

**To:** Delegated Decisions of the Board Member, Cleaner Greener Oxford

**Date:** 16th June 2011

**Report of:** Head of Environmental Development

**Title of Report:** Proposed Licensing Scheme for the distribution of free printed matter

## **Summary and Recommendations**

**Purpose of report:** To designate land under schedule 3 of Environmental Protection Act 1990 in order to introduce a licensing scheme for the control of the distribution of free literature.

**Key decision?** No

**Executive lead member:** John Tanner

**Policy Framework:** Improve the local environment, economy and quality of life

**Recommendation(s):**

The Board Member, Cleaner Greener Oxford is recommended to:

(a) designate those areas of land set out in appendix 1 to this report for the purposes of section 94B and Schedule 3A of the Environmental Protection Act 1990 and

(b) request that the Head of Environmental Development in conjunction with the Head of Law and Governance carry out the requirements of the Act in order to bring the designation into force; and

(c) approve the changes made to the consent conditions in appendix 3 as a result of the consultation.

Appendix 1	The public notice published on 13 <sup>th</sup> January 2011
Appendix 2	Map showing the areas of the proposed designation
Appendix 3	Consent Conditions
Appendix 4	Equalities Impact Assessment
Appendix 5	Risk Register
Appendix 6	Breakdown of Fees and Costs
Appendix 7	Response to consultation

## **1 Introduction**

- 1.1 On 8<sup>th</sup> December 2010 the City Executive Board (CEB) considered a report regarding the proposed designation to control the distribution of free printed matter.
- 1.2 At the meeting the CEB declared that it was satisfied that the area highlighted in appendix 2 was being defaced by the distribution of free printed matter. The CEB also requested a further report detailing any objections to the proposals, and providing details of a fully costed scheme to control the distribution of free printed matter.
- 1.3 On 13<sup>th</sup> January 2011 the Council published a notice setting out its intention to designate land under section 94B and Schedule 3A of the Environmental Protection Act 1990. See appendix 1. It has also produced a map showing the areas of the proposed designation. See appendix 2.
- 1.4 The full effect of the proposed designation is set out in appendix 1. In brief, the areas of the proposed designation are Oxford City Centre, Cowley Road (as far as Magdalen Road) and Headington Hill Road and surrounding streets.
- 1.5 Below is a list of examples of what will be controlled as a result of implementing the scheme to control the distribution of free printed matter:
  - (a) a promoter for a nightclub giving out flyers to passing members of the public promoting an event at a venue
  - (b) the owner of a shop giving out leaflets to passing members of the public promoting the sale of goods at their premises
  - (c) an estate agent who leaves a box of property newspapers on the street at the entrance to their premises
  - (d) a board left outside a college promoting a theatre production that has a pocket containing leaflets attached to it
  - (e) a pile of flyers left on top of a piece of street furniture or a window ledge for passing members of the public to pick up
  - (f) a promotional stand set up in the street from which free leaflets are available promoting tourist activities such as bus rides or walking tours
  - (g) a promoter placing leaflets under the windscreen wipers of parked cars in a park and ride car park
- 1.6 It is possible to set specific times when a permit is required to distribute free printed matter, for example at peak times in the evenings or at weekends. The disadvantage of this approach is that there would be no control over leafleting activities taking place outside the specified times

and officers believe that this would result in an increase in litter problems.

- 1.7 The proposed consent scheme is designed to reduce the adverse environmental impact of the distribution of free literature in the City. This will occur by reducing the use of resources in dealing with the defacement by litter caused and reduce the visual impact of litter on the environment.

## **2 Consultation**

- 2.1 The Council's notice (appendix 1) invited people to register their objections to the proposal. The 14 day consultation period ended on 28<sup>th</sup> January 2011.
- 2.2 Only two responses objecting to the scheme were received during the consultation period:
- 2.3 Response 1  
The objections centred on concerns surrounding freedom of expression and National Insurance (NI) numbers.
- 2.4 Consent condition 5 has been amended accordingly to remove the requirement for a NI number (see appendix 3).
- 2.5 A further question asked who decides what publications are classed as religious, political, charitable etc. in order for them to be exempted from the scheme.
- 2.6 The decision on whether publications are for charitable, political or religious purposes falls on the Local Authority and a process for making these decisions will be drawn up with the assistance of the Head of Law and Governance. There is also a process of appeal against these decisions.
- 2.7 Response 2  
This objection cited the proposal as draconian and said it would prevent an 'off the cuff' promotion.
- 2.8 A monthly licence as well as an annual licence and the details are included in the breakdown of fees and costs in appendix 6.
- 2.9 The full responses to the consultation are included in appendix 7.
- 2.10 On Sunday 24<sup>th</sup> April 2011 an email was received advising the Council of an online petition against the leafleting regulations in Oxford. At the time of writing this report this petition contained 134 signatures. The online petition can be viewed at:

<http://www.petitiononline.com/oxban/petition.html>

### **3 Staffing implications**

- 3.1 There will be a need to provide proactive and reactive enforcement of the proposed scheme which will be carried out from within existing staffing resources. Any additional staff time will be funded by the fee income.
- 3.2 A flexible approach to the work will need to be taken to ensure that resources are available when required, which will often be in the evenings and at weekends. Where possible this will be linked up with other licensing and enforcement activities as well as including street scene supervisors and managers.

### **4 Financial Implications**

- 4.1 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 introduce the scheme at no net cost to the Council.
- 4.2 The full costs for the implementation of the proposed scheme and the proposed fees for the scheme are included in appendix 6.
- 4.3 The initial fixed set up cost for the scheme is the consultation, statutory advertisements and materials. The fixed set up cost for the scheme is £1,900.
- 4.4 The variable operational costs for the scheme are the administration and enforcement costs. These costs have been estimated in appendix 6 based on 20 annual consents and 10 monthly consents being received in the first year.
- 4.5 The set up and operational costs for the scheme will be recovered through the income from the consents.
- 4.6 The fees of £450 for an annual consent and £100 for a monthly consent have been calculated to cover the cost of the scheme based on 20 annual consents and 10 monthly consents being received in the first year.

### **5 Climate Change / Environmental Impact**

- 5.1 The proposed consent scheme is designed to reduce the adverse environmental impact of the distribution of free literature in the City. This will occur by reducing the use of resources in dealing with the defacement by litter caused.

5.2 All applicants must include a litter management plan with their application detailing how they will manage any litter created by the distribution of free printed matter in order to comply with the consent conditions.

## **6 Equalities Impact**

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

## **7 Level of Risk**

7.1 A full risk register is attached as appendix 5.

7.2 One risk of note is that there may be an initial increase in leafleting activity when the scheme is implemented. However strict conditions can be attached to consents to control any activity and therefore the recommendations are to accept this risk.

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### **List of background papers:**

None

**Version number:** 0.9

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