

GUIDANCE FOR PEOPLE DISTRIBUTING FREE LITERATURE

Haringey Council operates a Licensing Scheme whereby people wishing to distribute Free Literature in designated streets have to apply for a Licence.

Such literature includes paper, cards and documents for which no charge is made to the recipient and which advertise for commercial gain. Distribution covers offering or making available and includes fixing to a vehicle.

Within designated areas shown overleaf, any person who distributes free literature without a Licence from the Council, or in breach of any condition given in the Licence is committing an offence. Authorised Officers have the power to seize the supply of literature being distributed without a Licence.

A Licence is not needed where free literature is placed into a letter box or building, so the distribution of free newspapers and handbills to residential or commercial premises is not affected. Similarly organisations such as Charities, Political Parties and London Regional Transport are exempted from these provisions and can distribute literature within the designated areas without a Licence. However, the Council expects them to comply with a Voluntary Code of Conduct.

The London Local Authorities Act 1994 provides grounds under which the Council can refuse or cancel a Licence. Any persons aggrieved by the Council refusing or cancelling a Licence, or attaching unreasonable conditions to the Licence, may appeal to a Magistrates' Court and the Court may dismiss or allow the appeal, or vary the conditions attached.

Copies of the London Local Authorities Act 1994 are obtainable direct from Her Majesty's Stationery Office or may be ordered from a Bookseller.

WHY A LICENSING SCHEME?

Thousands of hand bills, advertisements and information about promotional offers have been distributed in the busier shopping areas of the Borough. The vast majority being discarded by the recipients within a very short period causing pavement litter problems. These new powers control distribution and enables the Council to impose conditions on the Licences that are given to reduce the litter problem.

WHAT STREETS ARE INCLUDED?

The Act now applies to the areas where problems are known to exist. These are:-

GREEN LANES, N4, N8 & N15
LORDSHIP LANE, N17, N22
SEVEN SISTERS ROAD, N15, N4
HIGH ROAD, N15, N17
HIGH ROAD, N22
PARK LANE, N17
WHITE HART LANE, N17
HIGH ROAD, N22
PAXTON ROAD, N17
WORCESTER AVENUE, N17

and all side turnings off these listed roads to a distance of 50 metres from the junction with the roads.

Private land within 7 metres of any designated street is also controlled with exemptions for the owner or business rate payer of the land or person on the land with the consent of the owner or business rate payer.

Later the powers may be applied to designate other streets, public off-street car parks, recreation grounds, gardens and parks or any open space under the management or control of the Council which may be in addition to existing controls.

Charities (within the meaning of the Charities Act 1960). Political Organisations and leaflets distributed under the London Regional Transport Act 1984 do not need the Council's consent. However they are invited to comply with the following **CODE OF CONDUCT**

1. Do not distribute near a licenced operator (or another person already handing out exempt leaflets). Choose a safe location that does not cause obstruction or inconvenience to pedestrians or businesses nearby.
2. Offer leaflets to passers-by and invite them to take one. Do not thrust a leaflet into their hands when they have indicated that they are not really interested.
3. Avoid more than two distributors at any one place.
4. Make satisfactory arrangements to keep the footway clear of any discarded leaflets and when packing up ensure that there is no litter associated with your activity up to 50 metres away.



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5. The Council can provide a litter picking service or put organisers in touch with other cleaning agencies should there be insufficient volunteers to assist in keeping the immediate area as litter-free as possible.

GENERAL INFORMATION

1. **H**aringey Council will grant 'Consents' in the form of a Licence.
2. **A**ny person who distributes free literature in a designated area (or street) without a Licence or in breach of a condition of a Licence or causes or permits any person to do so shall be guilty of an offence and liable on conviction to a Fine not exceeding **Five Hundred Pounds**.
3. **I**ndividuals may apply for a Licence no earlier than four months and no later than two months before the date(s) that the Licence is to cover. The Council will give applicants at least one months notice of its decision and this should allow sufficient time for an aggrieved person to complain to a Court and lodge an appeal so that the matter can be resolved before the date sought for the Licence. Applications for the renewal of a Licence may be made up to one month before the required date, but applicants should note that this may not give sufficient time for an appeal to a Magistrates' Court against the Council's refusal to renew Licence or impose Conditions.
4. **T**he Council will consider applications from a second person wishing to distribute identical leaflets at the same location and will deal with this as an associate application. There will be a reduction in the associate applicant's fee.
5. **I**n respect of applications to distribute leaflets associated with shop premises, the Council will normally consider granting the Licence for use immediately outside the premises. This is to prevent distribution becoming a problem to an adjacent business and outside a competitor's premises.
6. **A**pplications from persons where there is no connection with a business within the designated area will be preferred for locations where they are away from business areas and the footway is at its widest.

HOW TO OBTAIN A LICENCE

All applicants must make an appointment (Telephone **020 8489 1000**) with a Street Enforcement Officer of the Council to come to the Council offices at: **Techno Park, Ashley Road, Tottenham, London, N17 9LN**. They shall bring:

- (i) Two identical full-face photographs of themselves taken within the preceding 12 months both signed on the reverse.
- (ii) The prescribed fee (Payment may be by cash or cheque made payable to '**The London Borough of Haringey**'). A receipt will be given).
- (iii) A copy of the proposed literature to be distributed or a draft or printers proof.

You must have the following information readily available so that I can be entered on the application form: Trading name (if any), business address (if any), dates and times wishing to trade, whether first time or renewal application, whether an associate application, details and dates of any convictions for illegally distributing leaflets, violent behaviour or breach of licencing conditions and whether ever refused a Licence.



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At the interview each applicant will have to demonstrate how they will deal with discarded leaflets in the area. (The Council can arrange for an additional fee, a litter disposal service or suggest other arrangements).

Applicants will be asked to amend literature that either contravenes Trading Standards Legislation, is inaccurate or contains racist, sexist or other offensive and improper text. Failure of an individual to carry out the Council's wishes will result in the person being regarded as an unsuitable applicant by reasons of misconduct.

Failure to furnish any of the above will result in the application being considered void on that day and a fresh appointment will need to be arranged.

CONDITIONS ATTACHED TO LICENCES

The Council under Section 4(6) of the London Local Authorities Act 1994 may attach any or all of the undermentioned conditions to a Licence.

1. The times or periods for which the Consent is valid and the place where it will apply.
2. Conditions for the prevention of detriment to the amenities of the area.
3. To produce on demand the Licence to an Authorised Officer of the Council or Constable.
4. To prohibit the distribution of leaflets with inappropriate text and illustrations.
5. That members of the public to be invited to accept a leaflet.
6. No stand or paraphernalia shall be placed on or overhang the footway. Stocks can be replenished directly from the shop or satchel about the person.

ASSESSMENT OF APPLICATION - CRITERIA TO BE USED

- C1** Applicants must be at least 17 years of age when the Licence is granted.
- C2** Applicants must not have given false information to Officers in any part of the application process.
- C3** Applicants must be free from conviction for offences in relation to the distribution of free literature. Convictions in respect of these matters will not be considered if they have occurred outside the following time limits -

1 Offence - application considered if 3 years or more prior to application date.

2 Offences - application considered if 4 years or more prior to application date.

More than 2 Offences - application considered if 5 years or more prior to application date.

- C4** Whether there is already a sufficiency of persons to whom a Consent has been given carrying out in the designated place the activity in respect of which the Consent is requested.
- C5** Whether there will be a risk of danger or unreasonable inconvenience to users of the highway if the Consent is given.

APPLICATION FEES/CHARGES

	Main Distributor Licence	Associate Licence
First application (application and 1 days' distribution)	£46.50	£21.00
Renewal (application and 1 days' distribution)	£34.50	£17.00



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Extra Days (Maximum Six) - £10.00 per day per Licence		

End. All of the above valid until 31st March 2011