

LICENSING BOARD SUB-COMMITTEE

Venue: Town Hall, Moorgate
Street, Rotherham, S60
2TH

Date: Monday, 27th November, 2017

Time: 9.30 a.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. House to House Collection (Pages 1 - 9)
4. Exclusion of the Press and Public

The following items are likely to be considered in the absence of the press and public as being exempt under the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime)

5. Applications for the Grant/Renewal/Review of Hackney Carriage/Private Hire Drivers' Licences (Pages 10 - 29)
6. Date and time of the next meeting - Monday 18 December 2017

1. Meeting:	Licensing Board Sub-Committee
2. Date:	Monday 27th November 2017
3. Title:	Determination of House to House Application
4. Directorate:	Regeneration and Environment

5. Summary

This report concerns an application made for proposed House to House collection Promoters permits in or about the Borough of Rotherham. The application has been made in accordance with the House to House Collections Act 1939.

Where a person who is promoting, or proposes to promote, a collection in any locality for a charitable purpose makes an application to the authority for the area in the prescribed manner specifying the purpose of the collection and the locality within which the collection is to be made, and furnishes them with the prescribed information, the authority shall, subject to the provisions of the act, grant to them a licence authorising them to “promote” a collection within that locality for that purpose.

“Promoter” means, in relation to a collection, a person who causes others to act as collectors for the purposes of the collection.

6. Recommendations

- That the Licensing Board Sub-Committee informs the Licensing Manager of the decision.

7. Proposals and Details

The following application for a promoters permit has been received by the Licensing Office for consideration of a House to House collection:-

1. Charity/Charitable Purpose: Mexborough Lions Club – Registered Charity No 515962

Permit Applicant: Neil Luckcuck

Collections Made By: Mexborough Lions Club

Permit Collection Area: Manvers and Wath

Collection Dates/times: 24th November 2017 to 23rd December 2017, in particular 24th November, 2nd December, 16th December, 18th December.

Further Information: See Appendix 1 and Appendix 2 to this report.

Charity Operations Area: Throughout Rotherham Borough

Charitable Objectives (as outlined by the applicant on the application form or with supporting documentation):

Extract taken from <http://www.mexboroughlions.org.uk/>:

Mexborough & District Lions are a branch of Lions Clubs International, the world's largest Voluntary Service Organisation. The club was formed in 1971 and covers Dearne Valley and Conisbrough, providing help to local community needs.

We give our aid to community groups, schools, health agencies and to many individuals.

Extract taken from application form:

Money goes into our funds.

Charitable Benefit for Rotherham (as outlined by the applicant in the application form or with supporting documentation):

We donate white goods / furniture etc. to needy people in the area.

Should the permit(s) be granted any permit would only run from the date that the application until the requested expiry date unless otherwise granted by the Board.

If the dates requested by the applicant have passed then alternatives dates can be offered for the time period requested e.g. one week / one month etc.

A copy of the original application paperwork is attached as Appendix 1.

A Charity Commission search and report is also attached as Appendix 2.

8. Finance

Permits for House to House collections in or about the Borough of Rotherham are provided free of charge to applicants (there is no statutory provision for charging). Any relating enforcement and other matters of application processing are financed through the authority's normal budgeting methods.

9. Risks and Uncertainties

Failure to fully consider each application could lead to inappropriate collections being made within the Borough.

When a licensing authority refuse to grant a licence (or revoke a licence) which has been granted, they shall forthwith give written notice to the applicant or holder of the licence stating upon which one or more of the grounds set out in House to House Collections Act 1939 Section 2 sub section 3 (copied below in italics) the licence has been refused (or revoked) and informing him of the right of appeal given by this section, and the applicant or holder of the licence may thereupon appeal to the Secretary of State against the refusal or revocation of the licence as the case may be and the decision of the Secretary of State shall be final. The time within which any such appeal may be brought shall be fourteen days from the date on which notice is given.

A licensing authority may refuse to grant a licence, or, where a licence has been granted, may revoke it, if it appears to the authority:

- a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
- b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
- c) that the grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
- d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a licence;
- e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
- f) that the applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

10. Policy and Performance Agenda Implications

The granting of House to House permits is consistent with the Corporate Plan and community strategy as it ensures the deliver under the themes of a Safer and Fairer Rotherham; also ensuring that the Council continues to maintain its statutory functions and undertakes appropriate enforcement to support the delivery of safe communities in Rotherham.

11. Background Papers and Consultation

None.

Contact Name:

Alan Pogorzelec , Licensing Manager, ext 54955, alan.pogorzelec@rotherham.gov.uk

Grant	
For office use only	
Date Received	9.10.17
Fee	Free of Charge
Lalpac number	035153
Board Hearing	
Permit Number	HH

Neighbourhood and Adult Services

Application for a House to House Collections Permit

House to House Collections Act 1939

House to House Collections Regulations 1947 (as amended)

Data Protection Act, 1998

I understand that RMBC is required to use information provided by me to carry out cross system and cross authority comparisons for the prevention and detection of fraud or crime. I understand that information I have provided may be used in this way or for connected purposes, and that this information may also be shared with certain third parties who administer or protect public funds. We may use the information you have provided in this form to carry out checks to prevent and detect fraud or crime. We may also use the information share the inf in this way or for connected purposes. and we may also share the information with certain other people or organisations that manage handle or protect public funds. By signing this application, you are agreeing to us using your information in this way.

**Please answer all the questions on this form in BLOCK CAPITALS and in ink.
Enter NONE or N/A as appropriate in all boxes you do not enter information in.**

Applicants (Promoter) personal details

1. Your Title (Mr, Mrs, Miss, etc): Date of Birth:

Surname: First names:

Address (either home or Business): Post code:

Daytime phone number: Mobile phone number:

E-mail address:

Details of the charity which the collection will benefit

2. Name of Charity:

Head Office address for the Charity:

Contact phone number: Mobile phone number:

E-mail address:

2.a. Are you an employee/Volunteer for this Charity YES No

If YES, please state your position within the Charity:

***If NO you must supply a letter with this application form from the Charity/Society to benefit from the collection which is authorising you to organise the collections on behalf of the charity/society's.**

2.b. Objective/aims of the charity/fund to benefit from the proceeds of this collection.

MONEY GOES IN OUR FUNDS.
MEXBOROUGH LIONS. ORG. UK

Please attach supporting information, web site details etc.

2.c. Explain how this Charity/fund collection will benefit the people of Rotherham

WE DONATE WHITE GOOD / FURNITURE ETC. TO NEEDY PEOPLE IN THE AREA

Please attach supporting information, web site details etc.

2.d. Is this charity/fund a UK registered charity

Yes No

Registered Charity Number 515962

Collection details

3. Over what parts of the licensing area is it proposed that collections will be made?

WATH, BRAMPTON HANVERS GORTONWOOD

3.a. Over what periods in the year, dates & times, is it proposed that collections will be made?

24TH NOV TO 23RD DEC.

3.b. How many collectors will be used to make the collections:

6 TO 8

3.c. Is it proposed to collect money including direct debits as money:

Yes No

Direct Debits

3.d. Is it proposed to collect "other" types of property

Yes No

If Yes, what other type(s) of property will be collected (Include direct debits as a collection of money)

Is it proposed to Sell, Give Away, or Use this "other" property

Sell

Give Away

Use

3.e. Are applications also being made for licences for the same purposed in other areas of the UK:

Yes No

If Yes, which other licensing authorities

BARNDSLEY & DONCASTER

Will these collectors be the same collectors as those you intend to use in this authority

Yes No

3.f. Is it proposed to promote this collection in conjunction with a street collection

Yes No

If Yes, is it proposed to combine the House to House and Street Collection accounts or submit separate accounts:

Combined accounts

Separate accounts

3.g. If the collection is for a War Charity, state if the charity has been registered or exempted from registration under the War Charities Act 1940, and give the name of the registration authority, date of registration or exemption in the box below.

Funds raised following collections

4. Are all of the collections takings to be paid over to the Charity Yes No

If NO, please state the purposes for which taking will be used

4.a. Please state how much will be deducted for expenses or other reasons £ 13.

4.b. Is it proposed to use some of the takings for the payment of any persons Yes No

If YES: is it to Collectors Yes No is it to Other Persons Yes No

4.c. Please state how much will be deducted; for what reasons, and, if applicable what "other persons" will be paid: £

Details of company or organisation responsible for these collection

5. Name of Company/Organisation to carry out collections: Mexborough Lions Club

Office address of the Company/Organisation: 23 Windsor Close Harlington Doncaster

Post code DN5 7JU

Contact phone number: 01709 881110 Mobile phone number: 07546 234979

E-mail address: eluckcuck@btinternet.com

5.a. Are you an employee of this Business/Organisation YES No

If YES, please state your position within the Business/Organisation:

*If NO you must supply a letter with this application form from the Charity/Society to benefit from the collection which is authorising you to organise the collections on behalf of the charity/society's.

Licensing history of Charity/Collection Company

6. Has the applicant, charity or collections company ever held a house to house collection permit before? Yes No

If 'Yes', who issued it? ROTHERHAM M.B.C.

What date was it granted? 9/11/15. What licence number was it? 900482

6.a. Have you, or to your knowledge anyone associated with this collection, ever had a house to house licence or order with this local authority, refused, or revoked before? Yes No

6.b. Have you, or to your knowledge anyone associated with this collection, ever had a house to house licence or order, with any other authority refused, or revoked before? Yes No

If Yes, where was it held; when was it refused, or revoked and why was it revoked?

Please use an extra sheet if required

Applicants (Promoter) "Criminal Records" history

7. Convictions & Cautions Details. In the boxes below list any convictions/cautions etc you may have which are not considered as "spent" with in the terms of the "Rehabilitation of Offenders Act 1974".

7.a. Have you ever been convicted of a criminal offence(s), or received any police cautions warnings or reprimands? etc, (If you answer YES to this question give details in the box below.) Yes No

7.b. If you are waiting to hear about any prosecution enter the court name hearing the case: If known give date of future court hearing date: / /

Date of conviction(s)	Details of Offence(s) and Conviction(s)	Sentence Or Penalty
/ /		
/ /		
/ /		
/ /		
/ /		
/ /	Use an extra sheet of paper if required	

This form is to apply for a house to house promoters collection permit. The permit, if granted, would allow the promoter to authorise collectors to collect from door to door for charitable purposes only. No collection for a charitable purpose may be made in this Local Authority area unless the promoter is an appropriately licensed promoter by this authority. (Or holds an exemption granted by the Secretary of State from obtaining a licence from this authority.)

The applicants attention is drawn to the House to House Collections Act 1939, and to paragraph 4 of the House to House Collections Regulations 1947 (as amended); on the 12 December 1947. This paragraph provides that ordinarily an application for licence shall be made not later than the 1st day of the month preceding that in which it is proposed to commence any collection.

Declaration

I am aware that should a House to House Collection Licence be granted to me the collection must take place in strict compliance with the House to House Regulations, which I have read and fully understand.

I am aware that it is also necessary for me to submit a certified form of statement within at least 28 days of the collection having taken place.

In pursuance of Section 2 of the House to House Collections Act 1939, I hereby apply for a licence allowing me to promote the collection, of which particulars are given in this form.

Applicants Signature 

Date applicant signed form 5 / 10 / 17

Charity Commission

The Regulator for Charities in England and Wales

515962 - MEXBOROUGH LIONS CLUB CHARITY TRUST FUND
DUE DOCUMENTS RECEIVED

Activities

HAVING FUN RAISING FUNDS TO HELP US TO HELP THOSE LESS FORTUNATE THAN OURSELVES, MAINLY LOCAL WITH SOME NATIONAL AND SOME INTERNATIONAL. WE HELP DISADVANTAGED HOUSEHOLDS, YOUTH GROUPS, SCHOOLS, DISABLED GROUPS AND MANY OTHERS. EVERY PENNY RAISED FROM OUR FUND-RAISING GOES TO CHARITABLE PROJECTS, ALL ADMINISTRATION COSTS ARE PAID BY THE MEMBER'S SUBSCRIPTIONS AND SOCIAL EVENTS.

Financial summary

Financial year end (FYE)	Income	Spending	Accounts received	Annual Return/Annual Update received
30 Jun 2016	£9,631	£11,125	Not Required	03 Feb 2017 **
30 Jun 2015	£10,974	£9,474	Not Required	29 Jul 2015
30 Jun 2014	£10,116	£11,688	Not Required	04 Nov 2014
30 Jun 2013	£14,096	£14,371	Not Required	05 Nov 2013
30 Jun 2012	£16,677	£14,076	Not Required	19 Oct 2012

** Annual Update received - charity below Annual Return £10,000 threshold for this financial year

Contact

MR DAVID TEASDALE
10 FAR MOOR CLOSE
HARLINGTON
DONCASTER
DN5 7JP

Tel: 01709 894415
Email: lions@mexboroughlions.org.uk
Website: <http://www.mexboroughlions.org.uk>

Charity trustees

MR DAVID TEASDALE
MRS JAQUELINE TAYLOR
MRS SHEILA VENABLES

MRS EILEEN LUCKCUCK
MR JEFF ROWNSLEY
MR NEIL LUCKCUCK PRESIDENT

Date of registration

09 Jan 1985

Other names

- MEXBOROUGH AND DISTRICT LIONS CLUB (Working Name)

Governing document

DECLARATION OF TRUST DATED 21 NOVEMBER 1984 AS AMENDED BY DEED OF VARIATION DATED 8 AUGUST 1996

Organisation type

STANDARD REGISTRATION

Registration history

09 JANUARY 1985 REGISTERED

Charitable objects

FOR SUCH CHARITABLE PURPOSE OR PURPOSES ACCORDING TO THE LAWS OF ENGLAND AND WALES IN AND WITHIN THE AREA FROM TIME TO TIME COMPRISING THE TERRITORIAL AREA OF THE CLUB THROUGHOUT THE UNITED KINGDOM AND THE REPUBLIC OF EIRE OR ELSEWHERE AND/OR TO OR FOR THE BENEFIT OF SUCH ONE OR MORE CHARITABLE BODIES, TRUSTS, ASSOCIATIONS, INSTITUTIONS OR ORGANISATIONS ESTABLISHED OR ABOUT TO BE ESTABLISHED FOR SUCH CHARITABLE PURPOSES AS AFORESAID AND IN SUCH SHARES AND IN SUCH MANNER AS THE CLUB SHALL IN ITS ABSOLUTE DISCRETION DETERMINE AND SELECT.

Classification

What

- GENERAL CHARITABLE PURPOSES
- THE PREVENTION OR RELIEF OF POVERTY
- OVERSEAS AID/FAMINE RELIEF
- ARTS/CULTURE/HERITAGE/SCIENCE
- AMATEUR SPORT
- ENVIRONMENT/CONSERVATION/HERITAGE
- ECONOMIC/COMMUNITY DEVELOPMENT/EMPLOYMENT

Who

- CHILDREN/YOUNG PEOPLE
- ELDERLY/OLD PEOPLE
- PEOPLE WITH DISABILITIES
- OTHER CHARITIES OR VOLUNTARY BODIES
- THE GENERAL PUBLIC/MANKIND

How

- MAKES GRANTS TO INDIVIDUALS
- MAKES GRANTS TO ORGANISATIONS
- PROVIDES HUMAN RESOURCES
- PROVIDES SERVICES

Area of benefit

THE UNITED KINGDOM AND THE REPUBLIC OF EIRE AND ELSEWHERE.

Where the charity operates

- BARNSELY
- DONCASTER

- ROTHERHAM

Note: This report is compiled from public information that the Charity Commission holds on the Register of Charities on 27 November 2017.

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of the Local Government Act 1972.

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