

LICENSING BOARD

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

Date: Wednesday, 14 December
2011

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 16th November, 2011 (herewith) (Pages 1 - 3)
4. House to House Collections (report herewith) (Pages 4 - 13)
5. 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)
6. Applications for the Grant/Renewal/Review of Hackney Carriage/Private Hire Drivers' Licences (reports herewith) (Pages 14 - 27)

LICENSING BOARD
Wednesday, 16th November, 2011

Present:- Councillor Wootton (in the Chair); Councillors Andrews, Barron, Beck, Buckley, Dodson, Foden, Goulty, Jack, McNeely, Nightingale, Read and Swift.

Apologies for absence were received from Councillors Donaldson, Falvey, J. Hamilton, N. Hamilton, Havenhand, P. A. Russell and Sangster.

Q28. MINUTES

Resolved:- That the minutes of the meeting of the Licensing Board held on 12th October, 2011 be approved as a correct record for signature by the Chairman.

Q29. SINGLE ROTHERHAM DESIGNATED PUBLIC PLACE ORDER

Consideration was given to a report presented by Steve Parry, Neighbourhood Crime and Justice Manager, which asked for determination as to whether or not to progress the making of a single multi-location Designated Public Place Order across the Borough requested by the Safer Rotherham Partnership's Joint Action Group.

In the creation of an Order, the Police would be provided with additional discretionary powers to stop the consumption of alcoholic drinks. The powers would make it an offence for, when requested, someone not to stop drinking and/or surrender their drink. The powers were used to address alcohol related nuisance, annoyance or public disorder.

The proposal had been previously considered in meetings of the Area Assembly Chairs, Overview and Scrutiny Management Board and the Cabinet Member for Safe and Attractive Neighbourhoods on the 6th, 21st and 31st October, 2011 respectively. At all meetings the proposal was supported for progression.

Should the Licensing Board be in favour of a Single Designated Public Place Order then the Director of Housing and Neighbourhood Services would be responsible for implementing the consultation process, including the publication of a notice in a local newspaper inviting representations as to whether or not the Order should be made.

Further information was provided on the legal position, requirements of making a Designated Public Place Order, the evidential position and assessment and the next steps that could be taken.

The Licensing Board welcomed the position to move towards a Single Order, but emphasised the risk of raising public expectation and the circumstances in which the Order would apply. It was also suggested that clarification be provided as to the powers assigned to the Police Community Support Officers and whether there was to be consideration to extend their powers of enforcement.

Resolved:- (1) That the request by the Safer Rotherham Partnership's Joint Action Group for the Council to establish a single multi location Designated Public Place Order be noted.

(2) That, once the area to be designated was confirmed, the making of the proposed Designated Public Places Order be progressed and consultation, as prescribed by the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001, be undertaken.

(3) That a future report be submitted to the Licensing Board on the representations made during the consultative process to enable, if supported, the Council to establish a single multi-location Designated Public Places Order for Rotherham.

Q30. 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).

Q31. 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 and private hire operators' licences held by Messrs. N.R., S.A. and M.S.

Messrs. N.R. and S.A. attended the meeting and were interviewed by the Board.

Resolved:- (1) That the hackney carriage/private hire driver's licences and private hire operator's licence held by Mr. N.R. be revoked.

(2) That the private hire operator's licence held by Mr. S.A. be revoked.

(3) That the application by Mr. M.S. be refused.

Q32. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S 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. B.A.H., A.A., A.K., Q.U.Z. and M.K.A.

Messrs. B.A.H., A.A., A.K., Q.U.Z. and M.K.A. attended the meeting and were interviewed by the Board.

Resolved:- (1) That the application in relation to Mr. B.A.H. be deferred to the next meeting in December, 2011.

(2) That Messrs. A.A. and A.K. be granted licences for a period of twelve months subject to the satisfactory completion of the Driving Standards Agency test and medical.

(3) That the applications by Messrs. Q.U.Z and M.K.A. be refused.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING REVIEW IN ORDER TO PROCESS THE MATTERS REFERRED TO)

Q33. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Board considered a report by the Director of Housing and Neighbourhood Services relating to the hackney carriage/private hire driver's licence held by Mr. A.I.

Resolved:- That the hackney carriage/private hire driver's licence held by Mr. A.I. be revoked.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1. Meeting:	Licensing Board
2. Date:	14 December 2011
3. Title:	Determination of Licensing Issues - House to House Collections
4. Programme Area:	Neighbourhoods and Adult Services

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 Manager 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: | <u>Yorkshire Cancer Care – Charity Reg. 1</u> |
| Permit Applicant | Peter Glynn |
| Collection Company | Clothes Aid, Essex Road, London |
| Permit Collection Area | Whole Borough |
| Collection Dates/times | 01/01/12 to 31/12/2012 |

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 the Members of the board approve the application until 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

Neighbourhood and Adult Services

For office use only	
Date	
Fee	Free of Charge
Permit number	
Lalpac entry date:	
Board Result	

Application for a House to House Collections Promoters Licence

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 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:	31/03/1971
Surname:	GLYNN	First names:	PETER
Home Address:	Clothes Aid Unit 4R Leroy House		
	436-438 Essex Road		
	London	Post code:	N1 3QP
Home phone number:		Mobile phone number:	
E-mail address:	dtaylor@clothesaid.co.uk		

Details of Business or Organisation Responsible for the Collection

2. Name of Business/Organisation conducting collection: **Clothes Aid (Services) Ltd**

Office address of the Business/Organisation: **Unit 4NR Leroy House, 436-438 Essex Road**
London

Post code: **N1 3QP**

Contact phone number: **020 7288 8523** Mobile phone or Fax number: **Fax: 020 7704 0737**

E-mail address: **dtaylor@clothesaid.co.uk**

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

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

***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? **Please see licence held list.**

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.

Please see additional information

Collection Details

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

Address of the Society/Charity/Fund: **The Leeds Teaching Hospital Charitable Foundation,
Leeds General Infirmary, Leeds**

Post code: **LS1 3EX**

E-mail address: Contact phone number: **0113 392 6854**

4.a. Objective/aims of the Society/Charity/Fund to benefit from the proceeds of this collection. Please attach recent literature, & accounts etc. **To deliver unparalleled levels of Cancer & treatment for people of Yorkshire.**

4.b. Is the Society/Charity/Fund a registered charity Yes No Registered Charity Number: **1075308**

4.c. Over what parts of the licensing area is **Whole Borough**

it proposed that collections will be made?

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

01 January 2012 to 31 December 2012

Collection Details - Continued

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

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)

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 purposed in other areas of the UK: Yes No

If Yes, which other licensing authorities

How many collectors will be permitted to make these collections

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.

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

5.a. Please state how much will be deducted for expenses or other purposes

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"

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
/ /		
/ /		
/ /		
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/ /		
/ /		

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  Date form signed by applicant 16/11/2011

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:



Supporting UK Charities

Unit 4NR, Lard, House, 47a-49a Road, London, N1 3DP
Tel: 020 7248 3545 Fax: 020 7109 0137 Email: info@clothesaid.co.uk

14th November 2011

Katy Giller
Senior Licensing Officer
Rotherham Metropolitan Borough Council
The Licensing Office
Reresby House
Bow Bridge Close
Rotherham S60 1BY

Dear Licensing Officer,

**RE: FORM OF ACCOUNTS - CLOTHES AID
SUPPORTING YORKSHIRE CANCER TRUST**

Please find enclosed our accounts for the period of:

1st August – 31st October 2011

If you have any queries please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Dawn Taylor".

Dawn Taylor
Licensing Assistant

0207 288 8523
dtaylor@clothesaid.co.uk

Geographical Area	Valid Period
Barnsley	1 Jun 11 - 31 May 12
Bolsover	10-15 Jan 11, 18-23 Apr 11, 25-30 Jul 11, 31 Oct - 5 Nov 11
Bradford	1 Jul 11 - 1 Mar 12
Calderdale	1 Nov 10 - 31 Oct 11
Chesterfield	1 Nov 10 - 31 Oct 11
City of York	1 Nov 10 - 31 Oct 11
Doncaster	1 Apr - 31 Oct 11
East Riding of Yorkshire	12 - 17 Jan 11, 13 - 18 Apr 11, 20 - 25 Jul 11, 26 - 31 Oct 11
Hamnleton	4 - 9 Jul 11, 14 - 19 Nov 11
Harrogate	1 Nov 10 - 31 Oct 11
High Peak	13 - 18 Jun 11, 1 - 6 Aug 11, 7 - 12 Nov 11
Hull	1 Jan - 31 Dec 11
Kirklees	1 Jan 11 - 31 Dec 11
Leeds	1 Jan - 31 Dec 11
Mansfield	1 Nov 10 - 31 Oct 11
North East Derybyshire	1 Nov 10 - 31 Oct 11
North Lincoln	1 Jan - 31 Dec 11
Rotherham	1 Feb 11 - 31 Dec 11
Ryedale	18 - 22 Jul 11, 15 - 19 Aug 11, 17 - 22 Oct 11
Scarborough	8 -12 Jun 11, 15 - 20 Aug 11.
Selby	1 Jan - 31 Dec 11
Sheffield	1 Nov 10 - 31 Oct 11
Wakefield	1 Jan - 31 Dec 11

YORKSHIRE CANCER CENTRE 2011 ROYALTIES

MONTH	TONNAGE COLLECTED	FUNDS RAISED AT £50.00 PER TONNE
Jan-11	45.22	£2,261
Feb-11	47.9	£2,395
Mar-11	39.59	£1,980
Apr-11	51.78	£2,589
May-11	47.66	£2,383
Jun-11	50.33	£2,517
Jul-11	53.09	£2,655
Aug-11	56.43	£2,822
Sep-11	43.72	£2,186
Oct-11		£0
Nov-11		£0
Dec-11		£0
Tonnes	342.6	

Total raised YORKSHIRE CANCER

£21,786

ADDITIONAL INFORMATION

Clothes Aid Group has been refused a licence by Birmingham City Council to collect for Make-A-Wish.

The refusal by Birmingham City Council was appealed to the Minister and that appeal in turn was refused. Clothes Aid Group issued proceedings before the High Court to judicially review this decision. The appeal decision by the Minister has been quashed by Consent Order of the High Court. This is as a result of the Minister conceding a point on the nature of the Minister's functions on appeal.

In light of the delays, Make-A-Wish sought and the Minister has now granted a national exemption order under section 3 of the House to House Collections Act 1939 under which Clothes Aid Group acts. Given this a licence from Birmingham City Council is no longer needed.

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Document is Restricted