



1st August 2006

This document provides a draft reponse to initial consultations on the Free Distribution of printed Material on Designated land outlines amended conditions, enforcement processes and geographical area provided to Leeds City Council following discussions held about the consequences of the original proposals. These are proposed to form the basis of the revised Free Distribution of printed Material on Designated land report which will be the basis of the decision to declare a zone.

1 Declaration of zone - Geographical Areas

The main areas currently identified as having repeated problems with flyers is delineated around the city centre and a corridor following Otley Road to the Shaw Lane/Otley Road junction, Headingley.

The zone will be created by a boundary along the following roads/landmarks.

Starting at the junction of New York Road and Marsh Lane.
SW along Marsh Lane, Crown Point Road to Great Wilson Street.
W along Great Wilson Street to Neville Street.
Across and W along Globe Road to Whitehall Road.
NE along Whitehall Road to River Aire.
NW along River Aire to Wellington Road.
NE along Wellington Road to Wellington Street.
NW along Wellington Street, enclosing West Street car park and NW up Marlborough Street.
WNW along Park lane to Victoria Terrace.
NE along Victoria Terrace to Kendal lane, and across to Victoria Street.
N up Clarendon Road to Moorland Road.
WNW along Moorland Road to Hyde Park Road.
NE along Hyde Park Road to Hyde Park Corner.
NW along Headingley lane to Spring Road. The zone along Headingley lane will extend 50m from either side of the road.
SW along Spring Road to Cardigan Road.
NW along Cardigan road to St Michaels Lane.
SW down St Michael's Lane to the railway line.
NW along the railway line to Kirkstall Lane.
NE along kirkstall Lane, along North lane until meeting Otley road.
NW along Otley Road to Shaw Lane.
NE along Shaw Lane to Grove lane.
Off Grove Lane, S along Grove Road.
NE along Wood Lane to North Grange Mount.

Along North Grange Mount to North Grange Road.
Along North Grange road until rejoining Headingley Lane.

Along the Kirkstall Lane, North lane and otley Road to Shaw Lane, the zone boundary will extend the zone by 50m from the edge of these roads to the north and westerly directions.

SE along Headingley Lane to Hyde Park Corner (note 50 m corridor width)
E along Woodhouse Street to Rampart Road.
SSW along Rampart Road to Cathcart Street
Cathcart Street to St Marks Road.
After St Marks road turns S, SW along Leicester Place.
SW along Blackman Lane to Blenheim Walk.
SE along Inner Ring Road, including Woodhouse Lane car park within the boundary.
Following the Inner Ring Road along New York Road till reaching Marsh Lane junction.

2 City Centre event spaces

Currently there are event spaces within the City Centre which require paid consent for use. Appendix 3 details the extent of the areas defined as event spaces. No promotion activity can be carried out in these areas without a city centre event space consent. The event space consents will include the ability to flyer within the overall event space in accordance with the general conditions referred to in this report. The event space application fee will include the flyer consent cost to avoid an applicant having to apply for 2 consents. The existing event spaces are available for hire Monday – Saturday 8.00am – 6.00pm. An event space consent will enable any number of people associated with that promotion to be engaged in flyering activity within that even space.

Should a person hire an event space, but also wish to flyer outside of this area, they must be in possession of an annual consent to distribute printed material.

3 General consents and costs

Appendix 1 contains detailed consent conditions to be applied to all consents and authorization badges issued under them.

The law provides that a charge can be levied for consents which will cover costs of administration, issuing, then enforcing the process. Appendix 2 contains proposed charges.

Printed materials will include self adhesive stickers.

Consents will be granted on an annual basis and will be subject to conditions. An applicant will be able to apply for as many authorization badges as they need, but each person distributing at any one time will need to possess a valid authorization

badge. If a badge has been revoked, that applicant can not apply for any further badges that year.

For distribution within the zone, the offence is that of issuing material without consent. There is no offence for breaching conditions attached to the consent. For those that do not apply for consent, they will be prosecuted, although they can discharge that offence through a fixed penalty notice.

If an authorization badge is revoked, the consent holder will not be able to reapply for a replacement badge for the remaining part of the consent period. In order to prevent others applying on behalf of the original applicant, only one application per address will be allowed. Applicants must apply from a Leeds based address. If it becomes apparent that consent holders or applicants are attempting to defraud the spirit of this process, all associated consents will be revoked and not reissued.

Consents will run from the start date applied for until the corresponding date the following year. Following consultation, it is recognised that some businesses may only use the consent on a few occasions, therefore an escalating cost base will be used. This is based upon the premise that whilst the administration cost remains the same, the enforcement cost will be less.

Authorization badges are not interchangeable between consent holders, and all distributors using badges must be directly employed by the consent holder. The consent holder must maintain, and make available for inspection upon request, a log/database of the name & addresses of all distributors used, together with their date of birth and National insurance numbers. The log should record where and when the distributors were operating, materials being offered and the authorization badge being used.

Application forms not containing all the relevant details will be refused. Payment must be made with the application, and should the payment fail (eg. bounced cheque) after the consent has been issued, the consent will be deemed to be automatically revoked.

4 Enforcement

Once declared, it is an offence to distribute printed materials in an area without consent. Distribution includes putting items on display for collection, putting bundles in phone boxes etc, and putting on vehicles. The distributor will be liable to prosecution. All materials will also be seized, and will be kept for 6 months or returned upon order of the court.

Prosecutions carry a maximum penalty of £2500, although the offence can be discharged by the payment of a fixed penalty notice of £75. Whilst the use of an FPN is discretionary it will be offered in all cases except where flagrant or repeat offences are occurring.

An application for consent may be made by one company/organization for several authorization badges. Enforcement action will be taken using a series of verbal,

written and final warnings leading to revocation. An indication of how we may operate is given in appendix 4. For instances where littering is created by an authorization badge user, or where a breach of condition has occurred, the authorization badge being used will be subject to a series of escalated warnings.

If a consent is revoked or refused, this decision stands until a court determines otherwise. If the consent holder distributes material without consent, but pending the outcome of an appeal, he will not be issued with a FPN but will be prosecuted for the offence, following the determination of the appeal.

Appendix 1 – Consent Conditions

All consents will be subject to the following conditions. Consents may also be subject to specific conditions based upon the application details. The applicant remains fully responsible for the safety of their employees whilst distributing materials or whilst removing litter.

1. All staff engaged in the distribution of free literature shall wear an authorization badge issued by the City Council bearing the number of the authorization badge and showing the name, address and contact telephone number of the consent holder so that it is clearly visible.
2. The authorization badge shall be produced on demand to an authorized officer of the Council or other relevant agency, such as the police.
3. All staff engaged in the distribution of free literature shall wear the authorization badge from a highly visible lanyard.
4. Authorization badges are not interchangeable between consent holders, and all distributors using them must be directly employed by the consent holder.
5. The consent holder must maintain, and make available for inspection upon request, a log/database of the name & addresses of all distributors used, together with their date of birth and National insurance numbers. The log should record where and when the distributors were operating, materials being offered and the authorization badge being used.
6. No free literature shall be left unattended by staff for the general public to take at their discretion.
7. All places in which free literature is being distributed must be kept free of discarded literature so that the area does not fall below grade B of the Governments Code of Practice on Litter and Refuse at any time. If an authorized officer of the council judges that the standard has been breached as a consequence of the distribution of free materials, his judgment will be definitive at the time. Challenges to that assessment will only be accepted through the formal appeal process.
8. If an authorised officer requests the consented staff to pick up discarded literature, the staff member shall do so immediately. The distributor will stop distribution until the materials on pedestrian areas have been removed and the area restored to grade A within the hour and materials on trafficked roads restored to grade A within 6 hours.
9. The free literature must bear the contact details of the company, venue or event that is being promoted.
10. Applications for consent must be made not less than 7 days before the period of distribution, except for monthly applications.
11. Consents will be subject to the payment of a fee to be paid at the time of the application.
12. No free literature shall be placed on parked vehicles, attached to parked vehicles or fixed to parked vehicles.
13. No free literature which clearly encourages irresponsible consumption of alcohol can be issued. This includes irresponsible drinks promotions such as all inclusive drinks offers when paying for entry or drink all you can for a fixed amount will not be permitted. Responsible promotions for alcohol must also carry the Drink Aware message.
14. If an authorization badge has been revoked, the consent holder will not be able to reapply for a replacement badge, or additional badges for the remaining part of the consent period.

15. Applications may be for multiple authorisation badges, but only one application per address will be allowed. Applicants must apply from a Leeds based address.
16. Flyers cannot be issued in City Centre event spaces (Briggate, Dortmund Square, Central Square, Albion Place, Bond Court, Chancellor Court, Millenium Square and Victoria Gardens) unless an event space consent is held.

Appendix 2:

Application fees:

Type of consent	FEE
Monthly authorization badge	£50
Annual – 1 st authorization badge applied for	£75
Annual – 2 nd authorization badge applied for	£100
Annual – 3 rd authorization badge applied for	£150
Annual – 4 th and subsequent authorization badge applied for	£175

Appendix 3:

Description of City Centre event spaces:

Briggate:

This is the space between the junctions on Briggate with Albion Place/King Edward Street and Commercial Street/Kirkgate the premises which denote the corners are currently occupied by the following stores: The Body Shop/Eye Clinic and Carphone Warehouse/Zara.

Central Sq:

The event space covers the levelled paved area surrounded by seating denoted by the black and red blocks and the red marl blocks. The space is on Lands Lane and falls between the junctions of Commercial Street and Albion Place. The corners of the space are currently occupied by the following stores River Island/La Senza and Clarks/Barratts.

Dortmund Sq:

This is the space which falls between the St Johns Shopping Centre/Mark Lane/Wormald Row and The Headrow. Premises which currently face on to the space are Topshop (St Johns Centre)/Dorothy Perkins (St Johns Centre) and JJB Sports/vacant Alders site.

Albion Place:

The event space is on the section of Albion Place with the 'lay-by' which falls between WHSmith/The Conservatory and La Senza/Carphone Warehouse.

Bond Court:

This is the area which covers the Boules Court which falls between Russell Street, Infirmary Street and Park Row.

Chancellor Court:

This is the pedestrian square known as 'Chancellor Court' which falls between Assembly Street/Railway Bridge and The Calls.

Merrion Gardens:

Merrion Gardens of Rest, gated gardens on Merrion Street.

Event space consents will be continue to be issued by City Centre Management for Briggate, Dortmund Square, Central Square, Albion Place, Bond Court and Chancellor Court. Learning and Leisure will continue to issue event space consents for Millennium Square and Victoria Gardens.

Appendix 4:

4.1 Authorization badge enforcement process:

Litter will be evaluated using the Code of practice on litter and refuse standards.

Where litter is found at Grade B, or consent conditions are breached, a **verbal warning** will be issued along with the instruction to pick up the litter.

All instructions to clean up will result in the distributor stopping distribution until the materials on pedestrian areas have been removed and the area restored to grade A within the hour and materials on trafficked roads restored to grade A within 6 hours.

Where litter is found at Grade C, a **written warning** will be issued along with the instruction to pick up the litter.

Where litter is found at Grade D, a **final written warning** will be issued along with the instruction to pick up the litter.

Repeated verbal warnings will result in a **written warning** being issued. Failure to pick up the litter will escalate the warning to the next level.

Written warnings will remain live for 2 months or the remainder of the consent period. Possession of 2 **written warnings** will result in a **final written warning** being issued.

A **final written warning** remains live for 6 months or the remainder of the consent period. Receipt of a further written warning will result in that authorization badge being revoked. After 6 months, the final written warning becomes dormant. Receipt of a **second final written warning** during a dormant period will result in revocation.

The condition relating to responsible drinking will be enforced using a **final written warning**.

Multiple and competing flyering events having cumulative effects will be disaggregated when assessing the criteria.

However, where the cumulative effect is to create litter which falls below grade B, all distributors will be asked to stop distributing until the litter has been restored to a grade A standard.

In extreme circumstances of litter creation by one or more distributors, an enforcement officer may revoke all badges owned by the consent holders working in that area. This revocation will last 24 hours in order to allow the companies time to remove all of the liter which they have created. The consent will become live 24hours later, unless litter is still prevalent, in which case a further 24 hour suspension will follow.

Should it be necessary to revoke the consent for a 24 hour cooling off/cleaning up period, **final written warnings** will be issued.

For those occasions where litter is found after the distributors have left the scene, the materials will identify who is benefiting from the promotion. If the beneficiary, or his distribution company is issuing without consent, they will be prosecuted. If the person responsible does have a consent, the fact that the distributor has left the scene defaced by litter indicates a lack of regard for the environment and **written warnings** will be issued for grade B offences, and **final written warnings** for grade C & D offences.

4.2 Evaluation of a multiple authorization badge holder:

Whilst dealing with individual authorization badges allows the consent holder to manage their employees to prevent litter, there may be occasions when multiple badge holders are failing to meet litter standards across all of their authorization badges.

If a multiple badge holder has 20% of its badges revoked, a **written warning** will be issued. If it then goes on to lose 40% of its badges, this suggests a failure to manage its own resources properly. All remaining badges held by that consent holder will then be **revoked**. In such circumstances, any reapplication will need to be carefully considered due to the environmental damage caused to the City, and refusal of future consents will be considered.