

ENVIRONMENTAL PROTECTION ACT 1990, SCHEDULE 3A APPLICATION FOR CONSENT TO DISTRIBUTE FREE PRINTED MATTER ON DESIGNATED LAND. NOTES

Introduction

Schedule 3A of the Environmental Protection Act 1990 has been inserted into the Act by the Clean Neighbourhoods & Environment Act 2005. It enables the City Council to designate Council-owned land and highways where the distribution of free printed matter is permitted only with the prior consent of the City Council.

The purpose of this legislation is to help control the litter problem created by the distribution of free printed matter, which is often quickly discarded by persons to whom it is given.

"Free printed matter" includes any newspaper, document, card, leaflet, pamphlet, sticker or other literature for which no charge is made to the recipient.

"Distribute" printed matter means to give it out to, or offer or make it available to, members of the public and includes placing it on or affixing it to vehicles but does not include putting it inside a building or letter-box. Distribution that takes place inside a public service vehicle is also excluded, but the provisions will apply to material distributed to the public from a vehicle on to designated land.

Printed matter is "free" if it is distributed without charge to the persons to whom it is distributed.

The legislation does not apply to the distribution of free printed matter

- a) by or on behalf of a charity within the meaning of the Charities Act 1993, where the printed matter relates to or is intended for the benefit of the charity;
- b) where the distribution is for political purposes or for the purposes of a religion or belief.

Designated Streets and Places

The City Council has designated the land and highways listed in the attached appendix where the prior consent of the Council is required for the distribution of free literature. If free literature is to be distributed in a street or place not in the list then no consent is required.

Please note that the City Council will not grant a consent to distribute free literature in any Council-maintained off-street car park.

Application for Consent to Distribute Free Literature

Application for such consent must be made on a prescribed application form to be received by the Council not less than seven days before the required date for the distribution of the free literature.

Applications should be made to:-

The Licensing Section
Newington Road East
Newcastle upon Tyne NE6 5BD

Newcastle City Council can only give consent in relation to land which they have designated. It is advisable to check procedures in neighbouring council areas. Please note that the byelaws for the regulation of the use of walkways within Eldon Square and Eldon Gardens prohibit the distribution of flyers in the shopping centres.

Fees

Each person who distributes free printed matter in a designated place requires a consent. The consent is subject to payment of a fee which is based on the number of persons to be used to distribute the free literature at any one time. For example, a single consent may be issued to an individual and the fee would be 1 x the prescribed amount detailed on the application form. Alternatively, a company may have 20 people available to distribute free printed matter but may only use a maximum of 10 of those distributors at any one time. The fee in this case will be 10 x the prescribed amount detailed on the application form.

Services Provided:

*Animal Health
Building Control
Contaminated Land
Dog Warden
Food Safety*

*Gambling Licensing
Health and Safety
Liquor Licensing
Parking Services
Pollution Control*

*Private Sector Housing
Resilience Planning
Street Scene Enforcement
Taxis and Street Trading
Trading Standards*

The fee must accompany the application form. Cheques should be made payable to "Newcastle City Council."

When making an application you must specify the streets where you wish to distribute the free printed matter and the date you wish to start distributing the matter.

Consent will be valid for 12 months from the date of approval.

Conditions of consent

Consents will be subject to conditions which may restrict the time, date or places where free printed matter may be distributed. All consents will be subject to the following standard conditions

The Conditions of the Consent are:-

1. All staff engaged in the distribution of free printed matter shall wear an authorisation badge issued by the City Council bearing the number of the consent and showing the name of the consent holder so that it is clearly visible.
2. The above authorisation shall be produced on demand to an authorised officer of the Council or a Police Constable.
3. No free printed matter shall be left unattended by staff for the general public to take at their discretion.
4. All places in which free printed matter has been distributed are to be cleansed forthwith by the consent holder to a radius of 50 metres from the distribution point of any litter caused by the distribution of the said literature.
5. The free printed matter must bear the name and address of the consent holder who is responsible for its distribution.
6. Applications for consent must be made not less than seven days before the required date for the distribution of the free printed matter.
7. Consents will be subject to the payment of a fee based on the number of distributors per application.

Appeals

Any person aggrieved by a decision of the City Council to

- refuse a consent;
- to impose any limitation or condition subject to which consent is given;
- to revoke consent

may appeal by way of complaint to the Magistrates Court

Any person wishing to make such an appeal should write to :-

The Clerk to the Magistrates, Magistrates' Court, Market Street, Newcastle upon Tyne NE99 1TB

Offences

A person who distributes free literature in a designated place without the consent of the City Council commits an offence, where the person knows that the land is so designated. An offence is also committed by a person (or company) if (s)he causes another person to distribute free literature in a designated area without consent. The person commissioning the actual distributor therefore also commits an offence. In this case there is no requirement for the person concerned to know that the land is designated. A person who commits an offence is liable to a fine not exceeding level 4 (currently £2,500).

Where it appears to an authorised officer of the City Council that a person distributing any printed matter is committing an offence, (s)he may seize all or any of it.

Enquiries

Any enquiries about an application for consent should be addressed to:-

Licensing Office

Newington Road East

Newcastle upon Tyne

NE6 5BD. Telephone 0191 2783866. Email: licensingnewingtonroad@newcastle.gov.uk

Any enquiries about enforcement should be addressed to:-

Directorate of Operations and Regulatory Services

Civic Centre

Newcastle upon Tyne

NE1 8QH. Telephone 0191 2116102. Email: psr@newcastle.gov.uk