

## ROTHERHAM BOROUGH COUNCIL – REPORT TO LICENSING BOARD

<b>1. Meeting:</b>	<b>Licensing Board Sub-Committee</b>
<b>2. Date:</b>	<b>Monday 11<sup>th</sup> June 2018</b>
<b>3. Title:</b>	<b>Determination of House to House Application</b>
<b>4. Directorate:</b>	<b>Regeneration and Environment</b>

### 5. 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.

### 6. Recommendations

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

### 7. Proposals and Details

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

Name of Promoter	: Mr Simon Widdop (Charity Manager and Trustee)
Charity / Charitable Purpose	: Yorkshire Children’s Trust 6 Crown Yard Southgate Elland HX5 0DQ
Charitable objectives	: To provide emotional and financial support to children in Yorkshire who are suffering from long term life-limiting illnesses or disabilities.  To relieve the charitable needs of families with sick or disabled children, up to the age of 18, by the provision of grants – in particular but not exclusively towards the cost of medical equipment, home modifications or respite holidays for the family.

Collection details	<p>: The applicant is seeking the authority to undertake collections of second hand clothing. Clothing in good condition will be sold.</p> <p>The collection will take place by means of collection bags which will be distributed to residential properties throughout Rotherham.</p> <p>The applicant is seeking to undertake collections throughout 2018 across the whole of the Borough – there will be collections on up to 5 days per month throughout the period covered by the permit. The collections will be undertaken by two collectors from a “pool” of six.</p> <p>The collection will be undertaken on behalf of the charity by Recycling and Management Services Ltd (who are acting under the written authority of Yorkshire Children’s Trust).</p>
Remuneration details etc.	<p>: The amount of clothing collected each day will be weighed and recorded. The clothing will then be sold, and the charity will receive 85% of the proceeds from this sale. The remaining 15% will be retained by the collection company to cover collection expenses.</p> <p>The company have guaranteed that Yorkshire Children’s Trust will receive at least £15,000 during 2018 from collections across the Yorkshire region.</p>
Previous licensing history	<p>: An application for a House to House Collection Permit was considered at a meeting of the Licensing Board Sub-Committee on 18<sup>th</sup> December 2017.</p> <p>On this occasion, the application was refused as the Sub-Committee were not satisfied that the charity were receiving a sufficient proportion of the proceeds from the collection (this application stated that the charity would receive 70% of the proceeds of the collection – the application under consideration today states that the charity will receive 85%).</p>

## 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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