

LICENSING BOARD SUB-COMMITTEE

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

Date: Monday, 4th November, 2019

Time: 9.30 a.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.

(The Chair authorised consideration of the following item to enable the collection to take place on the dates specified)

3. House to House Collection (Pages 1 - 8)
4. Exclusion of the Press and Public

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

5. Applications for the Grant/Renewal/Review of Hackney Carriage/Private Hire Drivers' Licences (Pages 9 - 327)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
--

Meeting:	Licensing Board Sub-Committee
Date:	4 th November 2019
Title:	Determination of Application for a House to House Collection Permit – late report
Directorate:	Regeneration and Environment

1. Summary

This report concerns applications made for proposed House to House Collection Promoters permits in or about the Borough of Rotherham. The applications have been made in accordance with the House to House Collections Act 1939.

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

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

2. Recommendations

- That the Sub-Committee informs the Licensing Manager of the decision in relation to each of the applications introduced by this report.

3. Proposals and Details

The Council has recently received an application for a House to House collection permit, further details are provided below:

Charity / Charitable Purpose:	<u>Bramley and Wickersley Lions Club</u> <u>(registered charity number 1180541)</u>
Permit Applicant:	Mr Andrew William Davies
Collections Made By:	Bramley and Wickersley Lions Club, 13 Bracken Court, Wickersley, Rotherham, S66 1DP
Permit Collection Area:	Wickersley and Bramley only.
Collection Dates/times:	Unspecified dates between 01/12/19 and 24/12/2019 – times between 1730hrs and 2000hrs.
Further Information:	See Appendix 1 to this report.

Charitable Objectives:

"Through volunteers - meet humanitarian needs, encourage peace and promote international understanding through Lions Clubs – Santa's Sleigh Collection (www.bwlions.org.uk)".

Charitable Benefit for Rotherham:

"90% of funds to be used in Rotherham, we reserve the right to support Lions Clubs International projects for the remainder".

The applicant has specified that all of the proceeds of the collection will be paid to the charitable cause (i.e. no deductions will be made in relation to the collection).

Should the permit(s) be granted at the hearing any permit would only run from the date the Sub-Committee approves the application until the requested expiry date unless otherwise granted by the Sub-Committee.

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

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

4. Finance

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

5. Risks and Uncertainties

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

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

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

- a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
- b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
- c) that the grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;

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

6. Policy and Performance Agenda Implications

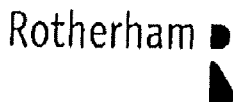
The granting of House to House permits is consistent with the Corporate Plan and community strategy as it ensures the deliver under the themes of a Safer and Fairer Rotherham; also ensuring that the Council continues to maintain its statutory functions and undertakes appropriate enforcement to support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

7. Background Papers and Consultation

None.

Contact Name: Alan Pogorzelec , Licensing Manager, tel (2)54955,
alan.pogorzelec@rotherham.gov.uk

APPENDIX 1



Neighbourhood and Adult Services

Application for a House to House Collections Permit
House to House Collections Act 1939
House to House Collections Regulations 1947 (as amended)

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

Data Protection Act, 1998

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

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

Applicants (Promoter) personal details

1. Your Title (Mr, Mrs, Miss, etc): MR Date of Birth: 01-10-73

Surname: DAVIES First names: ANDREW WILLIAM

Address (either home or business): 13 BRANLEY COURT CHESTER
ROTHERHAM Post code: S66 1BP

Daytime phone number: 0114 290 3654 Mobile phone number: 078 99 88 7457

E-mail address: BRANLEY.WILL@GMAIL.COM

Details of the charity which the collection will benefit

2. Name of Charity: BRANLEY + WILKINSON LIONS CLUB (C10)

Head Office address for the Charity: 13 BRANLEY COURT CHESTER
ROTHERHAM Post code: S66 1BP

Contact phone number: 0114 290 3654 Mobile phone number: 078 99 88 7457

E-mail address: BRANLEY.WILL@GMAIL.COM

2.a. Are you an employee/Volunteer for this Charity

YES ☒ No ☐

If YES please state your position within the Charity:

SECRETARY

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

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

Please attach supporting information, web site details etc.

ENCOURAGE VOLUNTEERS, MEET HUMANITARIAN NEEDS,
ENCOURAGE AFRICA AND PROMOTE INTERNATIONAL
CORRESPONDENCE THROUGH LIONS CLUBS -
SANTA'S SCOTCH COLLECTION.
WWW.BWLIONS.ORG.UK

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

Please attach supporting information, web site details etc.

90% OF FUNDS TO BE USED IN
ROTHERHAM, WE RESERVE THE RIGHT
TO SUPPORT LIONS CLUBS INTERNATIONAL
PROJECTS FOR THE REMAINING

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

Yes ☒ No ☐

Registered Charity Number

1180541

Collection details

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

ROTHERHAM -

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

DECEMBER 2019

1730 HRS - 2000 HRS

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

EIGHT

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

Yes ☒ No ☐

Direct Debits

☒

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

Yes ☐ No ☒

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

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

Sell ☐

Give Away ☐

Use ☐

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

Yes ☐

No ☒

If Yes, which other licensing authorities

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

Yes ☐

No ☐

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

Yes ☒ No ☐

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

Combined
accounts ☒

Separate
accounts ☐

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

Funds raised following collections

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

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

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

£ 0

4.b. Is it proposed to use some of the takings for the payment of any persons

Yes ☐

No ☒

If YES; is it to Collectors

Yes ☐

No ☐

is it to Other Persons

Yes ☐

No ☐

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

£

Details of company or organisation responsible for these collection

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

BAMLEY + WICKHAMSEY LIONS CLUB (CIO)

Office address of the

13 BARNWORTH COURT, WICKHAMSEY

Company/Organisation:

ROTHAM

Post code

S66 1DP

Contact phone number:

0114 290 3654

Mobile phone number:

078 99 88 7457

E-mail address:

BAMLEY.WOLF@virgin.net

5.a. Are you an employee of this Business/Organisation

YES ☐

No ☒

VOLUNTEER.

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

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

Licensing history of Charity/Collection Company

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

If 'Yes', who issued it?

What date was it granted?

/ /

What licence number was it?

6.a. Have you, or to your knowledge anyone associated with this collection, ever had a house to house licence or order with this local authority, refused, or revoked before?

Yes ☐

No ☒

6.b. Have you, or to your knowledge anyone associated with this collection, ever had a house to house licence or order, with any other authority refused, or revoked before?

Yes ☐

No ☒

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

Please use an extra sheet if required.

NOT SURE IF STREET COLLECTION OR HOUSE TO HOUSE PREVIOUSLY.

Applicants (Promoter) "Criminal Records" history

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

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

7.b. If you are waiting to hear about any prosecution enter the court name hearing the case:

If known give date of future court hearing date:

 / /

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

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

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

Declaration

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

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

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

Applicants
Signature

A. Wilkins

Date applicant signed form 25 11 0 119

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted