## Agenda



## Delegated Decisions of the Board Member, Cleaner Greener Oxford

Date:Thursday 23 August 2012Time:5.00 pmPlace:Town Hall, OxfordFor any further information please contact:William Reed, Democratic Services Manager<br/>Telephone: 01865 252230<br/>Email: wreed@oxford.gov.uk

# Delegated Decisions of the Board Member, Cleaner Greener Oxford

**Board Member** 

Portfolio

Councillor John Tanner

Cleaner, Greener Oxford

#### HOW TO OBTAIN AGENDA

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#### AGENDA

#### PART ONE PUBLIC BUSINESS

		Pages
1	DECLARATIONS OF INTEREST	
	Guidance on personal and personal prejudicial interests is attached to these agenda pages.	
2	PUBLIC ADDRESSES	
	Members of the public may, if the Board Member agrees, ask a question of the Board Member on any item for decision on this agenda (other than on the minutes). The full text of any question must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by the public will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted.	
	The total time permitted for this item will be 15 minutes.	
3	COUNCILLOR ADDRESSES	
	City Councillors may, at the Board Member's discretion, ask a question or address the Board Member on an item for decision on the agenda (other than on the minutes). The full text of any question and the nature of any address must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by councillors will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted. If an address is made, the Board member will either respond or have regard to the points raised in reaching her or his decision. If the address is by the Chair of a Scrutiny Committee or her or his nominee then the Board member will be required to say as part of their decision whether they accept the Scrutiny recommendations made.	
4	REVIEW OF LEAFLET CONSENT SCHEME	1 - 28
	Report of the Head of Environmental Development attached.	
5	MATTERS EXEMPT FROM PUBLICATION	
	If the Board member wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board member to	

pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule I2A of the Local Government Act 1972.

The Board member may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **DECLARING INTERESTS**

#### General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the mater of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

<sup>1</sup>Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

## Agenda Item 4



То:	Single	Member Decision		
Date: 23 <sup>rd</sup> Au		gust 2012		
Report of:	Head o	f Environmental Development		
Title of Report: Review		of leaflet consent scheme		
	<u>Summ</u>	nary and Recommendations		
Purpose of report:		To review the existing consent scheme for the distribution of free printed matter and make recommendations for improvements to the scheme.		
Key decision?		Νο		
Executive lead me	mber:	John Tanner, Cleaner Greener Oxford		
Policy Framework:		A cleaner, greener Oxford - in the city centre, in our neighbourhoods and in all public spaces		
Approved by: Legal Finar		Daniel Smith Paul Swaffield		
Recommendation	(c)·			

#### Recommendation(s):

Agree the recommended changes to the consent scheme for the distribution of free printed matter as set out in this report.

Appendix 1	Consent conditions for static consent
Appendix 2	Risk Register
Appendix 3	Budget
Appendix 4	Equalities Impact Assessment

#### 1 Background

1.1 On 1<sup>st</sup> September 2011 the Council designated land in the City Centre and East Oxford under Schedule 3A Environmental Protection Act 1990. This required any person wishing to distribute free printed matter on the land to first obtain consent from the Council. This action was taken in response to accumulations of litter in the City as a direct result of leafleting. The distribution of free printed matter for political, religious or charitable purposes is exempt from the need to obtain consent in the legislation.

- 1.2 The Council implemented a consent scheme to allow people to seek permission to distribute free printed matter on the designated land. The amount of litter caused as a result of leafleting has reduced dramatically as confirmed by visual audits and a reduction in reports from direct services.
- 1.3 It was agreed that a review of the consent scheme should take place after 6 months and any learning applied. This report presents the findings of the review and makes recommendations for changes to the scheme.

#### 2 Recommended Changes to the Scheme

- 2.1 The 9 months in which the existing scheme has been in operation has identified a number of opportunities to extend and improve the scheme as follows:
  - Introduction of a separate consent scheme for static displays of leaflets
  - Dispensation given to certain organisations for public health and carbon reduction messages by organisations including the. NHS, Police and the Fire Service
  - Concessionary policy for not-for-profit or community organisations that are not currently exempted as being religious, political or charitable.

#### 3 Static Displays

- 3.1 The current conditions attached to a non-static consent to distribute free printed matter stipulate that printed matter should not be left unattended for people to take for themselves. This condition was attached to tackle the problem of piles of leaflets being left on street furniture for people to take which ultimately ended up littering the street.
- 3.2 This consent condition had meant that some businesses have had to change working practices. Examples of these organisations are the bus companies distributing bus timetables from a static display in Gloucester Green Bus Station and also Trailfinders distributing brochures from static displays in their shop window. These types of printed matter are not likely to cause litter problems as they have inherent value to those people taking the material.
- 3.3 The proposal is to have a different type of consent for static displays with suitable consent conditions to manage any likely problems with litter.

- 3.4 The proposed new conditions and fee structure for consent to distribute free printed matter from a static display are attached as appendix 1.
- 3.5 The proposed fee for a consent to distribute free printed matter from a static display is £200 per year. The reduced cost compared to a non-static consent reflects the anticipated reduction in the need for enforcement of these sites.

#### 4 Dispensation for Public Health and Carbon Reduction Messages

- 4.1 The current scheme for the distribution of free printed matter gives a general dispensation from control for distribution carried out for political, charitable or religious purposes. Officers recognise however that certain organisations wish to distribute printed matter carrying important public health messages or promoting health and wellbeing which under the current scheme require consent. Examples of these organisations are the NHS distributing leaflets to promote better sexual health, Environment Agency giving advice on flooding, or the Fire Service promoting the use of smoke detectors in properties.
- 4.2 The proposal is to give organisations promoting important public health and carbon reduction messages summary consent to distribute free printed matter within the City. The organisations are:
  - NHS
  - Fire Service
  - Police
  - Health Protection Agency
  - Oxford City Council
  - Oxfordshire County Council
  - Environment Agency
- 4.3 Other companies may be promoting initiatives which fits in with the Low Carbon City objectives such as the bus companies promoting the use of bus travel through the distribution of bus timetables. It is proposed that the Oxford Bus Company and Stagecoach be given summary consent to distribute free printed matter for a trial period of 6 months. If a significant problem with litter results during this trial period then the consent will be revoked. If during the trial period there is no problem with litter then an extension to the summary consent will be considered.
- 4.4 Any organisations not listed in 1.11 above that wishes to promote an important public health or carbon reduction message will be able to request consent from Environmental Development to be added to the list. The final decision on whether these organisations get added to the list will be made by the Head of Environmental Development in consultation with relevant parties in accordance with the Council's Equality Policy and approved by the Council's Senior Management Team.

#### 5 Concessions for non-profit and community organisations

- 5.1 The current scheme does not make any concessions for non-profit or community organisations wishing to promote their company or event. At present these organisations would need to pay the full fee for the consent which has put off many of these types of organisations <del>off</del>.
- 5.2 The proposal is to charge the concessionary fee of £50.00 per consent badge for these organisations to cover the administration costs of providing them with consent.

#### 6 Climate Change / Environmental Impact

6.1 The consent scheme is designed to reduce the adverse environmental impact of the distribution of free literature in the City by reducing the costs of dealing with the defacement by litter by such activities.

#### 7 Level of Risk

7.1 A full risk register is attached as appendix 2.

#### 8 Financial Implications

- 8.1 The Council may charge a fee for issuing a consent. The amount of this fee is for the Council to determine but it must not be more than is reasonable to cover the costs of operating and enforcing the consent scheme. It will therefore be possible to amend the scheme at no net cost to the Council. It should be noted that the concessions proposed in 2.15 above will result in up to £3,400 in lost income compared to the potential income from charging these organisations full fee.
- 8.2 In the 9 months that customers have been able to apply to the Council for non-static consents to distribute free printed matter there have been 88 monthly consents and 59 annual consents granted by the Council. The income from these consents to date is £30,000 and is estimated to rise to £32,000 for the remaining months until 31<sup>st</sup> July 2012.
- 8.3 The estimated income from introducing non-static consents to distribute free printed matter is £2,000.
- 8.4 The revised budget for the consent scheme including the proposals in this report is included in appendix 3.

#### 9 Equalities Impact

9.1 No impacts have been identified. An Equalities Impact Assessment is attached as appendix 4.

#### Name and contact details of author:-

Name:	Graham Eagle
Job title	Public Health Team Leader
Service Area / Department	Environmental Development
Tel: 01865 252341 e-mail:	geagle@oxford.gov.uk

List of background papers: SMD Report Leaflet Control June

Version number:

1.0

#### Appendix 1 – Consent Conditions for Static Displays

All consents will be subject to the following conditions. Consents may also be subject to additional specific conditions based upon the application details. The consent holder remains fully responsible for the safety of the distributors whilst distributing materials or whilst removing litter.

- 1. Each Authorisation only permits the distribution of free printed matter from static displays located at the authorised premises only.
- 2. Distributors must have their Authorisations clearly displayed in the window of the premises where the static display is located at all times when distributing free printed material.
- 3. Authorisations are not interchangeable between consent holders.
- 4. Free printed matter may only be distributed from a static display whilst the authorised premises is open. Any static displays must be removed or cleared of free printed matter whilst the authorised premises is closed.
- 5. All places in which free printed matter is being distributed must be kept free from discarded matter so that the area does not fall below grade B of the Government's "Code of Practice on Litter and Refuse" at any time. If an authorised officer of the council considers that the standard has been breached as a consequence of the distribution of free printed matter, his/her assessment will be definitive at the time. Challenges to the assessment will only be accepted through the formal appeals process.
- 6. If an authorised officer requests the consent holder/distributor to pick up discarded printed matter, the consent holder/distributor shall do so immediately. The distributor will stop distribution until all discarded printed matter connected to them has been picked up. All discarded printed matter must be picked up within one hour.
- 7. Printed matter includes any materials produced for distribution which have been subject to a printing process, and includes flyers, self adhesive stickers, leaflets, cards, papers, containers and any similar items.
- 8. The free printed matter must bear the name, address, email, website and telephone number of the company or venue that is being promoted.

- 9. The free printed matter must bear the message "It is an offence to litter. Dropping this leaflet on the ground could result in a maximum fine of £2500"
- Applications for consents must be made no less than 10 working days before the first day of the period of distribution. Consents run from the 1<sup>st</sup> day of each month.
- 11. Consents will be subject to the payment of a fee to be paid at the time of the application.
- 12. No free printed matter that encourages irresponsible consumption of alcohol can be issued. This includes irresponsible drinks promotions, such as all-inclusive drinks offers when paying for entry, or drink all you can for a fixed amount. All promotions for alcohol must also carry the Drink Aware message.
- 13. All free printed matter must meet the standards of the Advertising Standards Authority. Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation, age or disability. Compliance will be judged on the context, medium, audience, product and prevailing standards of decency. http://www.asa.org.uk/asa/codes/cap\_code/
- 14. Distributors must not distribute free printed matter in such a way as to cause nuisance or annoyance to members of the public.
- 15. Failure to comply with these consent conditions may result in your authorisation being revoked.
- 16. In the event of a consent being revoked, any fees paid by the applicant will not be refunded.
- 17. In the event of a consent being revoked then no further application can be made for a minimum period of 1 year from the date on which the consent was revoked.
- 18. Oxford City Council reserves the right to refuse consent to any individual or business and will take any relevant previous convictions, warnings, revocations or refusals for the distribution of free printed matter into consideration before authorisation is given.

#### Key

RED RISK			
CLOSED R	ISK		
Risk ID	Risk		
Category- 000- Service Area Code	Risk Title	Opportunity/ Threat	Risk Description
	Increased leafleting Excessive objections	т т т	Potential initial increase in leafleting when scheme published Excessive numbers of objections are received from some businesses or groups Problems occur in areas not
	Incorrect zoning Enforcement Perception	T	controlled by leafleting Perception of inadequate enforcement activity
Insert new	row above		

Risk Cause	Consequence	Date raised
Increased publicity of scheme	Initial surge in applications and enforcmement	30-Sep-10
The prospect of leafleting controls	Reputational damage	10-Nov-10
Problem areas are not controlled	Reputational damage	10-Nov-10
High levels of compliance resulting in low levels of enforcement actions	Reputational damage	27-Jun-12

Corporate Objective	Gross	Risk	Residu	al Risk	Curren	t Risk	Owner	Date Risk Reviewed	
1 to 6	I	Ρ	I	P	1	Ρ			
3	3	3	3	3	2	2	GE	27-Jun-12	
3	3	3	3	3	2	2	GE	27-Jun-12	
3	3	3	3	3	2	2	GE	27-Jun-12	
3	3	3	3	2	3	3	GE		

#### ACTIONS MUST BE 'SMART'

#### Specific, Measurable, Achievable, Realistic and Time bound

Increased GE A Plan for initial uptake of app   Increased Increased Increased   Ieafleting GE A Plan for initial enforcement	
Increased leafleting GE A Plan for initial enforcement	liantinun
leafleting     GE     A     Plan for initial enforcement	lications
Excessive   Ensure messages & publicit     objections   GE     A   what will be controlled and h     Check that no other problem	troduced, now.
Incorrect zoning GE A outstanding	n areas are
Enforcement     Perception     GE     R     Plan for ongoing enforceme	nt
Enforcement   Increase the visability of enf     Perception   GE   R   activities in key areas of dist	
Insert new row above	

#### Key CLOSED ACTION/Risk

Key Milestones	Milestone Delivery Date	%Action Complete	Date Reviewed
Streamline application process	1-May-11	100%	27-Jun-12
Increase enforcment for start of	·		
scheme	1-May-11	100%	27-Jun-12
Discuss publicity with Media & develop comms plan Check for leafleting problems with	1-May-11	100%	27-Jun-12
other services	10-Nov-10	100%	27-Jun-12
Produce plan for enforcement activity for year ahead	31-Aug-12		
Raise awareness of enfrocement activity through the media and licensing authority groups	31-Aug-12	0%	

Risk ID Categories	
CRR-000	Corporate Risk Register
SRR-000	Service Risk Register
CEB-000	CEB reports
PRR-000	Project/Programme Risk Register
PCRR-000	Planning Corporate Risk Register
PSRR-000	Planning Service Risk Register

#### Service Area Codes

PCC	Policy, Culture & Communication	CS	Customer Services
CD	City Development	FI	Finance
CHCD	Community Housing & Community Development	BT	Business Transformation
CA	Corporate Assets	PS	Procurement & Shared Services
OCH	Oxford City Homes	CP	Corporate Performance
CW	City Works	LG	Law and Governance
ED	Environmental Development	CRP	Corporate Secretariat
CL	City Leisure	PE	People & Equalities

#### **Corporate Objective Key**

1: More Housing Better Housing for all

2: Stronger & more inclusive communities

3: Improve the local environment, economy & quality of life

4: Reduce anti-social behaviour

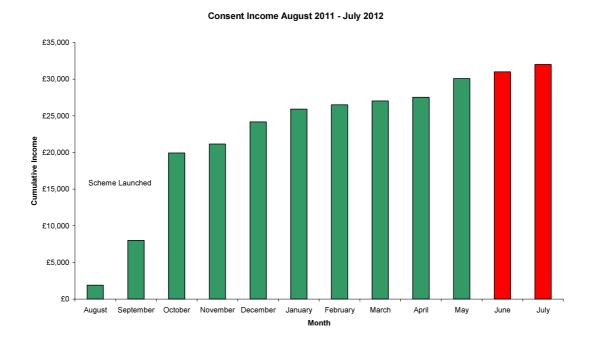
5: Tackle climate change & promote environmental resource management

6: Transform OCC by improving value for money and Service performance

#### Appendix 3 – Revised Budget

#### Income

The bulk of the income from consents came in at the introduction of the scheme in September and November. The trend for the 10 months from August 2011 to May 2012 indicates that the income for the full 12 month period will be approximately £32,000.



The estimated income from the proposed static consents is not expected to be a particularly large sum. It is estimated that  $\pounds 2,000$  will be received in relation to these types of consents.

#### Costs

The administration costs originally estimated in relation to processing consents when the scheme was introduced was £40 per consent. In practice the time spent administering the scheme was larger than originally anticipated and an administration cost of £50 per consent more accurately reflects the time spent administering the scheme.

Enforcement costs cover enforcement activity during normal office hours, evenings and weekends plus any subsequent follow up of enforcement actions taken during those patrols. A budget of £23,000 has been allocated to enforcement which allows 575 man hours for enforcement in a 12 month period. The bulk of enforcement will take place during University Freshers Week where leafleting is at its most prevalent.

Materials costs cover the cost of badges, lanyards, printing supplies for administering the consent scheme

Management costs cover the overall management of the scheme

The proposed budget for scheme including the proposed changes is as follows:

	-£32000	
	-£2000	
	-£34000	
	£23000 £800 £8500 £1700 <b>£34000</b>	
Annual Monthly	£400 £100	
Annual	£200	per site
	Monthly	-£2000 -£34000 £23000 £800 £8500 £1700 £34000 £34000





### Appendix 4 – Equality Impact Assessment

Service Area: Environmental Development	Section: Pubic Health	Key person responsible for the assessment: G. Eagle	Date of Assessme 23.07.12	ent:			
Is this assessment in the C	orporate Equality Iı	pact assessment Timetable for 2008-11?	Yes	No			
Name of the Policy to be as Scheme to licence the distribution		natter	Is this a new or existing policy	New			
1. Briefly describe the aims purpose of the policy	, objectives and	The objective of the scheme is to regulate the distribution of free printed matter such as leaflets through a licensing scheme. This aims to improve the cleanliness of the streets in Oxford through tight conditions attached to each consent and minimise adverse environmental impacts caused by the distribution of free printed matter.					
2. Are there any associated policy, please explain	objectives of the	The policy will also help prevent the distription promote irresponsible drinking etc	bution of material that c	ould cause offence			

3. Who is intended to benefit from the policy and in what way			The general public would benefit from cleaner streets and also Oxford City Council will benefit by the reduced use of resources required to keep the street clean. This will permit resources to be diverted into other areas. In addition the public will benefit from the prevention of the distribution of offensive material and leaflets encouraging irresponsible drinking.						
Reduc Reduc Reduc An inc	ce the adverse en ce the use of reso ced nuisance cau		deface	ement o	of litter caused by the distribu	tion of free printed matter. material that is considered offensive and			
5. Wh		s could contribute/detract	Staffir	ng reso	ource will have a direct effect	on the amount of enforcement.			
	o are the <mark>key</mark> e in relation to blicy?	General Public City Council Staff tasked with enforcement of the scheme (Environmental Developmen Community Safety) Businesses wishing to distrib	t,	ıflets	7. Who implements the policy and who is responsible for the policy?	Graham Eagle Paul Bryon			
	uld the policy ha groups?	ve a differential impact on	Y	<u>NO</u>	No differential impact on rac	cial groups has been identified.			
	What existing evidence (either presumed or otherwise) do you have for this?		The order is planned to be implemented in specified areas of the city due to the problems caused by leafleting. No racial groups are specifically associated with or targeted by leafleting. It is illegal to distribute material inciting racial hatred and the scheme will also control the distribution of offensive material. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.						

9. Could the policy have a differential impact on people due to their gender?	Y	<u>NO</u>	No differential impact on people due to their gender has been identified			
What existing evidence (either presumed or otherwise) do you have for this?	The order is planned to be implemented in specified areas of the city due to the problems caused by leafleting. Leafleting is not an activity that is associated with or targeted at any particular gender. The scheme will also control the distribution of offensive material. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.					
10. Could the policy have a differential impact on people due to their disability?	Y	<u>NO</u>	No differential impact on people due to their disability has been identified			
What existing evidence (either presumed or otherwise) do you have for this?	The order is planned to be implemented in specified areas of the city due to the problems caused by leafleting. Leafleting is not an activity specifically associated with or targeted at disabled people. The scheme will also control the distribution of offensive material. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.					
ر 11. Could the policy have a differential impact on people due to their sexual orientation?	Y	<u>NO</u>	No differential impact on people due to their sexual orientation has been identified			
What existing evidence (either presumed or otherwise) do you have for this?	The order is planned to be implemented in specified areas of the city due to the problems caused by leafleting. Leafleting is not an activity specifically associated with or targeted at people's sexual orientation. The scheme will also control the distribution of offensive material. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.					
12. Could the policy have a differential impact on people due to their age?	Y	NO	No differential impact on people due to their age has been identified			
What existing evidence (either presumed or otherwise) do you have for this?	proble with c distrib enfore	ems ca or targe oution c cement	planned to be implemented in specified areas of the city due to the used by leafleting. Leafleting is not an activity specifically associated sted at people because of their age. The scheme will also control the of offensive material. Enforcement will be taken in line with the Council's t policy. It is anticipated that any unperceived issues will be raised during tion process.			

13. Could the policy have a differential impact on people due to their religious belief?		Y	<u>NO</u>	No different identified.	No differential impact on people due to their religious belief has been dentified.					
What existing evidence (either presumed or otherwise) do you have for this?		There is a specific exemption in the legislation where the distribution of material is for political, charitable or religious purposes (so as not to inhibit the right to freedom of expression enshrined in the Human Rights Act 1998)								
14. Could the negative impact identified in 8-13 create the potential for the policy to discriminate against certain groups?	Y	NO	No ne	egative	impacts hav	e been identifie	ed in 8-13.			
15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason	Y	<u>NO</u>	No negative impacts have been identified in 8-13.							
16. Should the policy proceed to a partial impact assessment	Y	<u>NO</u>	If Yes, is there enough evidence to proceed to a full EIA   Y   N     Date on which Partial or Full impact assessment to be completed by   Image: Completed by   Image: Completed by					N		
17. Are there implications for the Service Plans?	Y	NO			e Service e updated	N/A	te ii P	9. Date copy sent o Equalities Officer n Policy, Performance and Communication	N/A	
20. Date reported to Equalities Board:		N/A	Date EB	to Scr	utiny and	N/A	2	1. Date published	N/A	

Signed (completing officer)

Signed (Lead Officer) \_\_\_\_\_

#### Please list the team members and service areas that were involved in this process:

G. Eagle Team Leader P. Bryon Service Manager