

ROTHERHAM BOROUGH COUNCIL – REPORT TO LICENSING BOARD

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

5. Summary

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

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

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

6. Recommendations

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

7. Proposals and Details

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

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

Permit Applicant: Neil Luckcuck

Collections Made By: Mexborough Lions Club

Permit Collection Area: Manvers and Wath

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

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

Charity Operations Area: Throughout Rotherham Borough

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

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

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

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

Extract taken from application form:

Money goes into our funds.

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

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

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

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

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

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

8. Finance

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

9. Risks and Uncertainties

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

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

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

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

10. Policy and Performance Agenda Implications

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

11. Background Papers and Consultation

None.

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