

## LICENSING BOARD

**Venue:** Bailey Suite, Bailey House, Rawmarsh Road,  
Rotherham.

**Date:** Wednesday, 16 June 2010

**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 which the Chairman is of the opinion should be considered as a matter of urgency.
3. Minutes of the Board held on 19th May, 2010 (herewith) (Pages 1 - 2)
4. House to House Collections (report herewith) (Pages 3 - 11)
5. To appoint one Member to the Licensing Committee
6. 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)
7. Applications for the Grant/Review of Hackney Carriage/Private Hire Drivers' Licences (reports herewith) (Pages 12 - 31)

**LICENSING BOARD**  
**19th May, 2010**

Present:- Councillor Wootton (in the Chair); Councillors Barron, Burton, Dodson, Doyle, Falvey, Goulty, Havenhand, Jack, The Mayor (Councillor McNeely), P. A. Russell, Sangster and Swift.

Apologies for absence were received from Councillors Donaldson, Foden, J. Hamilton and N. Hamilton.

**Q67. MINUTES**

Resolved:- That the minutes of the meeting of the Licensing Board held on 14th April, 2010 be approved as a correct record for signature by the Chairman.

**Q68. HOUSE TO HOUSE COLLECTION**

The Senior Licensing Officer submitted a report concerning the following application for the grant of a licence to carry out house to house collections:-

<b>ORGANISATION</b>	<b>AREA</b>	<b>DATE</b>
Cancer Research and Genetics UK	Whole of Rotherham Borough	1st June, 2010 to 9th June, 2011

Resolved:- That the application be approved.

**Q69. APPLICATION FOR EXEMPTION TO DISPLAY OF PRIVATE HIRE PLATE AND DOOR SIGNS UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 SECTION 75(3)**

The Board considered a report by the Director of Housing and Neighbourhood Services relating to the following application for exemption to the display of the private hire vehicle licence plate and door signs:-

Mr. M. A. Coult - Ascot Cars

Mr. Coult attended the meeting and was interviewed by the Board.

Resolved:- That the application be approved.

**Q70. EXCLUSION OF THE PRESS AND PUBLIC.**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3

and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**Q71. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES-APPLICATIONS**

The Board considered reports by the Director of Housing and Neighbourhood Services relating to applications for the grant of hackney carriage/private hire drivers' licences from Messrs. D.E., S.J.N. and A.K.

Messrs. D.E., S.J.N. and A.K. attended the meeting and were interviewed by the Board.

Resolved:- (1) That Messrs. D.E. and S.J.N. be granted a licence for a period of three years subject to the satisfactory completion of the Driving Standards Agency test and medical.

(2) That Mr. A.K. be granted a licence for a period of three years subject to the satisfactory completion of the medical.

**Q72. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Board considered reports by the Director of Housing and Neighbourhood Services relating to the hackney carriage/private hire drivers' licences held by Messrs. R.H. and S.A.

Mr. R.H. attended the meeting and was interviewed by the Board.

Resolved:- That Messrs. R.H. and S.A. be warned as to their future conduct.

<b>1. Meeting:</b>	<b>Licensing Board</b>
<b>2. Date:</b>	<b>16 June 2010</b>
<b>3. Title:</b>	<b>Determination of Licensing Issues - House to House Collections</b>
<b>4. Programme Area:</b>	<b>Neighbourhoods and Adult Services</b>

**5. Summary**

This report concerns applications made for proposed House to House collection Promoters permits in or about the Borough of Rotherham.

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

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

**6. Recommendations**

**THAT MEMBERS INFORM THE LICENSING OFFICER OF THEIR DECISION ON EACH CASE.**

## 7. Proposals and Details

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

- |                                |  |
|--------------------------------|--|
| 1. Charity/Charitable Purpose: | <b><u>Tears to Smiles – Charity Reg. 1038758</u></b>   |
| Permit Applicant               | Tears to Smiles - B Horner – (Charity Administrator)   |
| Permit Collection Area         | Whole Area of Borough  |
| Collection Dates/times         | Monthly on either 3, 4, 16, 24 & 25 June; 9am -5pm<br>Or 13, 14, 21 & 22 July, 9am -5pm<br>Or 5, 6, 16, 17 & 18 August, 9am -5pm |

Further details and the application for this permit, are attached at “Appendix A” of this report.

Should the licence be granted at the hearing any permit would only run from the date of grant to the requested expiry date unless otherwise granted by members.

## 8. Finance

Permits for House to House collections in or about the Borough of Rotherham are provided free of charge to applicants. Any relating enforcement and other matters of application processing are financed through the authority’s normal budgeting methods.

## 9. Risks and Uncertainties

Failure to consider each application to the extent that members feel necessary to satisfy themselves they have reached a reasoned decision could lead to inappropriate collections being made within the Borough.

## 10. Policy and Performance Agenda Implications

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

## 11. Background Papers and Consultation

Applications received, as detailed in section 7 of this report and associated appendices.

**Contact Name:** Katy Giller, Senior Licensing Officer, 4525, [katy.giller@rotherham.gov.uk](mailto:katy.giller@rotherham.gov.uk)

## Neighbourhood and Adult Services

NEIGHBOURHOOD

27 MAY 2010

**Application for a House to House Collections Promoters Licence**

Grant	
For office use only	
Date	24/5/10
Fee	Free of Charge
Permit number	
Lapac entry date:	
Board Result	

## Application for a hackney-carriage or private-hire licence

Use this form to apply for a house to house promoters collection licence. The licence will allow you to authorise collectors to collect from door to door for charitable purposes. No collection for a charitable purpose may be made in the locality unless the applicant 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 attention of applicants for licences under the House to House Collections Act is drawn to Paragraph 4 of the House to House Collections Regulations 1947 made by the Secretary of State on the 12 December 1947. This paragraph provides that ordinarily an application for licence shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.

**House to House Collections Act 1939****House to House Collections Regulations 1947 (as amended)****Data Protection Act, 1998**

I understand that RMBC is required to use information provided by me to carry out cross system and cross authority comparisons for the prevention and detection of fraud or crime. I understand that information I have provided may be used in this way or for connected purposes, and that this information may also be shared with certain third parties who administer or protect public funds. We may use the information you have provided in this form to carry out checks to prevent and detect fraud or crime. We may also use the information to share the inf in this way or for connected purposes, and we may also share the information with certain other people or organisations who 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 personal details (Promoter)**

1. Your Title (Mr, Mrs, Miss, etc):	Mr	Date of Birth:	10/04/1986
Surname:	Horner	First names:	Ben
Home Address:	(Work Address) 100 Wellington Street		
	Leeds		
		Post code:	LS1 4LT
Home phone number:	01132373999	Mobile phone number:	
E-mail address:	fiona@tearstosmiles.org		

**Details of Business or Organisation Responsible for the Collection**

2. Name of Business/Organisation conducting collection:

Office address of the Business/Organisation:

Contact phone number:  Mobile phone or Fax number:

E-mail address:

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

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

\*if NO, you must supply a letter, with this application form, from the Society/Organisation to benefit from the collection and which is authorising you to organise collections on the society's behalf.

**Licensing history**

3. Have you, or the business ever held a house to house collection licence before? Yes  No

If 'Yes', who issued it?

What date was it granted?  /  What licence number was it?

3.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

3.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.

**Collection Details**

4. Name of Society/Charity/Fund to benefit from the proceeds of this collection:

Address of the Society/Charity/Fund

E-mail address:  Contact phone number:

4.a. Objective/aims of the Society/Charity/Fund to benefit from the proceeds of this collection. Please attach recent literature, & accounts etc.

4.b. Is the Society/Charity/Fund a registered charity Yes  No  Registered Charity Number

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

Whole Borough

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

03, 04, 16, 24, 25 June 2010  
 13, 14, 21, 22, July 2010  
 05, 06, 16, 17, 18 August 2010

**Collection Details - Continued**

4.e. How many collectors will be permitted to make the collections: Up to 6

4.f. Is it proposed to collect money including direct debits as money Yes  No  Direct Debits

4.g. Is it proposed to collect "other" types of property Yes  No

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

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

4.h. Are applications also being made for licences for the same purpose in other areas of the UK: Yes  No

If Yes, which other licensing authorities n/a

How many collectors will be permitted to make these collections n/a

Will these collectors be the same collectors as those you intend to use in this authority Yes  No

4.i. 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

4.j. 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.

n/a

**Proceeds of Collections Details**

5. Are the whole of the receipts to be paid over to the Society/Charity/Fund Yes  No

If NO, please state the purposes for which deductions will be made Half travel expenses

5.a. Please state how much will be deducted for expenses or other purposes £ ~~half travel~~ 0

5.b. Is it proposed to use some of the proceeds for the remuneration of any persons Yes  No

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



5.c. Please state details, how much will be deducted, for what reasons and if applicable what "other persons"

£ Half travel, which is roughly 3 pnds

**Applicant Promoter's "Criminal Records" history request**

6. **Convictions, Cautions, Warnings and Reprimands Details.** In the box at 6.b. 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".

6.a. Are you waiting to hear about any prosecutions or other actions of any type, pending against you? If 'Yes' please give details in the box below Yes  No

**Applicant Promoter's "Criminal Records" history request (continued)**

6.a. If known, name of court hearing the case:  If known, date of future court hearing date:  /  /

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

Date of conviction(s)	Details of Offence(s) and Conviction(s)	Sentence Or Penalty
/ /		
/ /		
/ /		
/ /		
/ /		
/ /		
/ /		

**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 28 days of the collection taking 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 B. Horner

Date form signed by applicant 25 / 5 / 10.

**FOR OFFICE USE ONLY (Delete where applicable) or office use only**

Date form received in Licensing Office	Refer to licensing board for consideration	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Board Meeting Hearing application
	Decision of Licensing Board	Grant <input type="checkbox"/> Refuse <input type="checkbox"/>	Comments:
Date Permit Sent Out to applicant	Permit Issue Number		Dates permit Valid From: ..... To: .....

# Tears to Smiles\*

Suite 118/119, 100 Wellington Street, Leeds, West Yorkshire, LS1 4LT  
Website: [www.tearstosmiles.org](http://www.tearstosmiles.org) | E-Mail: [info@tearstosmiles.org](mailto:info@tearstosmiles.org)  
Tel: 0113 2373999 | Fax: 0113 2373997

18 May 2010

Rotherham Metropolitan Borough Council  
Neighbourhoods and Adult Services, Licensing Section  
Reresby House  
Bow Bridge Close  
Rotherham  
S60 1BY



Dear Sir/Madam,

**RE: Charity Collection**

*Tears to Smiles\** are a UK based registered charity. Our Leeds based office would like to apply for a House to House Collections Permit for the Rotherham area.

*Tears to Smiles\** is a charity organisation dedicated to working with children, families and communities to overcome poverty and illnesses. We are committed to serve all people regardless of race, gender, religion or ethnicity by raising funds to help sick and terminally ill children in the UK and abroad. We also promote any other charitable purpose for the benefit of children living in the United Kingdom, Africa and the Third World. At the moment we are donating to existing charities to help support regional and national causes: IVAC Infusion pumps for *Great Ormond Street Hospital*; *BBC Children in Need*; and *Kidsafe*; plus local hospitals and hospices.

These projects cost money therefore we would be very grateful if you could please grant us permission to carry out a collection on a date that is convenient for you. Some dates that would suit us are:

- 3, 4, 16, 24, 25 June
- 13, 14, 21, 22 July
- 5, 6, 16, 17, 18 August

I have attached the completed application form and a copy of our yearly accounts.

All our fundraisers are fully trained, friendly and polite and after each collection a return of how much was raised will be sent to you for correspondence.

Please get in touch if you have any further questions and we look forward to hearing from you in due course.

Thank you.

Yours faithfully,

Ben Horner  
Admin Manager



give with confidence

Registered Charity in England & Wales | Charity Registration No: 1038758  
Head Office: Suite 409, Trocoll House, Wakering Road, Barking, Essex, IG11 8PD  
Branch Offices: Suite 119, 100 Wellington Street, Leeds, West Yorkshire, LS1 4LT  
The Triangle, 3<sup>rd</sup> Floor, Exchange Square, Manchester, Greater Manchester, M4 3TR

**Tears to Smiles  
Statement of Financial Activities  
for the year ended 31 December 2008**

	Notes	Unrestricted Funds £	Restricted Funds £	Total Funds 2008 £	Total Funds 2007 £
<b>Incoming resources</b>					
Donations	2	30,835	-	30,835	7,303
<b>Total incoming resources</b>		<u>30,835</u>	<u>-</u>	<u>30,835</u>	<u>7,303</u>
<b>Resources Expended</b>					
Charitable activities	6	22,432	-	22,432	2,346
Other resources expended	6	5,439	-	5,439	3,768
<b>Total resources expended</b>		<u>27,871</u>	<u>-</u>	<u>27,871</u>	<u>6,114</u>
Net movement in funds for the year		2,964	-	2,964	1,189
Total funds brought forward		600	-	600	(589)
<b>Total funds carried forward</b>		<u>3,564</u>	<u>-</u>	<u>3,564</u>	<u>600</u>

The statement of financial activities includes all gains and losses recognised in the year.

All incoming resources and resources expended derive from continuing activities.

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**Date:** Wed, 27 May 2009 14:15:10 +0100 [14:15:10 BST]  
**From:** info@tearstosmiles.org  
**To:** info@tearstosmiles.org  
**Subject:** Att: Fiona [Tears to Smiles Leeds Office]

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Hi Fiona

This is the name and details of the person that will certify the statement of accounts:

Name: KENNETH OKAFOR

Address: KINO & CO CHARTERED CERTIFIED ACCOUNTANTS  
SUITE 107, TROCOLL HOUSE, WAKERING ROAD, BARKING ESSEX  
IG11 8PD

Tel: 02085942123, Fax: 02085942456

Designation: CHARTERED ACCOUNTANT

Qualification: MBA, FCCA

kind regards

Lilian

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

Document is Restricted