

Reference Number: 101004548134

Response provided under: Freedom of Information Act 2000

Request & Response:

Request in bold:

Response in plain text:

1. Please state whether you have used the Environmental Protection Act 1990 to restrict the distribution of free printed matter (leafletting). If so, please state the cost of obtaining a leafletting licence. Please state whether you apply these restrictions to small local arts and community groups (for example a local theatre or arts group).

In accordance with the Environmental Protection Act 1990 & Clean Neighbourhoods and Environment Act 2005, Cornwall Council does regulate the distribution of free printed matter; the only areas which are regulated are a number of streets within Newquay town centre (as detailed in the attached Statement of Practices, Procedures & Policy).

The legislation does not apply to the distribution of free printed matter where it is for political, charitable or religious purposes.

The consent fees depend on the number of distributors and period of consent and are detailed on page 4 of the attached.

2. Please state whether there are any additional restrictions in your town or city centre on leafletting on behalf of religious/charity/political groups.

Information not held

3. Please state whether there are public open-air areas within your city or town centre which are owned and controlled by private companies (for example, a square or a park). If possible, please state the number of these areas. Please state whether you are aware of any restrictions in these areas upon freedom of speech or association (for example, restrictions on leafletting, political demonstrations, gathering in groups, charity fundraising, or on megaphones or amplification).

0 - This is on the assumption that this definition does not include beaches, sports fields or King Edward Mine parkland, as they are not town/city centre locations.

4. Please state whether you have taken down or issued warnings for posters put up by community/religious/charitable/political groups, or for local events. Please give a list of all such posters

taken down in the past year. Please provide as much detail as is possible (eg, the name of the community group concerned, and the action taken).

We looked through all of the 156 Advert planning enforcement cases received from 9/7/18 to 9/7/19 and there is not a single case where we have removed or issued a warning for a poster advert for a community/religious/charitable/political group, therefore, there are 0 examples in the last year where we have done this.

5. Please state whether there is a free public noticeboard within your town or city centre where people can put up posters.

This information is not held by Cornwall Council. May we suggest that a Parish Council may hold this information.

6. Please state whether your council has an area in the town centre where people could put up a temporary stall (for example, to campaign on a political cause). Would a fee be payable to the council for this? (and if so, how much?).

This information is not held by Cornwall Council

Information provided by: Neighbourhoods & Public Protection
Planning & Sustainable Development
Commercial Services

Date of response: 12.07.19



Control on Free Distribution of Printed Matter (Flyering)

Statement of Practices, Procedures & Policy

Licensing Service
Cornwall Council
Chy Tревail
Beacon Technology Park
Bodmin
PL31 2FR

licensing@cornwall.gov.uk

 01726 223433

Legislation

Under the Environmental Protection Act 1990, local authorities have a statutory duty to keep their 'relevant land' free of litter and refuse.

Local authorities have the power, under the Clean Neighbourhoods and Environment Act 2005, to restrict the distribution of free printed matter (flyers, leaflets, pamphlets, newspapers, stickers etc) on designated land, if the distribution causes a litter problem.

The purpose of this legislation is to help control distributions and associated litter problems as the distribution of flyers etc can blight public spaces if they are subsequently dropped as litter.

Definitions

“Distribute” means to give the free printed matter out to, or offer to make it available to, members of the public and includes placing it on or affixing it to vehicles but does not include distributing the free printed matter by delivering it into a building or letterbox.

“Relevant Land” includes all public places which are in the open air and owned and managed by the Council.

“Relevant Highway” includes streets and pavements, which are maintainable at the public expense, for which the Council is responsible.

Designated Land

The following streets in **Newquay** have been designated* as areas where Consent is required before any distribution of free printed matter can take place:-

Fore Street	Bank Street
Central Square	East Street
Beach Road	Cliff Road
Gover Lane	Broad Street
Bridge Road	Grosvenor Avenue
Crantock Street	Berry Road
Beachfield Road	Tram Tracks
Cheltenham Place	Oakleigh Terrace
The Crescent	Station Approach
Manor Road	Narrowcliff
Marcus Hill	Trebarwith Crescent

* “The Restormel Borough Council (Controls on Free Distribution of Printed Matter) Order 2006”

Exemptions

The legislation does not apply to the distribution of free printed matter where it is for political, charitable or religious purposes.

It also does not cover flyers placed inside a building or put through a letterbox, or handed out in a public service vehicle such as a bus.

However, it does still apply to material distributed from a vehicle onto designated land, regardless of whether the vehicle is stationary or in motion.

Application Procedure

Application forms are available from the Licensing Team on request or the Council's website:

<http://www.cornwall.gov.uk/advice-and-benefits/licences-and-street-trading/flyering/>

The Licensing Team also now offer services to support licensing enquiries and applications through our Licensing Direct services, which include pre-application advice and/or application assistance. Our aim is to assist you to ensure you only apply for the licences you need and to help mitigate any problems which may arise during the application process.

The application process may take up to 4 weeks, as for each application received, the Licensing Team may consult with the Police, Town Council, Local Ward Member and relevant services within Cornwall Council such as Community and Environmental Protection, Waste Management, Licensing Compliance and any other relevant person/body.

When considering applications, the Council will have regard to any comments that have been received as part of the consultation process and will also take into account the relevant legislation, this policy and conditions.

Should valid objections be received, applicants will be notified and applications may be referred to a hearing or panel meeting for a decision on the application. All parties will be invited to attend

Applicants may appeal to the Magistrates Courts in respect of the following:-

- Refusal of Consent
- Limitation or condition subject to which Consent is given
- Revocation of Consent

Fees & Charges

The fees from 1 April 2019 to 31 March 2020 are as follows:-

Licensing Direct Services	
Pre-Application Advice	£20 (including VAT)
Application Assistance	£20 (including VAT)

Application / Consent Fees				
Application fee to process new / renewal / variation application*	£70			
PLUS, Consent fee to be paid prior to Consent being issued depending on number of distributors and period of Consent as follows:-				
	1 distributor	2 distributors	3 distributors	4 distributors
Single day	£30	£35	£40	£45
Up to 1 week	£55	£65	£75	£85
Up to 1 month	£80	£100	£115	£130
Each additional month	£20	£30	£40	£45
Annual	£265	£380	£520	£580

* The application fee must be received before an application can be processed.

Conditions

Consents are subject to standard conditions, which include:-

- Maximum of 4 individuals at any one time permitted to distribute per premises/business.*
- Hours of distribution limited as considered appropriate based on type of premises/business.*
- Maximum amounts to be distributed per week or on any given date (5,000 flyers a week is the maximum permitted to be distributed and no more than 2,500 of that can be on a single day).*
- Requirement for all distributors to wear the identification badge issued by the Council.
- Distributors must clear all discarded free printed matter within the designated areas.
- A final clearing exercise to remove any remaining discarded free printed matter within the designated area is to take place for one hour after the end of distribution (or thirty minutes after the premises closing).
- Authorised officers may on demand inspect documents, records and logs relating to monitoring controls on the distribution of free printed matter.
- The Council may require any person distributing free printed matter under their Consent to produce on demand written evidence of the Consent to an authorised officer of the Council.

* The Council considers limiting the time, volume of material and number of distributors per Consent on the grounds that there has been a marked improvement in the cleanliness of the designated areas since its designation and the Council wish this to continue.

The Council may also attach such additional conditions as they consider reasonably necessary.

The Council can allow exemptions from the standard conditions within this policy where they deem it appropriate in the circumstances. Each

application is considered on its merits and the Council can depart from the policy where appropriate to do so.

A Consent holder is responsible for ensuring conditions are strictly complied with at all times and may be held liable under the appropriate legislation.

Any breach of conditions may result in a fixed penalty notice or prosecution. The Consent may also be revoked at any time or not renewed.

In addition, an individual distributor working under the benefit of a Consent holder's Consent may be individually liable under the appropriate legislation.

Renewals

Consents will be issued for a maximum period of 12 months, although shorter term Consents may also be issued on a daily, weekly or monthly basis.

Subject to no substantiated complaints being received regarding litter, priority will be given to existing premises/businesses renewing Consents.

Offences and Penalties

Anyone who distributes without Consent, or commissions someone else to do so, commits an offence and may be subject to prosecution or fixed penalty notice. In addition, the legislation contains provisions for authorised officers to seize any material distributed without Consent.

A Consent holder who breaches any conditions attached to the Consent may also be subject to prosecution or fixed penalty notice. In addition, Consents may be revoked immediately and any future applications refused.

The enforcement policy for Public Protection can be obtained from the Licensing Compliance Team (telephone 0300 1234 212) or is available on the Council's website at the following link:-

<http://www.cornwall.gov.uk/media/7465019/2013enforcementpolicyamended.pdf>

Useful websites

Information and details of how to apply is available on the Council's website:-

<http://www.cornwall.gov.uk/advice-and-benefits/licences-and-street-trading/flyering/>

Cornwall Council's Business Regulatory Support Service:-
<http://www.publicprotectioncornwall.co.uk/services/>

Clean Neighbourhoods and Environment Act 2005:-
<http://www.legislation.gov.uk/ukpga/2005/16/part/3>

Disclaimer

The content of this document is provided as a statement of practices, procedures and policies in relation to flyering in Newquay. It is not a full and authoritative statement of the law and is not issued as legal advice or intended to provide legal advice. The purpose of the document is to provide useful information in relation to the control of flyering in Newquay. You should obtain your own independent legal advice where appropriate.

Further information is available from the Licensing Team:-

Email licensing@cornwall.gov.uk
Telephone 01726 223433

Applications should be submitted to:-

**Central Licensing Team
Cornwall Council
Chy Trevail
Beacon Technology Park
Bodmin PL31 2FR**

If you would like this document in another format please contact:

Cornwall Council
County Hall
Treyew Road
Truro
TR1 3AY

Telephone: 0300 1234 100

Email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk

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Only print this document if it cannot be sent electronically.**