

## **REGULATION OF POLLSTERS (Minute 207/00)**

### **1 SUMMARY**

- 1.1 This report is to advise Members of the possibility of controlling the activities of pollsters on Council owned land, buildings and open spaces.

### **2 EXPLANATION**

- 2.1 Members previously received reports on the activities of pollsters operating within the District and the limited measures available to Local Authorities to regulate such activities either through primary legislation, bylaws or the provisions of the Essex Act 1987.
- 2.2 Pollsters is a term commonly used to describe persons speaking to members of the public in the street or public places who canvass information or arrange appointments for subsequent home visits for the purpose of selling goods or services.
- 2.3 The activities of Pollsters within the Highway are lawful provided the behaviour is not threatening or abusive and no obstruction or public order offence arises.
- 2.4 In resolving to make representations to the Local Government Association and the Home Office regarding this matter, Members also requested information as to the ability of the Council to exercise control where these activities occurred on its own land as opposed to the high street or within public places. (Minutes 207/00 & 113(5)/00 refer).

### **3 CONTROL ON COUNCIL OWNED LAND AND PREMISES**

- 3.1 As a landowner the Council is able to regulate the use and activities on land and property which it owns and which are within its direct control and management. Within the Council's own premises therefore such activities are, in principle, capable of being controlled and prohibited if nuisance or disturbance is occasioned.
- 3.2 As far as the Council's pleasure grounds and recreational open spaces are concerned the bylaws applicable to public open spaces do contain provisions prohibiting commercial activity or behaviour which make constitute a nuisance in these areas. Whilst the activity of pollsters is not understood to operate within these areas there is a possibility of control should this occur.

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- 3.3 The Council's public car parks are subject to the provisions of the Car Parking Order which imposed restrictions on the use of these areas. However, these controls do not apply on market day in Rayleigh whilst the car park is used for that purpose.
- 3.4 The use of the car park on market days is governed by licence granted to the market operator and the regulation of the commercial activities within the market is primarily a matter for the licensee. Whilst there is a general requirement on the Market Operator not to permit anything to be done which creates a nuisance, the Market is a public place and clear evidence of nuisance and public complaint would need to be established to reasonably require measures to be taken under this provision.
- 3.5 The Council, in principle, is able to regulate pollsters on its own premises, open spaces and public car parks if their activities are causing a nuisance or disturbance. Activity within the Rayleigh market car park on market days is governed by the operating licence and the responsibility in this respect rests with the licensee.

#### **4 LEGAL IMPLICATIONS**

- 4.1 As outlined in the report.

#### **5 PARISH IMPLICATIONS**

- 5.1 None specific.

#### **6 RECOMMENDATION**

- 6.1 It is proposed that the Committee **RESOLVES**
- (1) The market operator be advised of the Council's concerns as to the activity of pollsters.
  - (2) The matter be kept under review and given further consideration in the event of evidence of continuing activities of pollsters within or on Council premises giving rise to nuisance or annoyance to the public. (HLS)

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