



**Guidance to Distribute Free Printed Matter in Designated Areas of Manchester - Schedule
3A of the Environmental Protection Act 1990**

(Section 23 of the Clean Neighbourhoods and Environment Act 2005)

Legislation

Section 94B and Schedule 3A of the Environmental Protection Act 1990 (as inserted by Section 23 of the Clean Neighbourhoods and Environment Act 2005) enables Manchester City Council ("the Council") to designate land and places where the distribution of free printed matter is prohibited without the prior consent of the Council.

These new controls on the distribution of free printed matter are intended to prevent items such as flyers, handouts, newspapers and pamphlets from being discarded and becoming litter.

For the purposes of the legislation, printed matter is "free" if it is distributed without charge to the persons to whom it is distributed. This includes, for example, any newspaper, document, card or other printed matter for which no charge is made to the recipient. Distribution includes offering or making such material available (for example by placing free newspapers in a stand) and includes fixing or placing leaflets on a vehicle.

The Council operates a scheme whereby people wishing to distribute free printed matter within the designated areas listed below, must apply for a Consent. Any person who distributes free printed matter without a Consent from the Council may be committing an offence and could be liable on conviction in a Magistrates' Court to a fine up to £2,500.

A Consent is not needed where free printed matter is placed into a letterbox or building, therefore the distribution of free newspapers and handbills to residential or commercial premises is not affected. Similarly, the distribution of printed matter 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, or where the distribution is for political purposes or for the purposes of a religion or belief, is exempt from these provisions and can be distributed within the designated areas without a Consent. However, the Council expects all persons distributing such material to comply with the conditions as described in the application form.

The Council charges a fee for issuing a Consent. The amount of the fee is to cover the costs of operating and enforcing the provisions of the legislation in the designated areas. The application form enables you to calculate the cost of Consent for your particular circumstances. The charge also includes the cost of a single authorisation badge, which must be worn by each distributor of free printed matter. Additional badges may be requested when applying for a Consent subject to payment of an additional fee per badge.

The fee will allow you to distribute free printed matter in the designated areas from the date specified on the Consent for a 12 month period. After this period has expired (or shortly before in order to ensure there is no break between a consent) you will need to complete and submit a new application form to the Council.

Designated Areas

The City Council has designated the following areas where prior consent from the Council is required in order to distribute free printed matter:

- (a) Manchester City Centre - the area bounded by the River Irwell, Regent Road, Dawson Street, Egerton Street, Mancunian Way, Fairfield Street, Pin Mill Brow, Great Ancoats Street, Redhill Street, Radium Street, Oldham Road, New Cross, Swan Street, Miller Street, Cheetham Hill Road and Trinity Way.
- (b) City of Manchester Stadium - the area bounded by Alan Turing Way, Ashton New Road, New Viaduct Street, Philips Park Road and Hillkirk Street.
- (c) The land running the length of Oxford Road and Wilmslow Road corridor as far south as the junction of Wilmslow Road, Burton Road, Parsonage Lane and Palatine Road.

A consent is not required if you intend to distribute free printed matter outside the designated areas.

Applications for Consents

1. Applications for Consent will normally be considered by the Council within 3 days of receipt of a completed application form, together with payment of the relevant fee. Incomplete application forms will be returned to the applicant, together with the fee.
2. Applications for Consent may be refused if the applicant has been convicted of an offence of distributing free printed matter without consent, or causing another person to distribute free printed matter without consent within the last 5 years; or paid a Fixed Penalty Notice within the last 3 years.
3. Consents will also be refused if, in the opinion of the Council, the proposed distribution would be likely to lead to defacement of the designated land. In these circumstances the Council will notify you of the reasons for refusal and give you the opportunity to comment before providing a final decision.
4. Refused applicants may appeal to the Magistrates Court against a refusal.
5. Should the application be refused, the applicant may be eligible for a partial refund in fees. There will be a minimum of £50 deducted from any refund to cover administration costs.
6. The legislation enables the Council to impose conditions upon a Consent. The application form contains the standard Conditions of the Consent. The Council will inform the applicant of any further Conditions imposed upon individual applications. A Consent may be revoked if any of the specified Conditions are breached.
7. In the event of a Consent being revoked, any fees paid by the applicant will not be refunded.
8. The Council may share information with other Authorities in accordance with the Data Protection Act 1996.
9. Additional permission is required to distribute free printed matter where a market is taking place (eg, Manchester Christmas Markets). Please contact Manchester Markets for further information - manchestermarkets@manchester.gov.uk

Appeals

1. Any applicant aggrieved by the Council refusing or revoking a Consent, or disagreeing with any condition or limitation attached to the Consent, may appeal to the Magistrates' Court. The Court may then dismiss or allow the appeal, or vary the Conditions attached.
2. If an appeal is made to the Magistrates' Court against a refusal to grant Consent, or a revocation of Consent, the appellant will not be able to lawfully distribute free printed matter until the court determines that Consent should be granted, or quashes the revocation of Consent.
3. If the appellant distributes free printed matter pending the outcome of the appeal, an offence is committed and the appellant could be liable on conviction to a fine of up to £2,500.

Enforcement

1. While any authorised Officer of the Council can carry out enforcement, Neighbourhood Compliance Officers will predominantly be responsible for carrying out enforcement of the Conditions on the Consent. Any authorised Officer of the Council may revoke a Consent (subject to the requirements of the Act), issue a Fixed Penalty Notice and can recommend legal action.
2. Enforcement observations may be through indirect interaction with the distributor, via the Council's **24 hour** CCTV Operation (who will retain the film with images of the distributor for further investigation), or by other observation techniques. Any staff member of the Council or other Consent holder can report contraventions of compliance to Contact Manchester (Tel No. 0161 234 5004).
3. Any person who distributes free printed matter without a Consent from the Council may be committing an offence and could be liable on conviction in a Magistrates' Court to a fine up to £2,500. An offence is committed if someone causes another person to distribute free printed matter in a designated area without consent. The person commissioning the actual distributor therefore also commits an offence. Authorised Enforcement officers may offer the person the opportunity to discharge the liability to conviction for the offence by paying a Fixed Penalty Notice of £80.
4. The free printed matter may be seized and kept for 6 months after which period it will be returned on proper application to the Magistrates Court.
5. A Consent may be revoked at any time, by notice to the Consent holder, if they fail to comply with any of the conditions imposed in relation to the Consent. Any subsequent activity in breach of the legislation on distribution of free printed matter will be prosecuted as if a Consent did not exist.

Commercial Events Spaces (within the designated zones)

If you are wishing to hand out free printed matter during a commercial event in a commercial event space then an application for consent will need to be made.

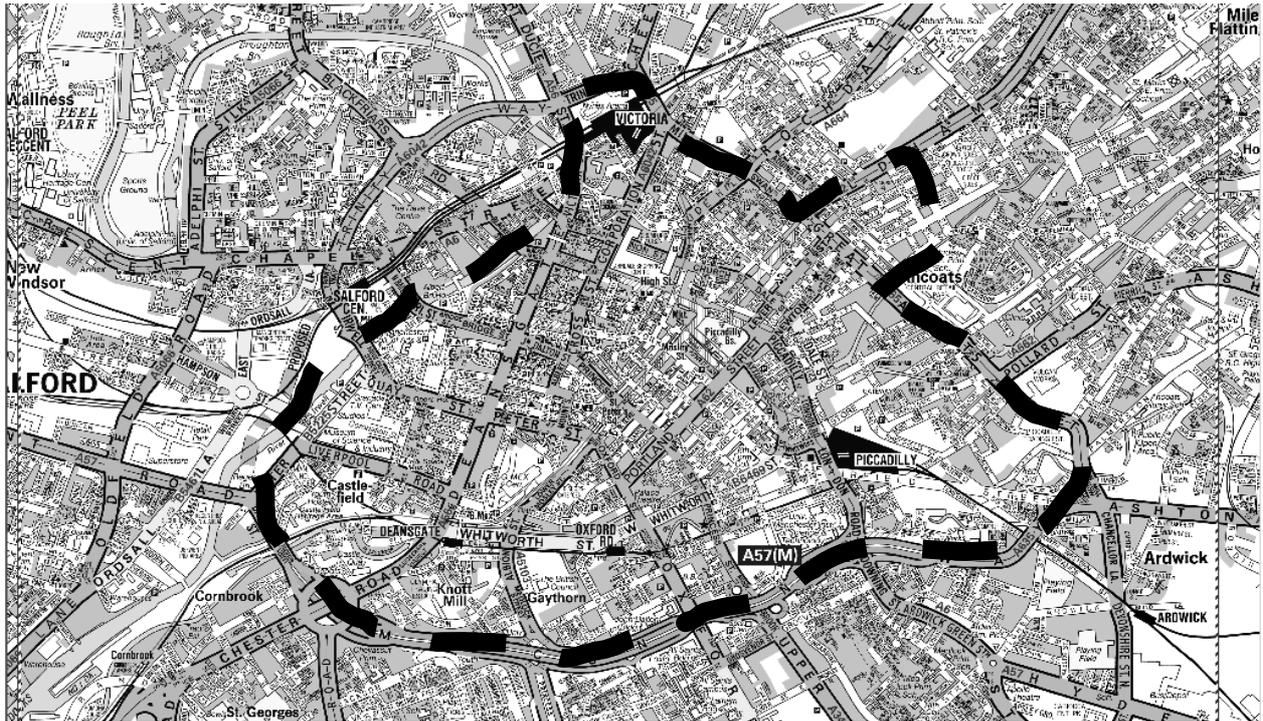
Any enquiries regarding enforcement, refusal or revocation should be directed to:

Telephone No. 0161 234 5004

Email: contact@manchester.gov.uk

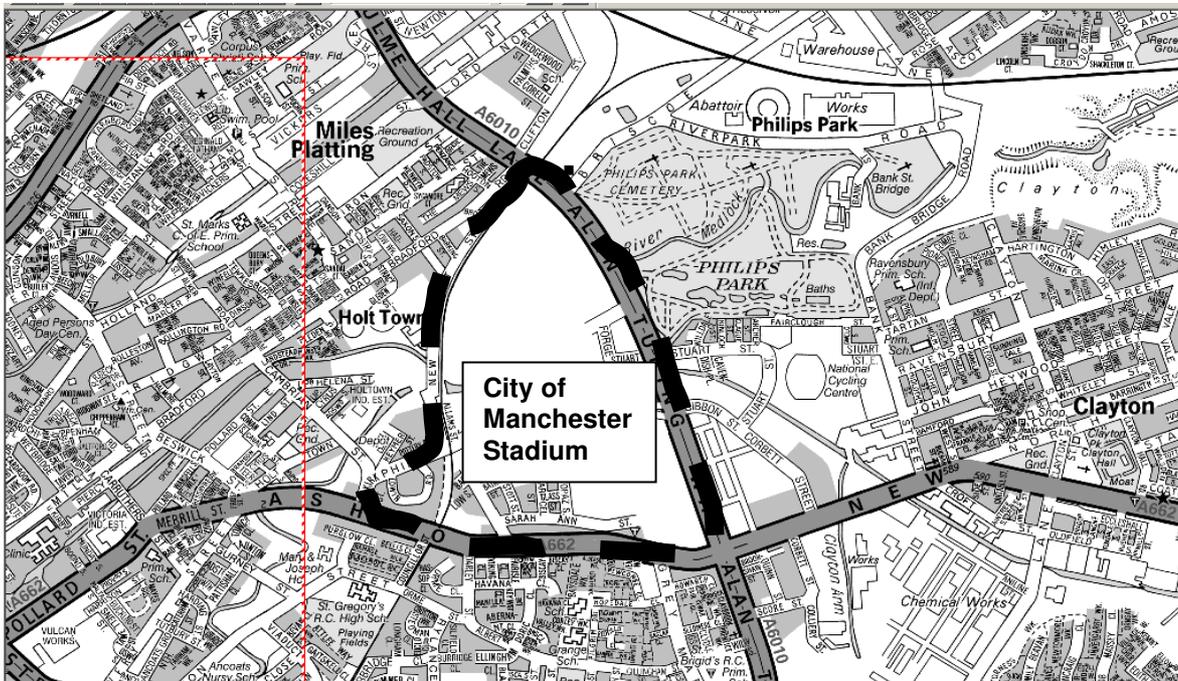
Website: [www.manchester.gov.uk/a to z/service/1908/distribution of free literature](http://www.manchester.gov.uk/a%20to%20z/service/1908/distribution%20of%20free%20literature)

Manchester City Centre



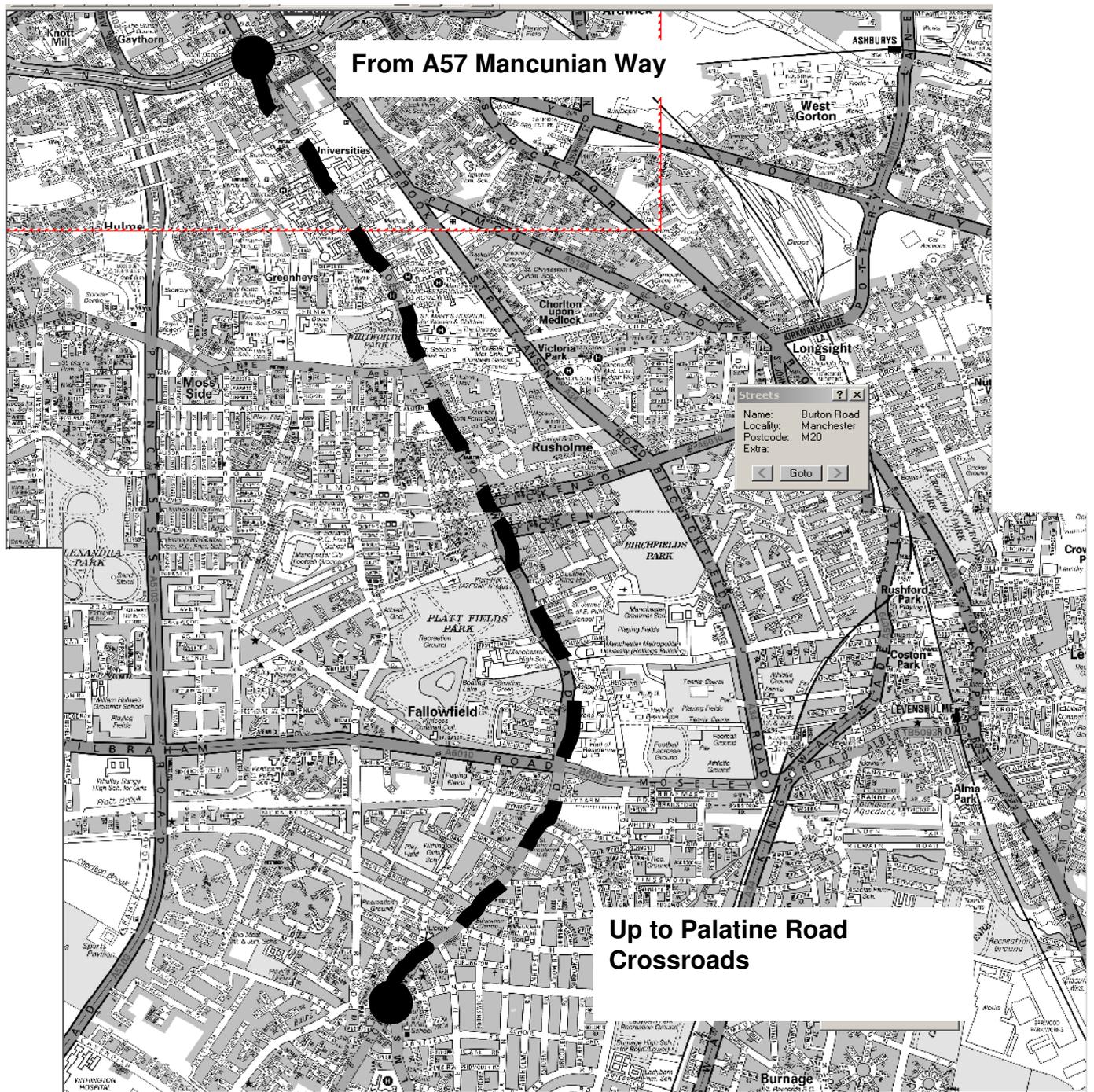
The City Centre land will be the area bounded by the River Irwell, Regent Road, Dawson Street, Egerton Street, Mancunian Way, Fairfield Street, Pin Mill Brow, Great Ancoats Street, Redhill Street, Radium Street, Oldham Road, New Cross, Swan Street, Miller Street, Cheetham Hill Road and Trinity Way.

Manchester City Stadium



City of Manchester Stadium - the area bound by Alan Turing Way, Ashton New Road, New Viaduct Street, Philips Park Road and Hillkirk Street.

Map of Oxford Road – Along the Main Road from the proposed points



The land running the length of Oxford Road and Wilmslow Road as far south as the junction of Wilmslow Road, Burton Road, Parsonage Lane and Palatine Road in Withington.