

Business questions

Expert advice

FINANCIAL TIMES FEBRUARY 1/FEBRUARY 2 2014

Can I stop rival leafleting?

I have recently set up a retail business. A competitor sent an employee to my street to hand out leaflets offering discounts. He is standing a couple of doors down. I've tried telling him to move but he says I've got no right to do so. What can I do to stop him trying to steal my business?

Contact your local council to establish whether the leaflets are being distributed in a controlled area. Many councils have designated areas in which anyone distributing leaflets must first apply for a licence. Some councils have imposed an outright ban in some areas. People caught by a council official distributing leaflets without a licence will be stopped and may be fined.

In some cases, a person can be prosecuted. Your town hall will confirm if your shop is in a designated area.

Other potential action, such as claiming a nuisance or obstruction of the highway, are likely to be difficult to establish.

Any advertising campaign should bear in mind local bylaws. I suggest you consult your legal advisers to establish what laws and regulations (if any) may apply.

Andrew Bailey is a solicitor in the company and commercial department at Payne Hicks Beach, a law firm

