

## Appendix 4

### Proposed Conditions of license

#### Distribution of free material licence conditions: Environmental Protection Act, 1990.

The following conditions refer to permissions (Licences) granted for the distribution of free printed material on Public Highway land designated by Brighton and Hove City Council (Environmental Protection Act, 1990). These requirements, unless waived in writing by the Council, shall be deemed to be the terms of a permission to distribute free material upon designated areas of the highway only in so far as they do not conflict with or duplicate any other legal requirements.

The term Licence shall be used to refer to permission granted by the Council to distribute free material, under the above Act.

1. A licence granted by the Council is not transferable. It only applies to the applicant.
2. The applicant is to indemnify the Council against any claims in respect of injury, damage or loss arising out of the grant of a licence. It is strongly advised that Public Liability Insurance cover of at least one million be carried for the duration of the licence.
3. No free printed material shall be left unattended by staff for the general public to take at their discretion.
4. Any business wishing to leave material unattended must have the material contained. A licence for the 'container' must be granted by the council's Highways Licensing department before a licence to distribute the material can be granted.
5. The area in which free printed material is being distributed must be kept free of discarded material and any other litter created in its distribution, at all times. The area must not fall below Grade B of the Environmental Protection Act Codes of Practice on Litter and Refuse.
6. If an Authorised Officer of the Council judges that the above standard has been breached as a consequence of the distribution of free printed material, her/his judgement is definitive. Challenges to such an assessment will only be accepted through formal proceedings.
7. If litter requiring urgent clearing is created as a consequence of the distribution of free printed material, the licence holder will pay the full cost of any necessary cleaning operation carried out by the Council.
8. No free material encouraging irresponsible consumption of alcohol can be distributed.
9. No free material encouraging any illegal activity can be distributed (e.g. graffiti, violent behaviour).
10. Material cannot be issued between the hours of 19:00 and 07:00 without an appropriate licence.
11. A maximum of 4 authorised badges can be applied for in addition to the one supplied with the initial licence.
12. Payment must be made with the application. Should the payment fail after the licence is issued the licence will be automatically revoked.

13. No licence holder shall engage in the acts of unauthorised advertising (fly-posting) within the boundaries of Brighton & Hove City Council.

#### **Appendix 5**

No employee of a licensed distributor of free material shall:

- Distribute any item without bearing a clearly visible, unique and numbered identification badge or tag, provided BHCC. The above authorisation shall be produced on demand to an authorised officer or other authorised agency, such as the Police.
- Obstruct the general public or cause an obstruction on the street.
- Obstruct an authorised officer of the Council in her/his duties.
- Refuse a request by an Authorised Officer to immediately pick up discarded free printed material.
- Dispute or argue over pitches or licensed location any other licensed distributor.
- Distribute free printed material anywhere other than at a licensed location.
- Sell, busk or shout at a licensed location.
- Allow unauthorised persons to distribute material.
- Drop litter, cigarette ends, fast-food containers or other debris, at any time.
- Be or appear to be under the influence of alcohol or controlled substances at any time.
- Provide, sell or distribute alcohol or controlled substances at any time.
- Commit any offence or use threatening or aggressive behaviour at any time.
- Distribute free material between 19:00 and 07:00 without an appropriate licence.
- Fix or leave free material on a parked vehicle.