

**ROTHERHAM BOROUGH COUNCIL – REPORT TO LICENSING BOARD**

<b>1. Meeting:</b>	<b>Licensing Board Sub-Committee</b>
<b>2. Date:</b>	<b>16<sup>th</sup> July 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 : Miss Rose Anne Draper (authorised by the charity)
- Charity / Charitable Purpose : Parent’s Association of Children with Tumours and Leukaemia (PACT) – registered charity number 508412.  
Sheffield Children’s Hospital, Western Bank, Sheffield, S10 2TH.
- Charitable objectives : The provision of relief for individuals who are under the care of Sheffield Children’s Hospital Paediatric Oncology & Haematology Unit and who are suffering from either a malignant disease or a non-malignant but life-threatening haematological disorder and the preservation and protection of the good health of individuals formerly under the care of the Unit.

The protection and preservation of good health amongst families of individuals who are or have been

under the care of the Unit and the provision of practical and other support in their role of caring for such individuals.

The provision of support for the Unit by way of the acquisition and maintenance of equipment and services for use within the Unit or in connection with the work of the Unit.

The provision of support for the Unit to encourage and assist research and investigation work and the dissemination of the results of such research and experimental work.

The provision of support for education and training of members of the Unit where such education and training will benefit the individuals in the care of the Unit, or individuals who have been in the care of the Unit.

Details of potential benefit for people of Rotherham (as stated by applicant) : Any child from Rotherham who has cancer or leukaemia will receive care in Sheffield Children's Hospital and will have contact with PACT. An example of this is a child from Wickersley School who lost his battle in 2013 – both before and after the family received support from PACT.

Collection details : The promoter intends to walk from Whiston to Wickersley and call at local public houses to collect donations of money from the patrons of those premises. The collection will take place on one day during August (date TBC).

Remuneration details etc. : The collections will be carried out by volunteers and all collected donations will be provided to the charity. Nothing will be deducted from the proceeds of the collection by the collectors or promoter.

Previous licensing history : None.

## 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.

### **Contact Name:**

Alan Pogorzelec , Licensing Manager, ext 54955, [alan.pogorzelec@rotherham.gov.uk](mailto:alan.pogorzelec@rotherham.gov.uk)