

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

<b>Meeting:</b>	Licensing Board Sub-Committee
<b>Date:</b>	19 <sup>th</sup> December 2018
<b>Title:</b>	<b>Determination of Applications for a House to House Collection Permit</b>
<b>Directorate:</b>	Regeneration and Environment

### 1. 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.

### 2. Recommendations

- That the Sub-Committee informs the Licensing Manager of the decision in relation to each of the applications introduced by this report.

### 3. Proposals and Details

The Council has recently received a total of eight applications for consideration of a House to House collection permit. Further details on each of these is provided below:

#### Application 1

Charity / Charitable Purpose: Beads of Courage UK (Registered Charity 1141987)

Permit Applicant: Mr Nicholas John Kell

Collections Made By: Recycling and Management Services Ltd

Permit Collection Area: Whole of Borough

Collection Dates/times: 12 months from 1<sup>st</sup> January 2019.

Further Information: See Appendix 1 to this report.

Charitable Objectives: As defined on the application are: to relieve sickness and promote and protect the physical, mental health of

children with cancer, leukaemia or other serious illnesses through the provision of financial assistance, support and practical advice.

Charitable Benefit for Rotherham: Not separately defined.

Should the permit(s) be granted at the hearing any permit would only run from the date the Sub-Committee approves the application until the requested expiry date unless otherwise granted by the Sub-Committee.

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.

### Application 2

Charity / Charitable Purpose: Cancer Research and Genetics UK  
(Registered Charity 1121512)

Permit Applicant: Miss Kerry Sweeney

Collections Made By: Recycle Proline Ltd

Permit Collection Area: Whole of Borough

Collection Dates/times: 3<sup>rd</sup> December 2018 to 3<sup>rd</sup> April 2019

Further Information: See Appendix 2 to this report.

Charitable Objectives: As defined on the application are: To raise funds and awareness raising and giving money to universities.

Charitable Benefit for Rotherham: Not separately defined.

Should the permit(s) be granted at the hearing any permit would only run from the date the Sub-Committee approves the application until the requested expiry date unless otherwise granted by the Sub-Committee.

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 2.

### Application 3

Charity / Charitable Purpose: National Deaf Children's Society (Registered Charity 1016532)

Permit Applicant: Joseph Harrington

Collections Made By: Smile Fundraising Limited

Permit Collection Area: Whole of Borough

Collection Dates/times: 1<sup>st</sup> December 2018 to 31<sup>st</sup> January 2019

Further Information:	See Appendix 3 to this report.
Charitable Objectives:	As defined on the application are: To provide support to deaf children all across the UK and fight for equality.
Charitable Benefit for Rotherham:	As defined by the applicants in the application or with supporting documentation: This is a national campaign so all proceeds will go into a national pot. Some may then be spent in Rotherham.

Should the permit(s) be granted at the hearing any permit would only run from the date the Sub-Committee approves the application until the requested expiry date unless otherwise granted by the Sub-Committee.

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 3.

#### Application 4

Charity / Charitable Purpose:	<u>North of England Children's Cancer Research</u> <u>(Registered Charity 510339)</u>
Permit Applicant:	Mrs Olena Romanyshyn
Collections Made By:	Unicare Ltd
Permit Collection Area:	Whole of Borough
Collection Dates/times:	1 <sup>st</sup> January 2019 to 31 <sup>st</sup> December 2019 (collections between 0800 and 1800)
Further Information:	See Appendix 4 to this report.
Charitable Objectives:	As defined on the application are: NECCR funds research to find more effective and less harsh treatments for childhood cancers. We fund a team of world class researchers based in the Wolfson Childhood Cancer Research Centre in Newcastle, working for the benefit of children everywhere. We work closely with the Great North Children's Hospital where children diagnosed with cancer from across the North of England come to receive treatment ( <a href="http://www.neccr.org.uk">www.neccr.org.uk</a> ).
Charitable Benefit for Rotherham:	As defined by the applicants in the application or with supporting documentation: The funds raised through NECCR, including through a collection bag scheme, will help to improve the lives of children diagnosed with cancer by improving their chances of survival and reducing the likelihood of secondary problems caused by treatment ( <a href="http://www.neccr.org.uk">www.neccr.org.uk</a> ).

Should the permit(s) be granted at the hearing any permit would only run from the date the Sub-Committee approves the application until the requested expiry date unless otherwise granted by the Sub-Committee.

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 4.

#### Application 5

Charity / Charitable Purpose:	<u>Woodlands Cancer Care (Registered Charity 1084428)</u>
Permit Applicant:	Mrs Dovile Stasiuleviciene
Collections Made By:	Audosta Ltd
Permit Collection Area:	Whole of Borough
Collection Dates/times:	12 months from 3 <sup>rd</sup> December 2018.
Further Information:	See Appendix 5 to this report.
Charitable Objectives:	As defined on the application are: Supporting cancer patients and their families.
Charitable Benefit for Rotherham:	As defined by the applicants in the application or with supporting documentation: Helping anyone touched by cancer.

Should the permit(s) be granted at the hearing any permit would only run from the date the Sub-Committee approves the application until the requested expiry date unless otherwise granted by the Sub-Committee.

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 5.

## **4. 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.

## **5. 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.

## **6. 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.

## **7. Background Papers and Consultation**

None.