

LICENSING BOARD

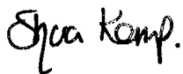
Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH

Date: Monday, 23 April 2018

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with 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. Apologies for absence
4. Declarations of Interest
5. Taxi and Private Hire Licensing Performance and General Update Report (herewith) (Pages 1 - 32)
6. Rotherham MBC House to House Collections Policy (report herewith) (Pages 33 - 63)



Chief Executive

Membership 2017/18

Councillors Beaumont (Vice-Chairman), Buckley, Clark, Elliot, Ellis (Chairman), Fenwick-Green, Hague, Jones, McNeely, Napper, Reeder, Senior, Sheppard, Steele, Taylor, Vjestica, Williams, Wilson and Wyatt.

Summary Sheet

Council Report

Licensing Board 23rd April 2018

Title

Taxi and Private Hire Licensing Performance and General Update Report

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Tom Smith – Assistant Director of Community Safety and Street Scene

Report author(s):

Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

This report provides an update in relation to the Licensing team's performance against the Taxi and Private Hire Licensing Performance Framework.

In addition, the report provides an update to the Licensing Board on key activities and actions undertaken since the previous update report to Licensing Board.

Recommendations

- That the Licensing Board note the content of the update report and the progress that has been made regarding the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.

List of Appendices Included

- Appendix 1 - Performance against the Licensing Performance Management Framework.
- Appendix 2 - Quarter 3 and Quarter 4 Enforcement Data.
- Appendix 3 - Quarter 3 and Quarter 4 Licensing Admin Team Data.
- Appendix 4 - Statistical record of the cases and decisions of the Licensing Board Sub-Committee

Background Papers

- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Taxi and Private Hire Licensing Performance and General Update Report

1. Recommendations

- 1.1 That the Licensing Board note the content of the update report and the progress that has been made regarding the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.

2. Background

- 2.1 The Licensing Service has implemented a Performance Management Framework – this framework includes the following:

- 2.1.1 Elements that are related to the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.
- 2.1.2 The performance of the Council's licensing team in relation to quality assurance and administrative aspects of the service.

- 2.2 In addition to the update on performance, this report also provides details of developments in relation to:

- 2.2.1 Enforcement actions and other activity undertaken by the licensing service.

This report provides a summary of enforcement action that took place between October 2017 and March 2018 (inclusive). It includes details of actions taken by enforcement officers (what could be considered to be traditional enforcement actions) along with enforcement actions taken by other officers within the licensing service, and the outcomes of case hearing meetings.

- 2.2.2 Service restructure / staffing update.

There have been a number of staffing related developments within the Licensing Service – this report provides further detail on these.

3. Key Issues

- 3.1 Licensing Performance Framework – Year End Results.

- 3.1.1 The overall judgement outlined in the Louise Casey's inspection report (February 2015) stated that:

“Inspectors have found that Rotherham has not taken, and does not take, sufficient steps to ensure only fit and proper persons are permitted to hold a taxi licence. As a result, it cannot provide assurances that the public, including vulnerable people, are safe.”

3.1.2 In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; it is considered that the following outcomes must be demonstrated:

Outcome 1 All licence holders are "fit and proper" to hold licences.

Outcome 2 Trained decision makers must make high quality, appropriate and timely decisions that protect the public from risk of harm.

Outcome 3 The Licensing Service uses all available statutory powers appropriately, proactively and reactively, to disrupt criminal activity (including CSE and related activity).

Outcome 4 The licensing team must consistently provide high quality, timely processing of licensing applications.

Outcome 5 The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

3.1.3 In order to address each of these outcomes, the Licensing Service has implemented a Performance Management Framework. The framework gives detail on a number of measures that will indicate whether the desired outcomes are being met.

3.1.4 Full detail on the performance against each of the measures is given in Appendix 1 to this report. Explanatory narrative is provided where there is an element of underperformance against the stated targets.

3.1.5 Targets have been set against a total of 16 performance measures, there are an additional four measures that are being monitored but a target has not been set in relation to them. The measures without a target are detailed below, along with explanatory narrative.

3.1.6 Of the 16 measures with targets, 6 were off target at the time of measurement – further detail on the reason for underperformance is given in Appendix 1, along with any management action that will / has been taken to address the underperformance.

3.1.7 The measures without targets are as follows:

Delivery against individual training and development plan for each individual member of staff (contributing to Outcome 1).

The training and development of staff is routinely monitored by the Principal Officer and Team Manager via monthly 1:1s and the Corporate PDR process. At the time of writing this report, all members of the Licensing Team had been through the PDR process (except where this had not been possible due to long term absence from work).

Data sharing concerns (when apparent) to be escalated by Assistant Director in a timely manner (contributing to Outcome 3).

There have been no data sharing concerns during the period covered by this report.

Documented processes provided to and understood by all staff (contributing to Outcome 4).

Documented procedures have been developed in relation to key processes within the team, all of these have been communicated to staff.

Processes are reviewed and (if appropriate) refreshed as required (contributing to Outcome 4).

Processes are continually reviewed and where appropriate amended and reissued. During the period covered by this report, four matters have been identified that require amendments to current working practices:

- Applications that have been pending for a significant period of time (considered by Licensing Board on 30th October 2017).
- The referral of cases to Board prior to the completion of all elements of the application process (considered by Licensing Board on 30th October 2017).
- The process of approving advertisements that are displayed on licensed vehicles.
- The placing of private hire signage on Hackney Carriages when working for a Private Hire Operator.

The final two matters will be considered by the Licensing Board in due course.

- 3.1.8 The implementation of the Council's Hackney Carriage and Private Hire Policy is now complete. As a result, licences are no longer issued to individuals / vehicles unless all of the policy requirements have been met (this includes the installation of taxi cameras in licensed vehicles). The Council can therefore be confident that the standards that are set for those that are licenced are amongst the highest in the country.
- 3.1.9 Adherence is measured based on licence holder compliance with four key elements of the Hackney Carriage / Private Hire Policy. The four elements are:
- Number of licence holders that have subscribed to the DBS Online Update Service where this is required;
 - Number of drivers that have completed the Council's safeguarding training;
 - Number of licensed vehicles that have a taxi camera system fitted in accordance with the Council requirements;
 - Number of drivers that hold the BTEC or equivalent qualification.
- 3.1.10 Year end performance in relation to the first three requirements is 100% - this has been the case for the whole of the municipal year.
- 3.1.11 Performance in relation to the fourth element (achievement of required qualification) has improved throughout the course of the year and is now at 99%.
- 3.1.12 Performance in relation to the number of drivers that hold the BTEC or equivalent qualification has improved due to enforcement action that has been taken by the Licensing Service, which included the suspension of licences where the holder had not provided evidence that they met the qualification requirement (or had enrolled on a suitable training course).
- 3.1.13 To date, 29 hackney carriage / private hire driver licences have an active suspension in place (meaning that they cannot work as a licensed driver). This equates to 2.8% of current licence holders – all these lice holders have returned their licences to the Council and operators have been informed that the drivers must allocated work.
- 3.1.14 Of the 1004 drivers with active licences, 980 have provided the Council with copies of their certificates – this equates to 97.6%. In addition, confirmation has been received from approved

training stating that 14 drivers have passed the qualification, but have not yet received their certificate (the certificate can take a number of weeks to be issued by the awarding body). This means that 994 drivers can be considered to meet the qualification requirement (99% of active drivers).

3.1.15 The 10 drivers that have not yet provided confirmation that they have obtained the qualification have been contacted and asked to provide confirmation that they have passed an approved course (and therefore meet the qualification requirement). It should be noted that five of these licences will expire during the first quarter of 2018/19 and these will not be renewed in the absence of confirmation that the licence holder possesses the required qualification.

3.1.16 Other significant developments of note in the final quarter of the year include the following:

- The Licensing Service has been working with colleagues from Customer, Information and Digital Services in order to review and reengineer key processes within the service in order to improve their effectiveness and efficiency.
- We have continued to lobby Central Government in relation to our concerns around the current licensing framework within the UK. We have provided written evidence to the Department for Transport, and the Licensing Manager has attended a meeting of a working group set up to discuss these concerns and will provide further information to the group in the hope that standards can be improved nationally.
- Licensing have continued to work closely with officers from neighbouring authorities, South Yorkshire Police and the National Crime Agency to ensure that robust action is taken regarding licence holders that are alleged to have been involved in the sexual exploitation of children and vulnerable adults. This has seen the immediate revocation of 5 driver licences in the last six months of 2017/18.
- Licensing Officers have been actively involved in the development of a national database of applicants that have had their licence application refused, or licence holders whose licences have been suspended or revoked. This will make it more difficult for individuals to obtain licences in one part of the country with the intention of working in another local authority area.

3.2 Enforcement actions undertaken by the licensing service (including current position in relation to Court appeals).

3.2.1 In June 2015, the council introduced a revised General Enforcement Policy. This policy sets out the council's approach to enforcement and demonstrates how individual enforcement services are adhering the Principles of Good Regulation.

3.2.2 This report outlines the enforcement work undertaken in relation to the licensing function, and provides detail on how the services ensure that such activity complies with the requirements of the council's General Enforcement Policy.

3.2.3 Enforcement relating to the council's licensing function takes two forms:

3.2.3.1 Enforcement related to the issuing of driver, vehicle and operator licences. This includes the appropriate application of the 'fit and proper' test (further details are contained within the Hackney Carriage and Private Hire Licensing Policy). The correct application of the policy will result in the grant, refusal, suspension or revocation of a licence. This process is administered by the licensing admin team in conjunction with the Licensing Board. Action may be taken as a result of information provided by the licensing enforcement team, police, National Crime Agency or other statutory / non-statutory agency.

3.2.3.2 Reactive investigations and proactive operations to establish / evaluate compliance with regulatory provisions and licence conditions. This takes the form of complaint investigations, pre-arranged enforcement operations (such as vehicle safety checks) and observations to identify non-compliance with licensing requirements. Action may ultimately lead to the referral of licence holders to a case hearing meeting and / or the instigation of legal proceedings in the criminal courts. The licensing enforcement team is was formerly located within the Community Protection Unit, however following the service restructure the team became part of the Business Regulation Service in February 2016.

3.2.4 Part 2 of the Legislative and Regulatory Reform Act 2006 requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. For local authorities, the specified functions include those carried out in relation to the council's licensing service.

- 3.2.5 The council is required to undertake enforcement in relation to its licensing function, however the way in which enforcement activity is undertaken is at the discretion of the council. The vast majority of complaints are dealt with on an informal basis which means that they do not result in criminal proceedings.
- 3.2.6 The licensing service exercises its regulatory activities in a way which is:
- 3.2.6.1 Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
 - 3.2.6.2 Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
 - 3.2.6.3 Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
 - 3.2.6.4 Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
 - 3.2.6.5 Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.
- 3.2.7 In undertaking its enforcement activities, the council's licensing service needs to demonstrate compliance with these elements.
- 3.2.8 Information in relation to the activities of the licensing enforcement team is attached to this report as Appendix 2.
- 3.2.9 Information in relation to the activities of the licensing admin team is attached to this report as Appendix 3 (please note that this also includes enforcement actions undertaken as a result of decisions made following consideration of a matter at a Case Hearing Meeting, or more recently the Licensing Board).
- 3.2.10 Any person aggrieved by such a determination has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of receipt of written notification of the decision.
- 3.2.11 During the 2017/18 municipal year there have been 15 appeals and we have successfully defended 13 of them (success rate of 87%). There are a further 4 appeals still pending (as at the time of writing this report). All of these relate to driver matters only.

3.2.12 Further detail in relation to individual appeals is available on request. If members wish to discuss any of these cases in further detail then this may be dealt with in the confidential part of the agenda.

3.2.13 Initial enforcement in relation to costs that are awarded is via the sundry debtors' process. Thereafter any costs remaining unpaid are pursued by Legal Services through the civil enforcement processes available through the County Court.

3.2.14 A statistical record of the cases and decisions of the Licensing Board Sub-Committee is attached to this report as Appendix 4.

3.3 Service restructure / staffing update.

3.3.1 There have been a number of changes to the staffing arrangements within the Licensing Service over the past 12 months.

3.3.2 Staff have been appointed to all senior and support officer posts within the team, however there has been some difficulty in relation to the recruitment and retention to enforcement officer posts.

3.3.3 There is currently one vacant Licensing Enforcement Officer post and this is the subject of a recruitment exercise.

3.3.4 In addition, the Council is seeking to appoint a Technical Support Officer to lead on taxi camera downloads and the development of appropriate processes to support the effective use of camera footage.

4. Options considered and recommended proposal

4.1 The report is for information only, and therefore no options / proposals are recommended.

4.2 However, in relation to enforcement work, the service has a number of options available to it:

4.2.1 Compliance Advice, Guidance and Support

4.2.1.1 The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation / licence condition that are identified. Advice is provided, sometimes in the form of a warning letter, to assist licence holders in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to

rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence and will illustrate a graduated, proportionate response in relation to enforcement.

4.2.2 Refusal / Suspension / Revocation of Licences

- 4.2.2.1 Licence applications will be refused where applicants are not considered to meet the standards / requirements that are required by the council.
- 4.2.2.2 Where a licence holder fails to adhere to certain standards, acts inappropriately or breached a licence condition, the council will review the licence by referring the matter to a hearing before Commissioner Ney and members of the Advisory Licensing Board. If it shown, on the balance of probabilities, that the licence holder is no longer considered to be a 'fit and proper' person to hold a licence then the review may lead to a revocation or suspension of the licence.
- 4.2.2.3 When considering future licence applications, the Council may take previous breaches and enforcement action into account.

4.2.3 Prosecution / simple caution

- 4.2.3.1 Licence holders that are shown to have committed significant breaches of licence condition (or unlicensed individuals that have undertaken licensable activity) may be the subject of legal proceedings by the council. This may take one of two forms, a simple caution or a prosecution. Either of these options may be considered in conjunction with a revocation or suspension of a licence.
- 4.2.3.2 Simple cautions (previously known as 'formal cautions') are issued as an alternative to prosecution for some less serious criminal offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will proceed to a prosecution of the individual.
- 4.2.3.3 A simple caution for a criminal offence will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the

offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

4.2.3.4 Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

4.2.3.5 The Council may prosecute in respect of more serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

4.2.3.6 Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

4.2.3.7 Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- Seriousness of the offence committed
- The level of culpability of the suspect
- The circumstances of, and the harm caused to the victim?
- Was the suspect under the age of 18 at the time of the offence?
- What is the impact on the community?
- Is prosecution a proportionate response?
- Do sources of information require protecting?

4.2.3.8 A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence.

4.2.3.9 The conviction of an individual for an offence will require proof beyond reasonable doubt.

4.2.4 The selection of the most appropriate enforcement option in relation to a particular situation is determined by the investigating officer. That said, all enforcement cases are signed off by the Principal Licensing Officer prior to the investigation being closed. In addition, a sample of completed investigations is evaluated by service management as part of the Performance Management Framework in order to confirm that the correct action has been taken in all cases.

5. Consultation

- 5.1 Extensive consultation took place in relation to the development of the policy requirements.
- 5.2 Consultation with representatives of the licensed trade was undertaken during the development of the implementation scheme, with the proposed scheme was agreed by Commissioner Ney in August 2015 following consultation with members of the Advisory Licensing Board.

6. Timetable and Accountability for Implementing this Decision

- 6.1 This report is for information and comments only

7. Financial and Procurement Implications

- 7.1 There are no financial or procurement implications directly associated with this report.
- 7.2 There is, however, the risk of financial penalties (as outlined below) resulting from potential legal challenges if the Council does not provide an effective licensing service.

8. Legal Implications

- 1.1 Failure of the licensing service to effectively implement and administer the requirements of the council's policy may result in a legal challenge being made against the council.
- 1.2 A successful legal challenge will have a financial and reputational impact on the council – it is therefore essential that the policy is implemented effectively and administered appropriately.
- 1.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

2. Human Resources Implication

- 2.1 In order to ensure the effective implementation and application of the policy and the ability to meet the performance measures, it is essential that all staff involved have the necessary knowledge and capability to undertake their role.
- 2.2 Staff understanding and awareness of the policy and its effective application will be monitored by team / service management at team meetings and periodic 1:1 meetings. Any development needs will be identified at these meetings and action taken as appropriate.
- 2.3 Effective communication within the team, particularly in relation to policy and performance matters, will ensure that the Council delivers a

consistent approach to the implementation of the policy. This will also provide a common understanding and appreciation of any issues that arise as a result of the policy (and its implementation) – allowing the council to clarify or amend requirements as required.

- 2.4 In order to ensure the effective delivery of the council's licensing enforcement function it is essential that all staff involved have the necessary skills, knowledge and capability to undertake their role in accordance with legislative requirements, published guidance and the council's General Enforcement Policy.
- 2.5 Competency is maintained via the undertaking of appropriate training and continued professional development, and assessment of competency as 1:1 / supervision meetings which complement the annual Performance and Development Review cycle.
- 2.6 Any issues identified in relation to the enforcement work that is carried out are discussed with individual officers and corrective actions undertaken where necessary.

3. Implications for Children and Young People and Vulnerable Adults

- 3.1 Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having an effective taxi licensing service.
- 3.2 In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; the following outcomes must be demonstrated:
 - All licence holders are "fit and proper" to hold licences.
 - Trained decision makers must make high quality, appropriate and timely decisions that protect the public from risk of harm.
 - The Licensing Service uses all available statutory powers appropriately, proactively and reactively, to disrupt criminal activity (including CSE and related activity).
 - The licensing team must consistently provide high quality, timely processing of licensing applications.
 - The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.
- 3.3 In order to address this, the service has developed a performance management framework and improvement plan to provide assurance that the outcomes identified above are achieved.

- 3.4 At the heart of the new policy, service improvement plan and the performance framework lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder. The effective implementation of the licensing policy and the standards that it contains plays an important part in the protection of children and vulnerable people in Rotherham.
- 3.5 Since the publication of the report, the licensing team have been working with colleagues in Children's Services to ensure that those involved in the care and support of looked after children are aware of the key contacts within licensing, the nature of information that can be passed on to the licensing team and the action that the team can take as a result. This has been achieved by identifying single points of contact within the Business Regulation Service and Children's Services, and an agreed protocol for the sharing of information between services (making use of the formal, documented Local Authority Designated Officer procedures within Children's Services)
- 3.6 In addition, action has been taken to repair and formalise the information sharing processes within the council and between its partners. This includes the regular attendance of a senior manager from the council's regulatory service at the weekly CSE Intelligence Sharing Meetings that are chaired by South Yorkshire Police. Information that is discussed at the weekly meetings includes detail on offenders, victims and locations of concern. These meetings also provide a forum where a multiagency approach to a problem can be discussed – if need be with formation of a separate task and finish group consisting of the various council services and partner agencies.
- 3.7 The service has also developed an excellent working relationship with the National Crime Agency, this sees the regular exchange of information in relation to potential concerns around licensed individuals / premises – and on more than one occasion has resulted in the revocation of driver licenses with immediate effect.
- 3.8 The council's Hackney Carriage and Private Hire Licensing Policy makes it clear that non-conviction information can be taken into consideration when making decisions regarding licensing matters (there had previously been a criticism that officers acted only when a licence holder had actually been convicted of an offence). The policy confirms that the safety of the travelling public must be the paramount concern.

4. Equalities and Human Rights Implications

- 4.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.
- 4.2 The policy (along with the council's General Enforcement Policy) will ensure the consistent and fair determination of licences – recognising that every individual is entitled to dignity and respect.

4.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

4.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.

5. Implications for Partners and Other Directorates

5.1 It is recognised that enforcement and compliance activity often cannot be carried out in isolation by the Council. Its key partnerships with other agencies e.g. South Yorkshire Police, HM Revenue and Customs and the Driver and Vehicle Standards Agency are critical to ensure a comprehensive approach to regulation.

6. Risks and Mitigation

6.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.

6.2 The Hackney Carriage and Private Hire Licensing Policy and draft performance framework must give confidence to licence holders and the public of the effective performance management of Council processes and the transparency and fairness of the Council's approach to enforcement.

6.3 Responsibility for ensuring compliance with the policy rests with team and service management, with appropriate overview and scrutiny by Commissioner Ney and members of the Licensing Board.

6.4 Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.

6.5 Compliance with the General Enforcement Policy gives confidence to business and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation might be at risk.

7. Accountable Officer(s)

7.1 Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
Outcome 1. All licence holders are “fit and proper” to hold licences.			
% of applications that are determined only after all required checks have been undertaken.	100%	100%	Target has been met in full.
% of complaints / information referrals where the initial response meets service standards (response within 3 working days).	100%	99%	Team / Service Management have reviewed 68 cases over the year and have identified that one had not been responded to within the required target time. The failure to respond within the required timescale was due to the absence of an enforcement officer due to annual leave.
% of complaints / service requests where no formal action has been taken that have been appropriately investigated.	100%	95%	<p>Team / Service Management have reviewed 56 cases over the year and have identified that three had not been investigated appropriately.</p> <p>All three of these cases were reviewed by managers, and allocated to an enforcement officer for further investigation. Two investigations are ongoing, however one has been concluded and has been referred to Licensing Board for consideration. All three cases were within the workload of an enforcement officer that is no longer employed by the Council.</p>

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
Outcome 2. Decision makers make high quality judgements that protect the public from risk of harm.			
% of case hearing information provided to Committee Services by the agreed deadline.	100%	83%	<p>There have been 14 case hearings during the 2017/18 municipal year. Reports for nine of these hearings were provided within the required timescale.</p> <p>Of the reports that were provided after the deadline, 3 were 1 day past the deadline, and 2 were 2 days past the deadline).</p> <p>Additional officers have been included in the report drafting process which it is envisaged will avoid delay in the production of future reports.</p>
% of Licensing Board members that have received training in the role.	100%	95%	The Licensing Board consists of 21 Councillors; all but one Councillor has attended the training and this Councillor will not take part in a Licensing Board Sub-Committee hearing until the training has been received.
% of Licensing Board decisions that are made in accordance with the Council's policy.	100%	100%	Target has been met in full.
% of licensing decisions that are made in accordance with the scheme of delegation to officers and members / commissioners.	100%	100%	Target has been met in full.

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
Outcome 3. The licensing service make maximum use their statutory powers (where appropriate) to disrupt criminal activity (including CSE and related activity).			
Attendance of licensing team at weekly CSE intelligence meetings (chaired by South Yorkshire Police).	80%	70%	<p>There were 51 meetings held in the 2017/18 municipal year, and the Licensing Manager attended 36 of these. The reasons for non-attendance are as follows:</p> <ul style="list-style-type: none"> • Annual leave (3 occasions) • Medical appointment (1 occasion) • Meeting conflict (2 occasions) • Sickness (4 occasions) • Training (3 occasions) • LGA seminar (1 occasion) • Swinton Lock seminar (1 occasion) <p>The Chair of the meeting has previously confirmed that it would not be appropriate to send a delegate to the meeting in normal circumstances, and that any actions / relevant information will be provided directly to the Licensing Manager as appropriate. In addition, the meeting is attended by other RMBC officers, and information would be fed back to the Licensing Manager by them as an additional safeguard. It has been confirmed that this officer attended on 8 occasions that the Licensing Manager did not – this officer provided an update to the Licensing Manager following the meeting. If these 8 meetings are taken into consideration then Licensing were represented (or had information passed to them by a member of RMBC staff) on 44 of the 51 meetings (equating to 86%).</p>

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
Circulation of key contacts to partners for use in cases of referrals and for data sharing.	Once every six months	Completed	Target has been met.
Number of multiagency operations undertaken	4 (annually)	8	<p>The target of 4 is an annual target based on one multiagency operation per Quarter. The operations may be proactive or reactive in nature and will include partners such as South Yorkshire Police, Her Majesty’s Revenue and Customs and the Vehicle and Operator Standards Agency.</p> <p>During the year, there have been eight multi agency operations, two operations have been conducted with the Police and DSA in relation to taxi checks, and two operations have been conducted with the Police and the Immigration Service ensuring illegal immigrants are not employed at Licensed premises.</p> <p>Four test purchase operations have been conducted in operations involving the Police and the Local Authority.</p>

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
Number of proactive operations undertaken	6 (annually)	11	<p>The target of 6 is an annual target based on one RMBC lead proactive operation every two months. Operations may involve RMBC in isolation or may be multiagency operations involving RMBC and partners.</p> <p>Two operations were undertaken in relation to Operator compliance with licence conditions, and one in relation to the taxi camera compliance requirement.</p> <p>In addition proactive operations have been conducted in relation to licensed premises. During the year there have been eight proactive operations conducted at the following licensed venues where positive enforcement action has been taken.</p>

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
Outcome 4. The licensing team consistently provides high quality processing of licensing applications.			
% of applications that are processed in accordance with the licensing policy.	100%	96%	<p>Service standards require a licence to be determined within 3 working days of all required checks being completed (the determination will either be for the licence to be issued, or the application referred to a case hearing meeting at a future date).</p> <p>During the municipal year 2017/18:</p> <p>470 driver licenses were issued, all but 16 were determined within 3 working days of all necessary checks being completed.</p> <p>849 vehicle licences were issued, all of which were determined within 3 working days.</p> <p>47 Private Hire Operator Licences were issued, all of which were determined within 3 working days.</p>
% of licensing records that contain all required information in a secure but accessible format.	100%	80%	<p>Management have reviewed 40 driver and vehicle records within throughout 2017/18. Eight instances were identified of officers failing to record information on Lalpac (all during the first quarter of the year). These matters were addressed with the individual officers concerned (who were recently appointed to the Council) and amendments made to the recording process. Recording of enforcement actions is now much improved and will be monitored by team and service management to ensure that the standard is maintained.</p>

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
Outcome 5. The Council's private hire and hackney carriage licensing policy will be effectively implemented.			
% of licensed vehicles that have a taxi camera fitted in accordance with the Council's policy.	100%	100%	<p>This figure represents the number of licensed vehicles that require a camera and have had one installed.</p> <p>Licences (and intermediate plates) are not issued unless a camera system has been fitted into the vehicle.</p>
% of driver licence holders that are required to have maintained a subscription to the DBS online update service and have done so.	100%	100%	<p>This figure indicates the number of eligible licence holders that have subscribed to the DBS online update service. The subscription is an annual subscription; however there are a number of licence holders that have been required to renew their subscription within the first six months of the year. Any licence holders that fail to maintain their subscription will be required to undertake another DBS check and subscribe to the update service.</p>

Year-end Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Outturn	Comments
<p>% of licence holders that demonstrate adherence to the requirements of the Council's policy.</p>	<p>Figures for each sub-indicator: 1) 100% 2) 100%</p>	<p>Figures for each sub-indicator: 1) 100% 2) 99%</p>	<p>Adherence to the policy is demonstrated by compliance levels in relation to four sub-indicators. Two of these sub-indicators are dealt with above, with the remaining two being as follows:</p> <p>1) % of drivers that have completed the Council's safeguarding awareness course. 100% of drivers have completed the Council's safeguarding training.</p> <p>2) % of drivers that have obtained the BTEC / NVQ qualification. 99% of drivers (994) have demonstrated that they obtained the BTEC / NVQ qualification (either by provision of the certificate or via confirmation from the training provider that they have passed the course).</p>

APPENDIX 2 – 2017 / 18 Quarter 3 and 4 Enforcement Data

Detail	Number	Prosecution	Revoked / refused	Suspended	Notice Issued	Warning	Advice Given	No further action	Insufficient evidence to proceed	Investigation ongoing	Disclosed	Disclosed to another Authority	Awaiting attendance at Licensing Board
Operator complaint	10					2	5			4			
Dangerous Driving	11					2		1	1	3		1	3
Poor driving	7					2	3		1				1
Indecency - child	1		1										
Indecency - adult	0												
Indecency in public place	1		1										
Conduct of driver	31		1	2		12	4	2	1	5		1	4
Appearance of driver	1						1						
Health/medical concerns of driver	2			2									
Charging issue	2						2						
Plying for hire	4					2	1		1				
Parking issue	3						3						
Disability issue	1						1						
Smoking in vehicle	1									1			
Using phone whilst driving	3					2				1			
In-car camera issue	15			1	13	1	1						
Breach of conditions	1									1			
Condition of vehicle	7					4	2					1	
Taxi camera download request	21							2	1		18		
Information request	2										2		
School transport enquiry/complaint	2		1				1						
Vehicle licensed by another Authority	1											1	
Rear plate in back window	1					1							
Failing to meet English requirement	1												1
Total	129		4	5	13	28	24	5	5	15	20	4	9

APPENDIX 2 – 2017 / 18 Quarter 3 and 4 Enforcement Data

Proactive / multiagency enforcement operations:

Four operations were undertaken in the last 3 months of 2017 and first 3 months of 2018 – one in relation to Private Hire Operators, one in relation to Private Hire Vehicles and two in relation to licensed premises in conjunction with the Security Industry Authority.

There were two multiagency operations undertaken during the first 3 months of 2018 – both in relation to licensed door supervisors.

Partnership work has been undertaken with the Security Industry Authority and delegated authority has been given to Licensing Enforcement Officers.

Other Enforcement Work:

Although this report is primarily concerned with matters related to Hackney Carriage / Private Hire Licensing, if is considered appropriate to include the following to illustrate both the volume and variety of work that is undertaken by the Licensing Team.

- Four complaints have been received in relation to allegations of underage drinking. All four premises were visited and age verification advice was given together with documentation to ensure the age verification requirements were met.
- One complaint related to disabled access within a licensed premise at a pre planned event. The premises were visited and as a result, the DPS was replaced by a new DPS.
- Two complaints related to noise nuisance. The premises were all visited together with environmental health Officers and educational advice was given. The premise details were referred to the Out of Hours team for evening visits where appropriate.
- Two premises were brought before the Licensing Committee for full Licence reviews under S51 Licensing Act 2003. Both premises (an off licence and a premise licence) were revoked by the licensing committee. An appeal has been brought against one of the decisions and the initial hearing is listed for 24th April 2018.
- There have been a number of Test Purchase Operations conducted within this period. Thirteen premises have been the subject of such operations. Two premises failed. One was dealt with by Fixed Penalty Notice. The other failure was dealt with by The Police by way of advice.
- A significant amount of work has been done in respect of the larger premises in respect of events, and licenses including Magna and the Whiston Brass Festival have been varied to ensure event management plans are submitted for larger events three months in advance to allow greater scrutiny before the larger event takes place. This has been directly linked to the formation of the SAG (Safety Advisory Group) where the events hosts are invited to discuss the event management plans before a panel of responsible Authority members in advance of the event. This is an ongoing project and other licences are currently being considered.
- There have been two joint operations conducted with Immigration officers using intelligence previously gathered. Premises in Wath (White Bear) and MFC Fried Chicken were visited but no arrests were made on either occasion. Further operations are planned.

2017 / 18 Quarter 3 and 4 Enforcement Data – Licensing Admin Team

	Licensing Board	Officer	Total
Driver licences granted	6	256	262
Driver Licences Granted with additional conditions	1	0 ^a	1
Driver licences suspended	4	2 ^a	6
Driver licences revoked	2	0 ^a	2
Driver licences immediately ^b revoked for:			
- Medical reasons	0	0	0
- Driver conduct	2	10	12
- DVLA licence issues	0	0	0
Driver licence – formal warning issued	2	0 ^a	2
Driver licence – licence reviewed, no further formal action taken	0	0 ^a	0
Driver Licence – application refused	8	0 ^a	8
PH Operator licences issued	2 ^c	23	25
PH Operator licences refused	0	0	0
Vehicle licences issued:			
- Hackney Carriage	0 ^d	48	48
- Private Hire	0 ^d	708	708
Current licence numbers (at time of report drafting):			
Hackney Carriage / Private Hire Driver Licences ^e		1035	
Private Hire Vehicle Licences ^f		825	
Hackney Carriage Licences ^f		55 (3 of which are hire vehicles)	
Private Hire Operator Licences ^g		59	

2017 / 18 Quarter 3 and 4 Enforcement Data – Licensing Admin Team

Footnotes:

- a Officers do not have the delegated authority to attach conditions, suspend or revoke a licence (except if the circumstances require a revocation or suspension to take effect immediately).
- b Suspensions or revocations of a licence may take effect immediately if it is considered necessary in the interests of public safety. In any other circumstance a revocation or suspension will take effect at the end of 21 days beginning on the day on which the suspension or revocation notice is issued.
- c Only referred to a hearing if the removal / amendment of a condition is required – officers do not have the delegated authority to amend licence conditions.
- d The determination of vehicle licences is largely an administrative process as there is no subjective assessment of fitness. As such, vehicle licence applications are almost always determined by officers using delegated authority.
- e Licences typically valid for a three year period.
- f Since 6th January 2016, all vehicle licences issued are valid for a period of 12 months.
- g Licences are valid for a one year period.

PRIVATE HIRE AND HACKNEY CARRIAGE

Meeting Date	Taxi Cases Listed	Did not attend	Defer	Licence Granted	Licence Refused	No action	Suspend Temporarily	Revoke Licence	Warnings Issued	House to House Grant	House to House Refuse
2017											-
12 June	4	-	-	2	2	-	-	-	-	-	-
06 July	3	1	1	-	2	-	-	-	-	-	-
25 July	3	-	-	1	-	1	1	-	-	-	-
04 September	4	-	-	-	2	1	1	-	-	-	-
25 September	4	1	1	-	2	-	1	-	-	-	-
16 October	4	3	2	1	-	-	-	1	-	-	-
06 November	5	-	-	-	3	-	1	1	1*	-	-
27 November	4	-	-	3	1	-	-	-	2	1	-
18 December	3	1**	-	1	1	-	-	-	-	2	2
2018											
15 January	2	2	2	-	-	-	-	-	-	-	-
05 February	4	1	1	1	1	-	-	1	-	-	-
05 March	4	-	-	1	-	1	1	1	-	-	-
19 March	3	2	2	-	1	-	-	-	-	-	-
26 March	4	-	-	2	-	-	1***	-	1	-	-
09 April	4	1	1	1	1	-	1	-	-	-	-
30 April											
TOTAL	55		10	13	16	3	7	4	4	3	2

Notes

- (1) – 12 June 2017 – the Sub-Committee approved one request for an “Executive” car not to have to display the licensed vehicle plate.
- (2) – 25 July 2017 – the Sub-Committee suspended a driver’s licence until such time as the driver had completed a speed awareness course.
- (3) – 04 September 2017 – the Sub-Committee suspended a driver’s licence until such time as the driver had completed a practical driving test to DVLA standards.
- (4) – 25 September 2017 – the Sub-Committee suspended a driver’s licence until such time as the driver had completed a practical driving test to DVLA standards.

- (5) – 25 September 2017 – the Sub-Committee approved one request for an “Executive” car not to have to display the licensed vehicle plate.
- (6) – 16 October 2017 – the Sub-Committee approved one application for the renewal of a private hire operator licence, with additional conditions imposed on the licence.
- (7) – *06 November 2017 meeting – the Sub-Committee issued a warning to a driver whose licence was suspended for a period of three months and who was also required to complete a speed awareness course during those three months.
- (8) – 27 November 2017 – the Sub-Committee renewed a driver’s licence and imposed an additional condition on the licence that the driver shall complete a speed awareness course.
- (9) – **18 December 2017 – the applicant for a driver’s licence who did not attend had withdrawn his application prior to the meeting.
- (10) – 18 December 2017 – the Sub-Committee also deferred one application for a House-to-House collection permit and requested further information.
- (11) – 19 March 2018 - the Sub-Committee deferred two applications for the grant of a private hire operator licence
- (12) – ***26 March 2017 meeting – the Sub-Committee, upon review of a driver’s licence, decided to suspend the driver’s licence for a period of three months and required the driver to attend and complete the safeguarding course prior to the end of the suspension period.
- (13) – 26 March 2018 - the Sub-Committee approved one application for the grant of a private hire operator’s licence.
- (14) – 09 April 2018 - the Sub-Committee approved one application for the grant of a private hire operator’s licence.

LICENSING ACT 2003 (SUB-COMMITTEE) DECISIONS – PREMISES LICENCES

02 May 2017 – the application for the grant of a premises’ licence was refused.

04 May 2017 – the application for the grant of a premises’ licence was approved and the licence was granted with various additional conditions imposed.

07 July 2017 – the application for the grant of a premises’ licence was approved and the licence was granted with various additional conditions imposed.

16 August 2017 – the application for the grant of a premises' licence was approved and the licence was granted, subject to the standard conditions.

08 January 2018 – the application for the grant of a premises' licence (outdoor events) was approved and the licence was granted with various additional conditions imposed.

08 January 2018 – the Sub-Committee undertook a review of a premises' licence and revoked the licence with immediate effect.

12 February 2018 – the Sub-Committee undertook a review of a premises' licence and revoked the licence with immediate effect.

Summary Sheet

Council Report

Licensing Board 23th April 2018

Title

Rotherham MBC House to House Collections Policy

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Tom Smith – Assistant Director of Community Safety and Street Scene

Report author(s):

Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

Licensing of house to house collections, whilst governed by national legislation, provides for local discretion. It is considered that having a clear and transparent policy will assist applicants' understanding of the process and facilitate consistent decision making by the Council.

All applications for House to House Collection Permits are considered by the Council's Licensing Board. This report seeks the views of the Board in readiness for a further report to the Cabinet Member for Waste, Roads and Community Safety seeking approval to consult on the draft policy prior to implementation.

Recommendations

- That the Licensing Board consider the draft House to House Collections Policy and provide comment in relation to the document.

List of Appendices Included

Appendix 1 - Rotherham MBC Draft House to House Collections Policy (April 2018)

Background Papers

- House to House Collections Act 1939
- House to House Collections Regulations 1947

Consideration by any other Council Committee, Scrutiny or Advisory Panel

This policy will require approval by the Cabinet Member for Waste, Roads and Community Safety.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Rotherham MBC House to House Collections Policy

1. Recommendations

- 1.1 That the Licensing Board consider the draft House to House Collections Policy and provide comment in relation to the document.

2. Background

- 2.1 The House to House Collections Act 1939 requires all house to house collections for a charitable purpose to be licensed by local authorities. The legislation is not adoptive and applies automatically in each local authority area.
- 2.2 The Act defines a charitable purpose as “any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law”.
- 2.3 A collection is defined within the Act as “an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property”.
- 2.4 In order to fall within the remit of this legislation, therefore, the collection must be one that is made wholly or partly for charitable purposes whether it be the collection of money, or any other items that may subsequently be sold for money, where either the money or the items are given for charitable purposes. This would encompass collections where the promoter is collecting items for subsequent sale, such as clothing, where the promoter guarantees to remit a set percentage, or minimum amount, to charitable purposes.
- 2.5 Additionally the collection must be made by going from door to door, not from standing in the street. The collection does not necessarily have to be made by knocking on the door and making personal contact, it can equally be made by leaving envelopes or collection bags for collection on a specified date.
- 2.6 Significantly, the Act also defines a house as “including a place of business”.
- 2.7 Given that the collection for charitable purposes also includes all business premises, it would also include collectors going from shop to shop, rose sellers travelling from pub to pub, and similar collections. On reflection, whilst the legislation refers to house to house collections, it would be better referred to as door to door collections.
- 2.8 The purpose of the legislation is to ensure that collectors are properly authorised, that the collections do not cause a nuisance to the public, that donations are receipted and stored in a secure way, and that the total proceeds are properly accounted for and forwarded to the appropriate charitable organisation.

- 2.9 The Secretary of State may issue an Exemption Certificate to the promoter of a collection where collections are to take place throughout the whole, or a substantial part, of England provided he/she is satisfied that the collection pursues a charitable purpose. The holder of an Exemption Certificate does not have to obtain a licence from the local authority to undertake collections, although historically promoters with Exemption Certificates notify the local authority of their planned collection dates out of courtesy.
- 2.10 Some larger charities have secured Exemption Certificates; however, most of the smaller charities operating locally do not have Exemption Certificates and, therefore, need to apply to the Council for a licence.
- 2.11 Unless persons who wish to undertake charitable collections hold an Exemption Certificate issued by the Secretary of State, it is an offence for any person to promote or make collections from door to door for charitable purposes without first obtaining a licence from the local authority.

3. Key Issues

- 3.1 The draft Rotherham MBC House to House Collections Policy is attached to this report as Appendix 1.
- 3.2 It is considered that having a clear and transparent policy will assist applicants' understanding of the process and facilitate consistent decision making by the Council.
- 3.3 All applications for House to House Collection Permits are considered by the Council's Licensing Board and as such the views of the Licensing Board in relation to the policy would be extremely useful. It is expected that members of the Licensing Board would be able to draw upon their experiences in the consideration of application for permits, and provide feedback on whether they feel that the draft policy addresses and concerns that exist.
- 3.4 It is important to note however that many local and national charitable organisations rely upon the funding that is allocated to them as a result of house to house collections, and therefore the policy must strike the correct balance between ensuring that permits are only granted in appropriate circumstances and providing proportionate application criteria that do not introduce unnecessary barriers to for legitimate and well-meaning individuals and / or organisations.
- 3.5 Following consideration of this policy by the Licensing Board, any comments / suggestions will be incorporated into the policy and a report will be prepared for consideration by the Cabinet Member for Waste, Roads and Community Safety. There will then be a period of public consultation prior to the introduction of the policy (subject to the agreement of the Council's Executive).

4. Options considered and recommended proposal

- 4.1 The report is for consultation only, and therefore no options / proposals are recommended.

5. Consultation

- 5.1 Following consideration (and amendment) of the draft policy by the Licensing Board, further consultation will take place with the Cabinet Member for Waste, Roads and Community Safety.
- 5.2 The draft policy will then be further amended (if appropriate) and subjected to a period of public consultation.
- 5.3 Where possible, the licensing service will identify organisations / individuals that are likely to be affected by the revised policy and their views sought.

6. Timetable and Accountability for Implementing this Decision

- 6.1 It is anticipated that the draft policy will be submitted to the Cabinet Member for Waste, Roads and Community Safety in July 2018.
- 6.2 Public consultation will commence following this meeting, with a view to seeking final approval of the policy towards the end of 2018.

7. Financial and Procurement Implications

- 7.1 There are no financial or procurement implications directly associated with this report.

8. Legal Implications

- 1.1 The House to House Collections Act 1939 lays down requirement in relation to House to House Collections.
- 1.2 Section 4 of the Act provides for the Secretary of State to prescribe regulations regulating the manner in which collections may be carried out, including the conduct of promoters and collectors. There is no opportunity for local authorities to prescribe additional regulations or attach licence conditions.
- 1.3 The Secretary of State published the House to House Collections Regulations 1947, subsequently amended by the House to House Collections Regulations 1963, which took effect from 29th December 1947. These regulations, included as Appendix A to the Policy, apply to all licences issued by the Council under the House to House Collection Act 1939.

- 1.4 There is no right of appeal through the courts against a decision to refuse or revoke an application, however, there is a right of appeal to the Secretary of State whose decision is final. Additionally, any decision must be reasonable as any decision could also be subject to a complaint to the Local Government Ombudsman or through a judicial review.
- 1.5 By virtue of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the adoption of a local policy in respect of House to House collection regulation is a matter for the Council's Executive.
- 1.6 However, as the determination of applications for House to House Collection permits is the responsibility of the Council's Licensing Board, the views of the Board should be considered integral to the development of any policy regarding House to House applications.

2. Human Resources Implication

- 2.1 There are no additional human resource implications introduced by this report.

3. Implications for Children and Young People and Vulnerable Adults

- 3.1 The draft policy reinforces the statutory prohibition on individuals under the age of 16 being involved in collection activity.
- 3.2 There are no additional implications for Children, Young People or Vulnerable Adults.

4. Equalities and Human Rights Implications

- 4.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 4.2 The proposed Policy does not place any barriers or unique requirements on any person on the grounds of ethnicity, gender, religion or any other protected characteristic. Officers work with all applicants and consent holders, where appropriate, to ensure that the Council's duty under the Equality Act 2010 is met, for example, guidance notes could be provided in other languages upon request.

5. Implications for Partners and Other Directorates

5.1 It is recognised that the effective enforcement and implementation of the policy will require partnership working with partners such as South Yorkshire Police and HM Revenue and Customs.

5.2 However, it is not considered that this policy will have any direct implications for any of the Council's partners or other directorates.

6. Risks and Mitigation

6.1 Given that the Policy is a fundamental element of consistent decision making, a policy that was not fit for purpose would increase the risk of judicial challenge.

6.2 It is therefore essential that the policy is developed taking into account the views of decision makers, enforcement officers, the general public and those that may be affected by the introduction of this policy.

7. Accountable Officer(s)

7.1 Alan Pogorzelec – Licensing Manager
Regeneration and Environment
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This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Rotherham MBC HOUSE TO HOUSE COLLECTIONS POLICY

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DRAFT

1. Introduction

Aim of this Policy

This policy aims to ensure that residents in the Rotherham area who want to donate to a charitable / good cause through House to House Collections are able to do so secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity or good cause.

The effectiveness of the policy will be reviewed one year after its introduction to determine its impact, and whether the aim of the policy is being achieved.

General Information Regarding House to House Collections

House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.

There has been an increase in the number of House to House collectors in the Borough over the last few years and as such it is vital that licences are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.

House to House collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Permits for collections that are carried out in Rotherham are issued by Rotherham MBC. There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued to the charity by the Cabinet Office directly.

The intention of this policy is to give clear guidance to Members of the Licensing Board, applicants and officers on the factors to be taken into account when determining applications for a House to House Collection permit.

All decisions regarding House to House Collections are made by the Licensing Board, however the Licensing Board may delegate this to officers if the Board considers this to be necessary or appropriate.

Any applicant that is aggrieved by a decision of the Council may appeal to the Secretary of State within 21 days of being given notice of the decision.

The Regulatory Framework for House to House Collections

House to house collections, as defined by the House to House Collections Act 1939, are required to be licensed by local authorities. House to house collections are defined as "an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property". They include, therefore, collections of money, or any other items that may be sold for money, where the proceeds are given to any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags).

For the purpose of the House to House Collection Act 1939, the term 'house' also includes places of business. This provision, therefore, also covers collections made within places such as shops, offices and public houses where the collectors go from premises to premises collecting money, or other property, and the proceeds of such collections are given to charity (for example, rose sellers in public houses and restaurants).

Unless those who wish to conduct a collection possess an 'Exemption Certificate' issued by the Secretary of State, it is an offence for any person to promote or make collections from door to door for charitable purposes without the promoter first obtaining a licence from this Council to do so.

Some larger charities (particularly those that operate nationally) have secured Exemption Certificates from the Secretary of State; however, most of the smaller charities operating locally do not have Exemption Certificates and, therefore, they need to apply for, and be granted, a permit before they can collect money door to door within Rotherham. There is no application fee associated with an application for a house to house collection permit.

There are two circumstances where the need for a licence from the Council can be waived following the intervention of other authorities.

- (1) If the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of, or a substantial part of, England and Wales, and wants to promote collections for that purpose, he may then direct by Order that the promoter shall be exempt from the requirement to obtain licences from this Council. All collections exempt from licensing requirements would be described in the Order.
- (2) Where the chief constable for a police area is satisfied that the purpose of a collection is local in character and that the collection is likely to be completed within a short period of time, he may grant the promoter of the collection a certificate in the prescribed form. Where such a certificate is granted, a permit from the Council is not required and the provisions of the Regulations shall not apply to a collection made in conformity with such certificate.

Any applications made for a permit will be processed and considered in accordance with Section 2 of this policy.

2. Applications for a House to House Collection Permit

The application process

Applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This will allow Council Officers to provide appropriate advice, as well as clarifying any areas of uncertainty.

All applications must be made on the Council's prescribed application form (see Appendix B).

Applications should normally be made at least two calendar months before the first proposed collection date, the application will not be considered as complete unless the applicant provides all of the information that is specified on the application form and accompanying notes.

Any application received with less than one calendar months' notice prior to the first proposed collection date is unlikely to be considered, save for exceptional circumstances at the Council's discretion.

In addition to completing the Council's application form, the applicant must also supply information relating to:

- Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission. The collection beneficiary is the term used to describe the organisation on whose behalf the collection is being undertaken.
- A statement of the collection beneficiary's aims, and any literature to support this.
- Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
- If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
- Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
- The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - The expected value of the money / items collected before any expenses are deducted ("the gross collection amount").
 - Full details of any deductions that will be applied to the "gross

collection amount” and how these will be calculated.

- A written agreement between the applicant and the charity as required by the Charities Act 1992.
 - Declaration of any previous refusals for House to House Collections
 - A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
- It must be clear from the application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before.

All applications for a House to House Collection Permit will be referred to the Council’s Licensing Board for consideration. The applicant will have the opportunity to address the Board should they wish to do so, alternatively they may submit a written submission to the Licensing Board for consideration along with their application.

Grant of a House to House Collection Permit

If the Licensing Board are satisfied that it would be appropriate to issue a permit for a House to House Collection then one will be issued for the times and dates specified on the application. The Council will issue a “Certificate for the Information of the Stationery Office” under the House to House Collections Act 1939 - this document will allow the promoter to obtain the prescribed badge and prescribed Certificate of Authority (these documents must be carried by all collectors involved in the House to House Collection).

If the dates specified on the application have passed, then the permit will run from the date that the Licensing Board make the decision to issue the permit.

In any event, a permit authorising a House to House Collection will not be valid for a period longer than twelve months.

Permits will not be issued retrospectively, therefore a permit must be in place before the collection commences – and collections undertaken without a valid permit (or exemption) will be unlawful and the promoter of such a collection risks prosecution by the Council.

The House Collections Act 1939 and the House to House Collections Regulations 1947 specify the obligations of all those involved in house to house collections. A copy of the House to House Collections Regulations 1947 is appended to this policy as **Appendix A**.

Key obligations placed on the person / organisation to whom a permit is issued are as follows:

- the necessary written permission has been obtained from the Council;
- no collection must be undertaken in a manner which will inconvenience or annoy any person;

- every collector must wear a standard badge and carry a Certificate of Authority;
- collectors must produce their badge, on demand, to the occupant of any house, any police officer or authorised officer of the Council;
- all collectors must be aged sixteen years or more;
- if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.

The key obligations following a collection are as follows:

- collectors must not be given access to the contents of collection boxes prior to their being returned to the promoter for opening and counting;
- boxes should only be opened in the presence of the promoter and another responsible person. Once the boxes have been opened, the contents should be counted immediately and the amount collected in each box recorded;
- after the collection the promoter must complete a prescribed returns form and return it to the Council within one month of the expiry of the permit. The promoter must certify the return and have it countersigned by a qualified accountant.

Refusal to issue a House to House Collection Permit

The statutory reasons why a licensing authority may refuse to grant a permit (or where a permit has been issued may revoke it) if it appears to the authority that:

1. 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);
2. 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;
3. 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;
4. 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 relevant offences specified below, or has been convicted in any part of Her 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. The relevant offences referred to above are as follows:

- Offences under sections 47 to 56 of the Offences against the Person Act 1861
 - Robbery, burglary or blackmail
 - Offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property.
 - Offences under the Street Collections Regulation (Scotland) Act 1915
 - Offences under section 5 of the Police, Factories etc. Miscellaneous Provisions) Act 1916
5. 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
6. 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.

Where a House to House Collection Permit has previously been granted, the Council will ordinarily revoke the permit if it is of the opinion that any of the circumstances listed above subsequently apply.

Consideration of financial information

All financial information provided as part of an application for a House to House Collection Permit will be handled in accordance with the Council's Information Security Policy.

The proportion allocated to the collection beneficiary must be clearly detailed by the applicant, this includes the calculations that have been used to determine the way that funding is allocated to each party involved in (or benefiting from) the collection.

The Council must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity.

It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process at all levels, should also be considered as part of this assessment.

It is anticipated that in most cases, the amount allocated to the collection beneficiary should exceed 80% of the total amount collected (i.e. the amount collected before the

deduction of any expenses and / or running costs).

If no previous returns have been supplied to the Council after previous licensed collections by the same organisation or individual within the Council's area then the application should be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

3. Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also those responsible for organising charitable collections.

In implementing this Policy, the Council will operate in accordance with the General Enforcement Policy and any other service specific enforcement policies or processes.

The provisions of this policy are discharged by the Council through the Licensing Board.

The Licensing Board had delegated the responsibility for enforcement of the House to House Collections Act to the Assistant Director of Community Safety and Street Scene. The Assistant Director has authorised officers to enforce the requirements of the legislation relevant to House to House Collections.

Appendix A

**Extract from the House to House Collections Regulations 1947
(as amended by the House to House Collections Regulations 1963)
forming the Regulations for House to House Collection Licences
pursuant to section 4 of the House to House Collections Act 1939**

1. Title and extent

- (1) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
- (2) These regulations shall not extend to Scotland.

2. Interpretation

- (1) In these regulations, unless the context otherwise requires: '*The Act*' means the House to House Collections Act 1939;

'chief promoter', in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions or subsection (2) or section 1 of the Act as respects that collection;

'collecting box' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

'licence' means a licence granted by a licensing authority under section 2 of the Act;

'order' means an order made by the Secretary of State under section 3 of the Act;

'prescribed badge' means a badge in the form set out in the Fourth Schedule to these regulations;

'prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to these regulations;

'receipt book' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

'street collection' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 apply;

- (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
- (3) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- (1) Every certificate granted under subsection (4) of section 1 of the Act shall be

in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.

- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.

5. Responsibility of promoters as respects collectors

- (1) Every promoter of a collection shall exercise all due diligence:
- (a) to secure that person authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person:
- (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.
- (2) Every promoter of a collection shall exercise all due diligence to secure:
- (a) that no prescribed certificate of authority, prescribed badge, collecting

box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and

- (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.

(3) In case of a collection in respect of which a licence has been granted:

- (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
- (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by licensing authority for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

(1) Every collector shall:

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age Limits

(1) No person under the age of sixteen years shall act or be authorised to act as a collector of money.

9. Importuning

(1) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collecting of Money

- (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such a person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

- (1) Every collector, to whom a collecting box or receipt book has been issued, shall:
 - (a) when the collecting box is full or the receipt book is exhausted, or
 - (b) upon the demand of a promoter of the collection, or
 - (c) when he does not desire to act as a collector, or
 - (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation:
- (a) every envelope used shall have a gummed flap by means of which it can be securely closed;
 - (b) no collector shall receive a contribution except in an envelope which has been so closed; and
 - (c) these regulations shall have effect subject to the following modifications:
 - i. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - ii. regulation 10 shall not apply;
 - iii. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - iv. in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - v. in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- (3) In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing authority by which the licence was granted within one month of the expiry of the licence:
- Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one licensing area a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made only to such of the respective licensing authorities as may be so agreed.
- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- (3) The licensing authority or the Secretary of State may extend the period within

which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.

- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (5) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

(1) The account required by the preceding regulation:

- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property allocated.

16. Vouching of accounts

- (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- (2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the

authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc

- (1) The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

Appendix B

House to House Collection Permit Application Form

APPLICATION FOR A HOUSE TO HOUSE COLLECTION PERMIT

This application must be completed by the individual or organisation that is promoting the collection (“the promoter”). The role and obligations of the promoter are outlined in the Council’s House to House Collection Policy, and all applicants are advised to consult this document prior to making an application for a permit in Rotherham.

The information below (including that which is detailed in the notes at the end of this form) is the MINIMUM that must be provided in order to make an application for a permit in Rotherham. You may provide additional information in support

Name of Promoter	
Address and daytime telephone number of Promoter.	
Details of charitable purpose to which proceeds of the collection are to be applied (full details are to be enclosed with this application, including a copy of the authorisation from the charity to whom the proceeds will be sent). The additional information referred to in the notes below must also be included.	
Dates on which it is desired to make the collection(s) (Please include alternative dates should your first choice not be available)	
Localities within which it is desired to make the collection (if the application is to undertake a collection across the whole Borough then please state this, otherwise indicate the specific localities and the dates of each collection).	

<p>Are you intending to collect money or personal financial information? (if yes then please provide details)</p>									
<p>Is it proposed to collect other property, if so, of what nature?</p> <p>Is it proposed to sell such property, give it away or use it for other purposes (please give details)?</p>									
<p>How many people will you authorise to undertake collections?</p>									
<p>How will the collectors be selected / appointed?</p>									
<p>How will the collections be undertaken? Please give details of any vehicles that will be used along with any literature / envelopes / collection bags that will be used as part of the collection.</p>									
<p>Will any person or organisation receive payment from the proceeds of the collection?</p> <p>If so then please give details of the payments that are made (see notes below for additional information) – continue on additional sheets if this is required.</p> <p>Payments to collectors:</p> <p>Payments to other persons:</p> <p>Payments to an organisation (other than the charitable purpose for which the collection is being undertaken):</p> <p>Payments to the charitable organisation:</p>	<table border="1" style="width: 100%; height: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>								

<p>Are you intending to apply for House to House Collection Permits from other local authorities?</p> <p>If so, please list the other authorities to which applications have been or will be made (attaching a separate sheet if required).</p>	
<p>Has the applicant or anyone associated with the promotion or undertaking of the collection, ever has an application under the Act refused or revoked?</p> <p>If so, please give full details.</p>	
<p>Is it proposed to promote the collection in conjunction with a street collection?</p>	
<p>If so, is it desired that the accounts of this collection should be combined wholly or partly with the accounts of the street collection?</p>	
<p>If the collection is for a War Charity, state if such a charity has been registered or exempted from registration under the War Charities Act 1940, and give the name of the registration authority and the date of registration or exemption.</p>	
<p>Please state if your charity holds an Order of Exemption under Section 3 of the House to House Collections Act 1939, as issued by the Secretary of State.</p> <p>If so, please enclose a copy of the Order.</p>	
<p>Please provide any additional information in support of your application (enclosing additional sheets if required).</p>	

<p>Declaration</p>	<p>I / we declare that to the best of my / our knowledge and belief that the foregoing information is correct and, if a permit is granted, I / we undertake to comply strictly with the Council's House to House Regulations as listed in the Council's House to House Collections Policy.</p> <p>I / we consent to the Council sharing this information with regulatory partners for the prevention and / or detection of crime.</p> <p>I / we confirm that we have reviewed the Council's House to House Collection Policy and the important notes and the end of this form, and have taken this information into consideration when making my / our application.</p>
<p>Signature of person(s) making this application</p>	
<p>Name(s) of person(s) making this application</p>	
<p>If you are not the promoter then please state the capacity in which you are making this application and provide confirmation of your authority to make this application on behalf of the promoter.</p>	
<p>Date of signature(s)</p>	

Please tick to confirm inclusion of the following information (see notes at the end of this form)

Details of the objectives of the charitable cause.	
A statement of the collection beneficiary's aims, and any literature to support this.	
Full details of the collection beneficiary.	
Full details of this individual / organisation making the application.	
Relevant accounts and financial statements.	
Details of how the amounts to be allocated to the charity, collectors and promoter are calculated.	
A basic Disclosure Certificate relating to the promoter.	

Your application will not be considered to be complete if any of the above information or anything detailed in the Important Notes is missing or unclear.

IMPORTANT NOTES:

- All sections of this application form must be completed – if any section is not relevant to your circumstances then please state “not applicable” or “n/a”.
- The following information must also be provided with the application:
 - Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission.
 - A statement of the collection beneficiary’s aims, and any literature to support this.
 - Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
 - If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
 - Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
 - The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - The expected value of the money / items collected before any expenses are deducted (“the gross collection amount”).
 - Full details of any deductions that will be applied to the “gross collection amount” and how these will be calculated.
 - A written agreement between the applicant and the charity as required by the Charities Act 1992.
 - Declaration of any previous refusals for House to House Collections
 - A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
- It must be clear from your application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before.
- You are advised to review and consider Rotherham MBC’s House to House Collection Policy and the legislative extract prior to submitting your application.