

Consent to Distribute Free Printed Matter

Since 2009 it has been a legal requirement to obtain consent from Wakefield Council to distribute leaflets, promotional flyers etc. in Wakefield city centre. The only exemptions to this are if the leaflets are distributed for political or religious causes or for promoting a registered charity (proof of charitable registration required). Consent is only required where leaflets are distributed from outdoor, public areas in Wakefield city centre. Consents can be obtained from the Council's Environmental Health Service by phoning 08458 506 506, or by applying online: <https://www.gov.uk/permission-to-distribute-leaflets>. A fee is payable for a Consent, which varies depending on the time when distribution will take place and the number of distributors who will be handing out leaflets/flyers.

Enforcement Policy

The aim of the consent scheme is to control the amount of littering from flyers and leaflets which are handed out and then subsequently discarded. While any individual can be held responsible for littering they cause, the consent system also places a duty on those businesses and other groups who hand out leaflets and flyers and contribute to the littering problem. Conditions (see overleaf) are attached to every consent issued, and it is the responsibility of the person granted consent to ensure the conditions are complied with. Local authorities have discretion whether to give consent or not and failure to comply with conditions can result in a consent being revoked or not re-issued. It is also an offence to distribute free printed matter (leaflets and flyers) without consent which can result in a fine of up to £5,000. The aim of this Enforcement Policy is to provide guidance on when enforcement action is likely to be taken by the local authority for failing to comply with these requirements.

Guide on Enforcement Actions

The Table below shows the enforcement actions that are likely to be taken by the local authority depending on the particular breach. This is a guide only and consideration will be given to any particular circumstances or the facts in each case.

Breach	Enforcement Action
Distributing without Consent.	<ul style="list-style-type: none"> • 1st offence – written warning lasting 2 years. • Subsequent offence in 2 year period – Prosecution. • Leaflets may also be confiscated on each occasion where distribution is carried out without consent.
Breach of Condition	<ul style="list-style-type: none"> • Maximum of 2 written warnings in any rolling 12 month period, a third breach in the 12 month period will result in Consent being revoked or not re-issued. • Further applications for consent will not be approved for a minimum of 2 years where consent has been revoked or not re-issued for a breach of condition.

Condition Requiring Clearance of Discarded Flyers

One of the most important conditions associated with consent is the requirement to clear discarded leaflets before the end of the distribution period. However, this condition is most often the one which is not complied with by Consent Holders and is most likely to result in enforcement action being taken. It is not always reasonable or possible for Consent Holders to clear every single leaflet that may have been discarded and therefore to provide further clarity on how this condition will be interpreted the following guide will be used:

Number of Discarded Flyers not Collected by end of Distribution Period	Likely Enforcement Action
Less than 10	No Action
Between 10 and 50	Informal advice that action needs to be taken to improve collection of discarded flyers.
Between 50 and 100	Formal written warning, but consideration will be given to previous compliance history.
More than 100	Formal written warning.

Important Note – Consent Holders must take all reasonable steps to collect **all** discarded leaflets and flyers from the area where they have been distributing from and at least 50 metres beyond that point and not just to a standard which will avoid enforcement action. The aim is to reduce the amount of littering overall and the above figures may be revised downwards on subsequent reviews of this Policy in order to reduce the amount of litter from discarded flyers.

Standard Conditions of Consent*

1. Only free printed matter relating to **[name of business / service]** may be distributed under this Consent. The named business / service shall be clearly identified on the printed matter being distributed.
2. Free printed matter shall only be distributed from **[insert distribution point]**.
3. Free printed matter shall not be distributed outside the hours of **[7.00am to 7.00pm/7.00am to 3.00am]**.
4. Any litter within 50 metres of the distribution point identified in Condition 2, which has arisen from discarded free printed matter distributed under this Consent, shall be cleared before the end of the period identified in Condition 3.
5. Free printed matter shall not be attached to or placed on parked vehicles, buildings or other structures.
6. Free printed matter shall not be in the form of stickers or other self adhesive matter.
7. Free printed matter shall not be left unattended in public areas.
8. Any person engaged in the distribution of free printed matter shall wear a clearly visible authorisation badge issued under this Consent.
9. This Consent shall be produced on demand to an authorised officer of the Council or a Police Officer / Police Community Support Officer.
10. Any person engaged in the distribution of free printed matter shall provide on demand to an authorised officer of the Council or a Police Officer/Police Community Support Officer any information reasonably required in order to verify compliance with this Consent.
11. The Consent Holder is responsible for ensuring that any person engaged in the distribution of free printed matter under this Consent is aware of, and complies with the Conditions of Consent.

*Items in **bold** will change depending on the type of consent.