is still distributed responsibly and any material that is discarded, is collected.

Offences

A person commits an offence if they distribute free printed matter without the consent of the Council on any designated land, knowing that the land was so designated. A person also commits an offence if he causes another person to distribute free printed matter without consent on any designated land.

Penalties

The maximum penalty upon summary conviction for these offences is £2,500. As an alternative to prosecution, an environmental health officer may, at their discretion, issue a fixed penalty notice set at £100. An environmental health officer is also empowered to seize all of the free printed matter.

Application Fee

The basic application fee is £50, and allows one person to distribute free printed matter between 0900 and 1700 (eight hours) for a single day. The following optional premiums also apply:

Each additional distributor: £25

Each distributor deployed prior to 0900 or after 1700 for a single day: £25

Each distributor deployed for an additional day: £25

Application Fee Calculator

1	Basic application fee (which includes a single distributor deployed between 0900 and 1700 for a single day)	=	£50
2	Number of additional distributors deployed between 0900 and 1700	_____ x £25 =	
3	Number of distributors deployed for each additional day between 0900 and 1700	_____ x £25 =	
4	Number of times a distributor will be deployed prior to 0900 or after 1700	_____ x £25 =	
		Total 1+2+3+4 =	

Conditions of Consent:

1. Every distributor shall wear an authorisation badge issued by the Council. The badge will bear the consent number and the name, address and telephone number of the consent holder.
2. All authorisation badges will remain the property of the Council and must be returned within seven days of the expiry of the consent.
3. A distributor shall, upon demand, produce their authorisation badge to an environmental health officer or police constable.

4. A distributor shall, upon demand, furnish their name, address and date of birth to an environmental health officer or police constable.
5. No free printed matter shall be left unattended by any distributor or the consent holder at any time.
6. The consent holder shall ensure that any free printed matter that is discarded within fifty metres of a distributor is removed and re-used or recycled.
7. The free printed matter shall bear the name and address of the consent holder unless the Council has agreed otherwise.
8. Applications for consent must be made not less than fourteen days before the required date of distribution.
9. Applications for consent must be accompanied by the necessary fee.
10. Free printed matter shall not encourage illegal or irresponsible behaviour nor advertise illegal events or activities.
11. A distributor or consent holder shall, upon request by an environmental health officer, remove any discarded free printed matter and re-use or recycled it.

Refusal to Grant Consent

The Council may refuse to grant consent, if:

1. The Council is not satisfied that the above conditions can be met.
2. The Council considers that granting consent would be likely to lead to the defacement by litter of designated land.
3. If an applicant or proposed distributor has previously been issued with a fixed penalty notice for, or has been convicted of, distributing free printed matter without consent in the previous five years.

Revocation of Consent

The Council may revoke consent if:

1. If, in the opinion of an environmental health officer, the conditions of the consent are not being complied with.
2. If the consent holder or distributor is issued with a fixed penalty notice for, or has been convicted of, distributing free printed matter without consent.

Appeal

Any person aggrieved by the following decisions of the Council may appeal against that decision to Solihull Magistrates' Court:

1. Refuse to grant consent
2. Impose any limitation or condition subject to which consent is given
3. Revoke a consent (or to revoke it to any extent)

Solihull Magistrates' Court may:

1. Uphold any refusal to grant consent or require the authority to grant consent (without limitation or condition or subject to any limitation or condition)
2. Require the authority to revoke or vary any condition
3. Uphold or quash revocation of consent (or uphold or quash revocation to any extent)

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