

To: Single Member Decision
Date: 23rd August 2012
Report of: Head of Environmental Development
Title of Report: Review of leaflet consent scheme

Summary 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? No

Executive lead member: 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 Daniel Smith
Finance Paul Swaffield

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 1st 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.
- 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 31st 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.

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List of background papers:

[SMD Report Leaflet Control June](#)

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