

## Appendix 7 – Response to Consultation

### Objection 1

My main concerns and objections revolve around freedom of information issues. There are some other smaller points to raise with which I will begin.

\* The notice in the *Oxford Times* of 13 January gives a closing date of 27 January: the website gives one of 14 February. Given that many people may only be aware of this proposal from reading the paper (me for instance), why the discrepancy?

\* The CEB report (section 6.10) says:

The Council may also refuse consent if the applicant has been convicted of an offence, or has paid a fixed penalty notice for the distribution of free literature without consent in a designated area, within five years preceding the date of the application

This is ambiguous. For an applicant to be refused, does the applicant have to have been convicted of ANY offence or one connected with distribution of free literature? If the former, does this allow the Council (for example) to refuse permission to, say, environmental protesters convicted of a different offence? This would be a poor day for freedom of information if it did.

\* The information of the website (section 5.1) says "does not include putting it inside a building or letter-box" but the newspaper notice does not make this clear. This leaves the reader of the newspaper notice with the impression that this order could be used to prevent 'junk' mail. It apparently does not, which on freedom of information grounds is good.

\* Exceptions are to be made for "charitable, religious or political purposes". Who will decide what falls into these categories? Will protesters against some proposed law (e.g. raising tuition fees) be classed as political and so able to distribute leaflets? This seems to be an area for some conflict or, possibly, an opportunity for the OCC to prescribe certain views, a highly undesirable possibility.

\* The CEB report gives no idea of costs to apply for permissions: these will only be available after consultation. How can potential distributors assess the cost implications to their businesses in these circumstances? Surely OCC must provide some reasonable best estimate figures at least? If other Councils have introduced such orders (some are mentioned in the CEB report), then there must be benchmark figures.

\* Conditions attaching to registration of potential distributors seem excessively onerous and intrusive.

The consent holder must maintain, and make available for inspection upon request a log/database of the name and addresses of all distributors used, together with their date of birth and National Insurance numbers

Surely name and address are sufficient? Does this prevent foreign nationals (say EU nationals not in possession of an NI number) from doing this work?

\* Examples of offending behaviour are given in section 9.2:

(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

(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

These all represent occasions where the passer by must actively take a piece of paper. Why should this be illegal? Someone actively seeking information and taking it is a reasonable human behaviour that ought not to be inhibited. This also concerns those who may wish to publicise a cause such as animal rights and who wish to provide information to those who seek it. Why should they need permission to do this?

\* It is also unclear to me why certain areas are focussed on. The obvious answer is that these areas attract most distributors and contain certain premises that cause a nuisance with litter. But surely it would be more equal to cover all of the OCC area? Is Summertown too posh to suffer this nuisance?

So in summary, I regret the possible freedom of information implications of this proposal and oppose it. I also regret some imprecision in its drafting and announcement.

### Objection 2

This is such a 'catch all' document that it will prevent many bona fide organisations from promotions. In a time when finances are hard for many traders, this proposal will make it impossible for an 'off the cuff' weekend promotion for a cafe in the Covered Market.

Rather than this draconian proposal I do think that any attempt to prevent leafletting in town should be directed at the culprits - mainly out of town traders. I also object to the loss of individuals/organisations to be able to advertise events, and object to the controlling attitude of the council.