

Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: THURSDAY, 11 SEPTEMBER 2014
TIME: 5:30 pm
**PLACE: THE FOUNTAIN ROOM - GROUND FLOOR, TOWN HALL,
TOWN HALL SQUARE, LEICESTER**

Members of the Committee

Councillor Clarke – Chair
Councillor Dr Barton – Vice Chair
Councillor Byrne – Vice Chair

Councillors Potter, Riyait, Sangster, Shelton and Westley.
Two Unfilled Places for Labour Group Members

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

Officer contact : Graham Carey
Democratic Support
Leicester City Council
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Further information

If you have any queries about any of the above or the business to be discussed, please contact Graham Carey, **Democratic Support on (0116) 454 6356** or email graham.carey@leicester.gov.uk or call in at the Town Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda.

3. MINUTES OF PREVIOUS MEETING

Appendix A
Page 1

The minutes of the meeting held on 9 April 2014 are attached and the Committee will be asked to confirm them as a correct record.

4. MEMBERSHIP OF THE COMMITTEE

To note that following the Annual Meeting of Council on 29 May 2014, the membership of the Committee is as follows:-

Chair – Councillor Clarke

Vice-Chair – Councillor Dr Barton

Vice-Chair Councillor Byrne

Councillors Potter, Riyait, Sangster, Shelton and Westley.

There are currently 2 Labour Group vacancies.

5. DATES OF COMMITTEE MEETINGS

To note that meetings of the Committee will be held on the dates below at 5.30pm:-

Thursday 6 November 2014

Monday 5 January 2015

Monday 2 March 2015

6. PETITIONS

The Monitoring Officer to report on the receipt of any petitions submitted in accordance with the Council's procedures.

7. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

**8. CONSIDERATION OF THE FORD VOYAGER
TOURNEO CUSTOM FOR LICENSING AS A
HACKNEY CARRIAGE**

**Appendix B
Page 11**

The Director of Environmental and Enforcement Services to submit a report seeking approval for the Ford Voyager Tourneo Custom to be licensed as a hackney carriage.

The Committee is recommended to approve the Ford Voyager Tourneo Custom, which is not fully compliant with the conditions of fitness, to be licensed as a hackney carriage provided that Members accept that the benefits of licensing outweigh the disadvantages outlined in paragraph 5 of the report.

The vehicle will be available for Members to inspect prior to considering the report and making a decision.

9. CHARITABLE HOUSE TO HOUSE COLLECTIONS

**Appendix C
Page 23**

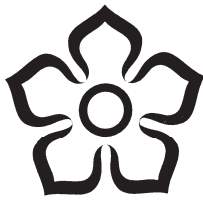
The Director of Environmental and Enforcement Services to submit a report on charitable house to house collections and to ask if the Council's current policy should be amended in light of new guidance issued by the Cabinet Office that appeals to the Minister will be now be considered on their merits based on the information provided to the local authority by the applicant and any additional information provided by either party. The Cabinet Office's position on appeals is included at Appendix 4 in the document attached at Appendix C.

10. LICENSING ACT 2003 - CHANGES TO LEGISLATION

**Appendix D
Page 49**

The Director of Environmental and Enforcement Services to submit a report providing information on forthcoming changes to the Licensing Act 2003. Members are asked to note the report.

11. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the LICENSING COMMITTEE

Held: WEDNESDAY, 9 APRIL 2014 at 5.30pm

P R E S E N T :

Councillor Thomas (Chair)
Councillor Byrne (Co-Vice-Chair)
Councillor Clarke (Co-Vice-Chair)

Councillor Dr Barton
Councillor Naylor
Councillor Riyait

Councillor Sangster
Councillor Shelton
Councillor Westley

* * * * *

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Naylor who was absent on other Council business but might arrive late should his other meeting finish in time for him to attend the Committee.

9. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed. No such declarations were made.

10. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting of the Licensing Committee meeting held on 2 October 2013 be approved as a correct record.

11. CONSIDERATION OF THE RENAULT VOYAGER NX8 FOR LICENSING AS A HACKNEY CARRIAGE

The Director of Environmental and Enforcement Services to submitted a report seeking approval for the Renault Voyager NX8 to be licensed as a hackney carriage.

The Licensing Team Manager reported that the manufacturers, Voyager MPV Ltd, had stated that they were unable to bring the vehicle for Members to inspect as they seat supplier had not delivered the seats for the vehicle.

RESOLVED:

That consideration of the report be deferred to a future meeting when the manufacturer would be able to present the vehicle for inspection by Members.

12. CONSIDERATION OF THE FORD VOYAGER TOURNEO FOR LICENSING AS A HACKNEY CARRIAGE

The Director of Environmental and Enforcement Services submitted a report seeking approval for the Ford Voyager Tourneo Custom to be licensed as a hackney carriage.

The Licensing Team Manager reported that the manufacturers, Voyager MPV Ltd, had stated that they were unable to bring the vehicle for Members to inspect as their seat supplier had not delivered the seats for the vehicle.

RESOLVED:

That consideration of the report be deferred to a future meeting when the manufacturer would be able to present the vehicle for inspection by Members.

13. INSTALLATION OF NOVUS CCTV IN TAXIS

The Director of Environmental and Enforcement Services submitted a report seeking approval for Novus View I SSL Rugby unit CCTV system to be installed in hackney carriages and private hire vehicles.

The Head of Regulatory Services advised Members that, following a ruling by the Information Commissioner's Office in relation to the installation of CCTV cameras in hackney carriage and private hire vehicles in Southampton, it was recommended that a condition be added to any approval of a unit that no audio recordings were made. The reasons for the Information Commissioner's Office ruling and the recommendation were discussed in full with Members.

The manufacturers made a short presentation to the Committee on their product and examples of the CCTV system were circulated at the meeting for Members to examine. The following comments were made during the presentation and in response to Members' questions:-

- a) The cost of the unit including fitting was £220 if purchased through the insurance company as part of their insurance policy. Otherwise the fitted price was £270.
- b) The camera unit could be either dual function (recording forward (driver's view of the road) and the interior of the vehicle (focused on passengers) or single function recording the forward view of the road only. The unit could also be provided to record sound controlled by the driver or with no sound recording facility.

- c) The unit had 32Gb SD Card which could record up to 50-60 hours before it started to overwrite the oldest saved data.
- d) The unit could store up to 200 events in a separate part of the memory before overwriting the oldest data. Events were triggered by excessive breaking or certain driving habits, which were triggered by a G Shock sensor. The events were stamped with the date and time and GPS location.
- e) The unit could also had an infra-red recording facility.
- f) Recordings were encrypted on the SD card to protect data in the event of the unit being stolen or lost. The encrypted data could only be viewed through dedicated software. The software was password protected and could be supplied to the Police and Council Officers. Drivers would not be able to view data on the SD Card as the card was locked in the unit and they would not have access to the viewing software.
- g) Drivers would need to take the unit to an authorised site to get the camera unlocked and view the data after an incident occurred.

RESOLVED:-

- 1) That the installation by hackney carriage and private hire vehicle licence holders of the View I SSL Rugby CCTV system provided by Novus Automotive Limited be approved.
- 2) That approval is required by each vehicle licence holder for the installation of the system, subject to the conditions contained in Section 4 of the report and the following additional conditions:-
 - a) that no audio recording be allowed in the vehicle.
 - b) that stickers, to be approved by the Council, be displayed in prominent positions in vehicles fitted with a CCTV recording unit to advise passengers that CCTV recording was in operation in the vehicle.

The reasons for the Committee's decision was that:-

- a) it gave additional protection to members of the public and to hackney carriage and private hire drivers.
- b) no individual CCTV system was being recommended nor was there any requirement to have a CCTV system fitted in a licensed hackney carriage or private hire vehicle.

- c) the conditions to be attached to any approval for fitting the CCTV system would secure the protection of both the public and drivers and would ensure that the use of the CCTV system complied with current legislation and the Information Commissioner's Office ruling.
- d) approving the use of the use of the CCTV system provided a legal means for recording video footage in and around the hackney carriage/private hire vehicle.

14. INSTALLATION OF SMART WITNESS FRONT FACING SVC100GPS CCTV IN TAXIS

The Director of Environmental and Enforcement Services submitted a report seeking approval for Smart Witness front facing SVC100GPS system to be installed in hackney carriages and private hire vehicles.

The Head of Regulatory Services advised Members that, following a ruling by the Information Commissioner's Office in relation to the installation of CCTV cameras in hackney carriage and private hire vehicles in Southampton, it was recommended that a condition be added to any approval of a unit that no audio recordings are made. Reference was made to the reasons for the Information Commissioner's Office ruling and the recommendation as discussed earlier in the meeting.

A representative of the Markerstudy Group made a short presentation to the Committee on their product and examples of the CCTV system were circulated at the meeting for Members to examine. The following comments were made during the presentation and in response to Members' questions:-

- a) The cost of the unit was £230 but it was free if the driver took out an insurance policy with the Markerstudy Group. If the unit was purchased separately other insurers were likely to offer a reduced insurance premium if the unit was fitted to a vehicle as it protected drivers against false insurance claims. There was a standard fitting fee of £48 and all units were fitted by Auto Windscreens who were also owned by the insurance company.
- b) Any breach of the licensing authority's conditions of the use of the unit was considered to be breach of the insurance company's terms of insurance with the driver.
- c) The camera unit only recorded the view forward of the vehicle and did not record or monitor the interior of the vehicle in any way. There was no audio recording facility in the unit following the Information Commissioner's Office ruling.
- d) The unit had a 32Gb SD Card which could record up to 32-40 hours before it started to overwrite the oldest saved data.
- e) The unit could store up to 250 events in a separate part of the

memory before overwriting the oldest data. Events were triggered by excessive breaking or certain driving habits, which were triggered by a G Shock sensor. The events were stamped with the date and time and GPS location.

- f) Recordings were encrypted on the SD card to protect data in the event of the unit being stolen or lost. The encrypted data could only be viewed through dedicated software. The software was password protected and could be supplied to the Police and Council Officers. Drivers would not be able to view data on the SD Card as the card was locked in the unit and they would not have access to the viewing software.
- g) In the event of an incident occurring, the driver would contact the insurer who would arrange for an Auto Windscreen engineer to attend to the vehicle within a target time of one hour to unlock the camera unit and take out the SD Card and replace it with a new card. The original SD card would then be taken to one of 36 depots authorised to handle the data to upload it to the insurance company, who would provide a copy to the Police and the Council's Officers upon request. There was no cost to the driver for Auto Windscreen to attend and provide this service.

RESOLVED:-

- 1) That the installation by hackney carriage and private hire vehicle licence holders of the Smart Witness front facing SVC100GPS system be approved.
- 2) That approval is required by each vehicle licence holder for the installation of the system, subject to the conditions contained in Section 4 of the report and the following additional conditions:-
 - c) that no audio recording be allowed in the vehicle.
 - d) that stickers, to be approved by the Council, be displayed in prominent positions in vehicles fitted with a CCTV recording unit to advise passengers that CCTV recording was in operation in the vehicle.

The reasons for the Committee's decision was that:-

- e) it gave additional protection to members of the public and to hackney carriage and private hire drivers.
- f) no individual CCTV system was being recommended nor was there any requirement to have a CCTV system fitted in a licensed hackney carriage or private hire vehicle.

- g) the conditions to be attached to any approval for fitting the CCTV system would secure the protection of both the public and drivers and would ensure that the use of the CCTV system complied with current legislation and the Information Commissioner's Office ruling.
- h) approving the use of the use of the CCTV system provided a legal means for recording video footage in and around the hackney carriage/private hire vehicle.

15. INSTALLATION OF BRVISION CCTV IN TAXIS

The Director of Environmental and Enforcement Services submitted a report seeking approval for BRVision CCTV system to be installed in hackney carriages and private hire vehicles.

The Head of Regulatory Services advised Members that, following a ruling by the Information Commissioner's Office in relation to the installation of CCTV cameras in hackney carriage and private hire vehicles in Southampton, it was recommended that a condition be added to any approval of a unit that no audio recordings are made. Reference was made to the reasons for the Information Commissioner's Office ruling and the recommendation as discussed earlier in the meeting.

The manufacturers made a short presentation to the Committee on their product and examples of the CCTV system were circulated at the meeting for Members to examine. The following comments were made during the presentation and in response to Members' questions:-

- h) The cost of the unit was approximately £450.
- i) The camera unit could be either dual function (recording forward (drivers view of the road) and the interior of the vehicle (focused on passengers) or single function recording the forward view of the road only. The unit could also be provided to record sound controlled by the driver or with no sound recording facility. The camera unit was built into a driver's mirror unit which could be fitted to any vehicle.
- j) The recording unit had a 2 channel 64 Gb SD Card which was in a secured unit with a 64 Gb SD Card. It worked on similar principles to the previous two models to record data, overwrite it and record events.
- k) Recordings were encrypted on the SD card to protect data in the event of the unit being stolen or lost. The encrypted data could only be viewed through dedicated software. The software was password protected and could be supplied to the Police and Council Officers. Drivers would not be able to view data on the SD Card as the card was locked in the unit and they would not have access to the viewing software.

- l) In the event of an incident occurring, the driver would need to take the unit to the Police or Council to have the SD Card removed and viewed.

RESOLVED:-

- 3) That the installation by hackney carriage and private hire vehicle licence holders of the BRVision system be approved.
- 4) That approval is required by each vehicle licence holder for the installation of the system, subject to the conditions contained in Section 4 of the report and the following additional conditions:-
 - e) that no audio recording be allowed in the vehicle.
 - f) that stickers, to be approved by the Council, be displayed in prominent positions in vehicles fitted with a CCTV recording unit to advise passengers that CCTV recording was in operation in the vehicle.

The reasons for the Committee's decision was that:-

- i) it gave additional protection to members of the public and to hackney carriage and private hire drivers.
- j) no individual CCTV system was being recommended nor was there any requirement to have a CCTV system fitted in a licensed hackney carriage or private hire vehicle.
- k) the conditions to be attached to any approval for fitting the CCTV system would secure the protection of both the public and drivers and would ensure that the use of the CCTV system complied with current legislation and the Information Commissioner's Office ruling.
- l) approving the use of the use of the CCTV system provided a legal means for recording video footage in and around the hackney carriage/private hire vehicle.

Councillor Dr Barton left the meeting.

16. REVIEW OF LONDON ROAD/GRANBY STREET SPECIAL POLICY ON CUMULATIVE IMPACT

The Director of Environmental and Enforcement Services submitted a report on the proposed review of the Special Policy on Cumulative Impact relating to the London Road/Granby Street Area.

The Committee were asked to note the proposed review, comment upon the consultation mechanism and note that the outcome of consultation would be

reported back to the Committee before any changes to the Licensing Policy were submitted to the Council.

In response to a Member's question, the Head of Regulatory Services stated that a copy of the report had be sent to all ward councillors and it was intended to attend Ward Community meetings to give presentations on the consultation process.

RESOLVED:

- 1) That the proposed review of the Special Policy on Cumulative Impact relating to the London Road/Granby Street area be noted.
- 2) That the consultation mechanism contained in the report and outlined by the Head of Regulatory Services be supported.
- 3) That the intention to consult the Committee again with the outcomes of the consultation, before the Council was asked to decide on any changes to the Licensing Policy be noted.

Councillor Naylor entered the meeting.

17. LICENSING ACT 2003 - APPEALS

The Director of Environmental and Enforcement Services submitted a report providing information relating to appeals to the Magistrates' Court that had been made following hearings under the Licensing Act 2003.

The Licensing Team Manager stated that there had been fewer appeals over the last few years and those that had taken place had been more challenging. It was important for Members to make robust decisions giving clear and detailed reasons for the decision as this made it easier to defend appeals in the Magistrates' Courts and to defend costs if an applicant won an appeal because they had shown themselves to be a changed operator in the period between the decision to refuse a licence and the Magistrates' Court hearing. Details of recent appeals outlined in the report were discussed with Members.

RESOLVED:

- 1) That the report be received and noted.
- 2) That the legal adviser to the Hearing Panel be re-called on every occasion when the Panel have reached a decision to advise them on the wording of the decision and on the reasons and any conditions that are proposed, before the applicant, officers and objectors are re-admitted to the Hearing to be informed by the Panel of the decision reached and the reasons and any conditions attached to the decision.

- 3) That a reasons form be introduced to prompt Members to ensure that they have considered all relevant matters when reaching their decision and to disregard anything that is irrelevant or unnecessary as this will ensure that decisions are reached in a reasoned and methodical way and it would promote consistency in decision making.
- 4) That these changes be included in any training that is given to Members.

The reasons for the decisions were that they would ensure that the Council's decisions were as robust and consistent as possible and that it would strengthen the existing licensing procedures.

18. ANY OTHER URGENT BUSINESS

The Chair stated that he had agreed to take an item of urgent business and the Licensing Team Manager needed to seek Members' views before the next meeting of the Committee on enquiries received in relation to two proposed film festivals.

The Licensing Team Manager stated that there was a mandatory condition on all licences that authorise the showing of films, which require the admission of children to the exhibition of films to be in accordance with the recommendations of the British Board of Film Control (BBFC). The Council may give permission for films not classified by the BBFC to be shown. Under the current licence conditions two proposed film festivals in May/June 2014 would not be able to show films made by, and involving children, as they would not have a recognised viewing certificate. Members were asked if they wished to consider whether to allow these films to be shown or not, and what the authorisation process might involve.

RESOLVED:

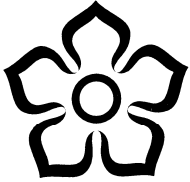
That the Licensing Team Manager submit further information for Members' consideration outlining the details of the requests.

19. CHAIR'S THANKS

As this was the last scheduled meeting of the Committee in the municipal year, the Chair wished to thank all Members of the Committee for their support to him and the Council's Licensing Officers during the year at the Committee and in the Licensing Hearings and Enforcement Sub-Committee. Members also thanked the Chair for his work over many years.

20. CLOSE OF MEETING

The Chair declared the meeting closed at 7.55 pm.



Leicester
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All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

11 September 2014

Consideration of the Ford Voyager Tourneo Custom for licensing as a Hackney Carriage

Report of the Director of Environmental and Enforcement Services

1. Purpose of Report

- 1.1. To allow Licensing Committee to consider approving a new vehicle for licensing as a hackney carriage.

2. Recommendations

- 2.1. It is recommended that the Ford Voyager Tourneo Custom, which is not fully compliant with the conditions of fitness, be approved for licensing as a hackney carriage provided that Members accept that the benefits of licensing outweigh the disadvantages outlined in paragraph 5.

3. Summary

- 3.1. On 30 October 2006, Cabinet approved revised Conditions of Fitness for hackney carriages. The conditions require Licensing Committee to approve new vehicle types, before they can be licensed as hackney carriages. They also allow Licensing Committee discretion to approve vehicles for licensing that do not comply, or refuse approval for vehicles that do, where there are justifiable reasons for doing so. The revised Conditions of Fitness are attached at Appendix 1.
- 3.2. The Ford Voyager Tourneo Custom has been put forward by the manufacturers, Voyager MPV Ltd, to be considered for licensing:

4. Background

- 4.1. The Licensing Committee has approved a number of vehicles for licensing as hackney carriages. These include some vehicles that do not fully comply with the revised Conditions of Fitness, because Members considered that the advantages of licensing them outweighed the disadvantages.
- 4.2. The manufacturers have been asked to demonstrate the vehicle on 11 September 2014, should any members wish to see it.

5. Compliance Summary

- 5.1. A vehicle compliance form has been completed by the manufacturer of the Ford Voyager Tourneo Custom, which shows that the vehicle is not fully compliant with the conditions of fitness. The details have been checked by a Licensing Enforcement Officer. The area where the vehicle is not compliant is:
- The overall width of the vehicle is 1.986 metres compared to the maximum in the conditions of fitness of 1.845 metres.
 - The clear height of the doorway is stated as 1.128 metres, and the conditions of fitness require a height of not less than 1.195 metres.
 - The manufacturers have been asked to address to these deviations from the conditions of fitness and their response will be reported verbally at the meeting.
- 5.2. A certificate of European Whole Vehicle type approval has been provided for the vehicle.

6. Vehicle options

- 6.1 At the Licensing Committee meeting on 6 September 2010, Members asked about options available for vehicles that are presented for approval to be licensed as hackney carriages.
- 6.2 The suppliers have been asked to provide details of the options available for this vehicle and they have provided details of their equipment specification, which is attached at Appendix 2.

7. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

7.1. Financial Implications

There are no financial implications.

Colin Sharpe - Head of Finance (City Development and Neighbourhoods & Corporate Resources)

7.2. Legal Implications

The power for the Council to license a Hackney Carriage/s ("HC/s") is contained in Section 37 of the Town Police Clauses Act 1847 and the power to place conditions on the licensing of hackney carriages is contained in Section 47 of the Local Government (Miscellaneous Provisions) Act 1976(" the 1976 Act").

The 1976 Act states that a Council may attach to the grant of a HC conditions they consider reasonably necessary. The Section also requires that any vehicle licensed by them to be such of a design and appearance or bear such distinguishing marks that clearly identify it as a hackney carriage.

As stated in point 5 of the report the Ford Voyager Tourneo Custom has been shown not to be fully compliant with the City Council's Conditions of Fitness and therefore can only be approved by the Licensing Committee as vehicles that can be licensed as a Hackney

Carriage within the City if the Committee is satisfied that justifiable reasons exist to license a vehicle that does not completely comply with the conditions.

The 1976 Act allows any person aggrieved by conditions attached to a hackney carriage vehicle licence to appeal to the Magistrates' Court.

Hannah Price – Solicitor, Legal Services

8. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

9. Background Papers – Local Government Act 1972

9.1. None

10. Consultations

10.1. None

11. Report Author

11.1. Rachel Hall, Licensing Team Manager

0116 4543047

Rachel.hall@leicester.gov.uk

APPENDIX 1

HACKNEY CARRIAGE LICENSING – CONDITIONS OF FITNESS

CONSTRUCTION AND LICENSING OF MOTOR CABS IN LEICESTER CITY CONDITIONS OF FITNESS AND DIRECTIONS

APPLICATION

1. These conditions set out the requirements that the City Council expects all hackney carriages to meet. The decision on whether to licence a particular type of vehicle will be made by Licensing Committee on this basis. However, each case will be decided on its own merits and, if justifiable reasons exist, the Licensing Committee may decide to licence a vehicle that does not completely comply with the conditions or not to licence a vehicle that does meet the conditions.

GENERAL CONSTRUCTION

2. Every cab must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing including the Motor Vehicle (Type Approval) Regulations 1980 and 1980, and the Motor Vehicles (Construction and Use) Regulations 1984. It must also comply fully with all other test requirements and conditions imposed by Leicester City Council and in force at the time of licensing.
3. Every cab must be type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those cabs (e.g., van conversions) which have not been type approved must be presented with approved certification that the specific vehicle meets the requirements of one of those categories.

STEERING

4. The steering wheel must be on the offside of the vehicle.

BRAKING SYSTEM

5. All vehicles must be fitted with an ABS braking system.

FUEL TANKS

6. A device must be provided by means of which the supply of fuel to the engine may be immediately cut off. Its situation together with the means of operation and “off”

position must be clearly marked on the outside of the vehicle. In the case of an engine powered by LPG or petrol the device must be visible and readily accessible at all times from the outside of the vehicle.

ENGINE EMISSIONS

7. Engine emissions must meet a minimum of Euro III standard.

INTERIOR LIGHTING

8. Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passengers and driver must be provided. In the case of the passengers compartment an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

ELECTRICAL EQUIPMENT

9. Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

FIRE APPLIANCES

10. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must be independently certified that they are manufactured to meet the requirements of BS EN3 1996 and have a minimum fire rating of 5a and 34b.

BODY DESIGN

11. The body must be of the fixed head type with a partially glazed partition glazed partition separating the passenger from the driver.
12.
 - a) Outside dimensions:
 - (i) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.845 metres.
 - (ii) The overall length must not exceed 5 metres.
 - b) Inside dimensions of passengers compartment:
 - (i) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres.
 - (ii) The width across the rear seat cushion must not be less than 1.07 metres.
13. Any curvature of the floor of the passenger's compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.

14. The door and doorway must be so construction as to permit of an unrestricted opening across the doorway of at least 0.75 metres. The minimum angle of the door when opened must be 90 degrees.
15. The clear height of the doorway must not be less than 1.195 metres.
16. Grab handles must be placed at door entrances to assist the elderly and disabled.

STEPS

17. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 0.53 metres above ground level when the vehicle is unladen.
18. The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

WHEELCHAIR FACILITIES

19. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must
20. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger's door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

PAINTWORK AND BODY FINISHES

21. Only the manufacturers colour range may be used on exterior or interior body finishes. *(Please note that additional requirements in relation to the livery of hackney carriages require that all hackney carriages, first licensed after 1 December 2006, have an all black livery with, in addition, the Council's Crest and the words "Hackney Carriage" displayed on the front nearside and offside doors and bonnet.)*

PASSENGERS SEATS

22. The measurements from the upholstery at the back to the front edge of the back seat must be at least 0.40 metres and for each adult person carried a minimum of 0.40 metres must be available when measured along the front parallel edge of the seat cushion.

23. The width of each front seat must not be less than 0.40 metres and such seats must be at least 0.355 metres when measured from the back to the front of the upholstery.
24. The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 0.355 metres.
25. Where seats are placed facing each other there must be a clear space of 0.48 metres between any part of the front of a seat and any part of any other seat which faces it. This measurement may be reduced to 0.435 metres provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle there must be a clear space of at least 0.66 metres in front of every part of each seat squab.
26. Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 0.04 metres apart. When not in use front seats must not obstruct doorways.
27. All forward and rearward facing seats must be fitted with suitable head restraints.
28. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
29. Vehicles with sliding passenger doors must have an approved visible warning system at the rear of the vehicle to indicate to other vehicles that a door is open and that a passenger may be alighting.

PASSENGER COMPARTMENT

30. Every cab must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted at the rear of the drivers compartment, the maximum width of the opening must not exceed 11.5 centimetres.
31. Windows must be provided at the sides and at the rear.
32. Passenger door window must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
33. An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.
34. Approved seatbelts must be fitted to all forward facing passenger seats.
35. The flooring of the passengers' compartment must be covered with non-slip material which can be easily cleaned.

36. The windscreen must be of a laminated construction and not be tinted. All other windows and glass must be of an approved safety type.
37. An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified so as not to be mistaken for any other control.

FARE TABLE AND NUMBER PLATE

38. A frame must be provided for the Fare Table and interior number plate and fitted in an approved position. The words "The number of this cab is" are to be shown above the position for the interior number plate.

TAXIMETER

39. A taximeter of an approved type must be fitted in an approved position.

"TAXI" SIGNS

40. A "Taxi" sign of approved pattern, clearly visible both by day and by night when the cab is not hired, must be fitted.

RADIO APPARATUS

41. Where apparatus for the operation of a two-way radio system is fitted to a cab, no part of the apparatus may be fixed in the passenger's compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
42. Any other radio equipment either in the passenger or driver compartment, must be approved.

FITTINGS

43. No fittings other than those approved may be attached to or carried upon the inside or outside of the cab

MAINTENANCE

44. Cabs, including all fittings, advertisements, etc., must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that a cab is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

ADVERTISEMENTS

45. Suitable advertisements may be allowed on the inside and outside of the cab subject to the approval of the Council.
46. Inside advertisements may be displayed only on the base of the occasional seats or along the bulkheads on top of the passenger/driver partition. All such adverts must be encapsulated in clear non-flammable plastic.
47. Except as provided for below, outside advertisements may be displayed only on the lower panels of the front doors and must be of an approved size. All advertisements must be correctly affixed to a continuous flat surface.
48. Advertisements must be of such a form as not to become easily soiled or detached.
49. All materials and adhesives used in the manufacture of and for the purpose of affixing advertised displays to cabs must be approved.
50. Applications for approval of advertisements must be made in writing to the Licensing Officer of the Leicester City Council.

BADGES/EMBLEMS

51. In addition to advertisements displayed in accordance with the above requirements, the official badge or emblem of a motoring organisation which provides genuine round the clock emergency vehicle and recovery services on a country wide basis may be affixed to the radiator grille. Only one such badge or emblem may be so displayed.
52. No advertisements, badge or emblem, including the stick-on-types is to be exhibited other than as provided for the above and any subsequent conditions.

Ford Transit Taxi Equipment Specification

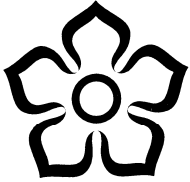


Technical Specification	Style	Zetec	Accessibility	Style	Zetec
2.2 Duratorq TDCi 100PS 6 speed manual	•	—	3 Point wheelchair passenger belt	•	•
2.2 Duratorq TDCi 125PS 6 speed manual	—	•	4 Point wheelchair securing system	•	•
8 Passenger seats	•	•	Fixed side steps	•	•
Long wheelbase	£ 840.00	£ 840.00	Hi vis grab handles	•	•
			Telescopic ramps	•	—
			Underfloor ramp	—	•
			Wheelchair access	•	•
Taxi Features					
Cab locking system	•	•	Styling Features		
Heavy duty vinyl flooring for easy clean	•	•	Body side mouldings - black	•	•
Magnetic LED taxi sign	•	•	Body coloured front bumper	—	•
Ready calibrated taxi meter	•	•	Day running lights	•	•
Security screen with high visibility pay station	•	•	Front fog lights	—	•
			Headlights - halogen, blue highlight, cornering	—	•
Comfort and Convenience			Metallic paint	£480	•
3 Full sized tip seats (with all age seatbelts)	•	•	Wheelcovers - full	—	•
Bench seat detachable, headrests	•	—	Back Up and Support		
Bench seat reclining, detachable, headrests	—	•	3 year/100,000 mile Ford warranty	•	•
Air conditioning	—	•	1 year Ford Assistance roadside package	•	•
Automatic wipers and headlights	—	•	12 year ford Perforation warranty	•	•
Built in Bluetooth	•	•	Voyager accident management membership	•	•
Cruise control including leather steering wheel	—	•			
Door mirrors - manual, self coloured	•	—			
Door mirrors - electrically operated, folding, heated	—	•			
Driver's armrest	•	•			
Dual front passenger seat	•	•			
Driver's seat - 10 way heated	•	•			
Front and rear parking sensors	—	•			
Heated rear window with wash and wipe	•	•			
Moulded rear panels for easy clean	•	•			
Mudflaps - front	•	•			
Power point socket - 2 x 12V	•	•			
Rear heater	•	•			
Trip computer - multi functional	•	•			
Safety and Security					
1kg Fire extinguisher & First Aid Kit	•	•	Pricing Structure		
ABS, ESP, HAS, LAC, EBA	•	•	Basic price	£ 22,925.00	£ 24,975.00
Immobiliser- PATS Category 2	•	•	VAT (at 20%)	£ 4,585.00	£ 4,995.00
ISOFIX centre rear seat	•	•	1st Registration fee	£ 220.00	£ 220.00
Key operated bonnet release	•	•	*12 Months road fund licence	£ 55.00	£ 55.00
Remote control central locking - 1 key fob	•	—			
			Total on the road price	£ 27,785.00	£ 30,245.00

Voyager reserve the right to alter, without notice, any details of specification or equipment.

Remote control central locking - 2 key fobs

— ● —



Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

11 September 2014

Charitable House to House Collections

Report of the Director of Environmental and Enforcement Services

1. Purpose of Report

- 1.1. To provide the Licensing Committee with updated information on charitable house to house collections.

2. Recommendations

- 2.1. Licensing Committee is asked to comment on the current policy and advise whether or not changes are desirable.

3. Background

- 3.1. A report was brought to Licensing Committee on 20 March 2012. House to house collections are governed by the House to House Collections Act 1939 and the House to House Regulations 1947. Organisers are required to obtain a licence from the relevant licensing authority before a collection takes place. A licensing authority may refuse to grant a licence, or revoke an existing licence, for several reasons. These include:
- a) The total amount likely to be applied for charitable purposes is inadequate in proportion to the value of the proceeds likely to be received;
 - b) 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.
- 3.2. The majority of charitable door to door collections operate in similar ways to each other, mainly:
- 3.2.1. Charities which undertake collections in partnership with commercial door to door collection businesses;
 - 3.2.2. Charities that undertake their own door to door collections without the use of a commercial collection partner and do not sell the items through a charity shop;
 - 3.2.3. Charities that undertake their own door to door collections and which sell the collected items through their charity shops.

- 3.3. Profit making businesses, including the fundraising arm of a charity, are not classed as charitable purposes.
- 3.4. It is clear that there is a cost associated with carrying out charitable collections, regardless of whether the collection is undertaken by a charity or by an agency on behalf of a charity.
- 3.5. There is some very useful information in a document produced by the National Association of Licensing and Enforcement Officers, which is attached at Appendix C.

4. Leicester City Council policy

- 4.1. On 1 September 2008, Leicester City Council adopted a policy regarding the percentage of deductions from house to house collections, as follows:

“ Approval be given to a guideline figure of zero, for remuneration from the proceeds of any house to house collection.”
- 4.2. Where a local authority refuses to grant a licence, or revokes a licence, the 1939 Act gives a right of appeal to the minister for the Cabinet Office. Until recently, the Cabinet Office would simply review whether the decision was one that the local authority could legitimately make. The Cabinet Office would not consider the merits of the application.

5. Current position

- 5.1 The Cabinet Office has now stated that it will consider appeals afresh on their merits, based on the information provided to the local authority by the applicant and any additional information provided by either party. Details of the Cabinet Office’s position are included as Appendix 4 in the document attached at Appendix C.
- 5.2 The most common grounds of appeal to the Cabinet Office in recent years have been in connection with:
 - a) The total amount likely to be applied for charitable purposes as the result of the collection is inadequate in proportion to the value of the proceeds likely to be received
 - b) Remuneration which is excessive in relation to the total amount is likely to be retained or received out of the proceeds by any person
 - c) The applicant or licence holder has refused or neglected to provide the authority such information as they may have reasonably required for considering the case.
- 5.3 In relation to a) above, consideration of what is ‘inadequate’ will depend on the nature of the collection. The Cabinet Office will take into consideration reasonable costs of conducting the collection.
- 5.4 In relation to b) above, the Cabinet Office will look at whether any remuneration or expenses are reasonable for the type of work being undertaken.

6. Proposals for change

- 6.1. In view of the changes announced by the Cabinet Office it is felt that any appeal against a refusal based on our current policy is likely to be successful. It is proposed that the policy be

changed to recognise that there are costs associated with undertaking a charitable collection. This would enable door to door charitable collections to take place lawfully, providing valuable funds for charitable purposes whilst helping to reduce waste and recycle more.

- 6.2. It is proposed that the Council's policy on charitable door to door collections be amended to enable each application to be considered on its merits, instead of applying a strict requirement that all proceeds, or a set percentage, must be used for charitable purposes. However, it is considered that there should be a guideline figure of 70% of the proceeds being used for charitable purposes.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

6.1. Financial Implications

If the policy is not amended, the Council could incur staff time and costs relating to appeals.

Colin Sharpe - Head of Finance ext 37 4081

6.2. Legal Implications

The proposed amendment to the Policy is in line with the changes announced by the Cabinet Office. The Council would be following the same policy in respect of the initial application that Cabinet would apply in the event of an appeal. The proposed amendment should reduce the likelihood both of an appeal to a council decision and of that appeal being successful.

Sarah Khawaja- Senior Solicitor / Regulatory Team Leader, Legal Services

7. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8. Background Papers – Local Government Act 1972

Cabinet report 1 September 2008

9. Consultations

9.1. None

10. Report Author

10.1. Rachel Hall, Licensing Team Manager

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National Association of
Licensing and Enforcement Officers

Draft Guidance for Licensing Officers issuing licences for charitable door to door collections – England and Wales

CONSULTATION

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Statement of intent

This document should give clear guidance to licensing officers on which factors to be taken into account when determining applications for Charitable House to House Clothing Collections. If officers are minded to refuse an application then one should bear in mind the Cabinet Office's recent decision to review the way in which it will handle appeals against refusals to issue licences.

Scope

This guidance covers applications made for Charitable House to House Clothing Collections. The following section provides guidance on how to determine applications for house to house collections.

1 Introduction

1.1 Quick Check List

If you want to make sure that you handle an application for a charitable door to door clothing collection properly and fairly, but do not want to spend too much time evaluating every little detail, the Quick Check List in Appendix 1 can help.

If you have checked every point listed and you are confident of the information that has been provided by the applicant, you should be able to make a reasonably confident decision on whether a licence should be granted or not.

1.2 Charitable House to House Clothing Collections

Charitable house to house clothing collections involve the collection of clothing and footwear items directly from a householder's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities.

1.3. The Benefits.

The benefits of any legitimate charitable door to door clothing collection are clear.

Apart from being able to raise substantial sums of money for the benefitting charity, they are popular, easy to use, produce clear environmental benefits, provide substantial benefits for local tax payers, help local authorities meet their legal recycling targets, and if undertaken in partnership with a commercial partner, can help to support hundreds of local jobs.

For further information on the benefits of supporting all legitimate charitable door to door clothing collections see Appendix 2.

1.4 The Institute of Fundraising's House to House Collections Code of Fundraising Practice

http://www.institute-of-fundraising.org.uk/Codes_and_regulation/Codes/codes-directory

The Institute of Fundraising (IoF - which represents the fundraising interests of all charities) has recently launched its revised House to House Collections Code of Fundraising Practice containing information on goods collection. The revised code will now specifically address issues pertaining to charitable door to door clothing collections. Organisers of charitable door to door collections that sign up to the revised code, must be able to demonstrate that they conduct their collections to high professional standards and uphold all relevant legislation.

A publicly available document, which explains in an unbiased way how charities can benefit from the different forms of charitable door to door clothing collections and published on the IoF website is contained within Appendix 3.

1.5 Review by Cabinet Office of the way in which it handles appeals against decisions by licensing departments to refuse granting of a Charitable Door to Door Clothing Collections.

Historically, the Cabinet Office (and before it the Home Office), under the House to House Collections Act (1939), would look at how the local authority went about reaching its decision. Provided that the licensing authorities' decision was one that could reasonably have been reached on the facts presented to it, and the process it followed was fair, the Cabinet Office have not up until now considered the merits of the licence application.

However they now consider that in order for the Minister to be able to comply with their statutory function, the Minister must now look at each appeal afresh and the Minister must make their own decision on the basis of all the evidence presented to them.

For further information on the outcome of their review and consultation [see Appendix 4.](#)

2 How Charitable Door to Door clothing collections work?

2.1 The majority of charitable door to door clothing collections operate in similar ways to each other, but the information provided by operators can vary significantly depending on who undertakes the collections. There are three main scenarios to consider.

1. The collection is carried out by a third party (usually a business), which undertakes the collections, meets all the costs and usually pays a minimum fee to the charity for every tonne of clothing collected. The amounts paid directly to the charity represent the resulting **proceeds** that are applied for **charitable purpose**.
2. The collection is undertaken by the "charity" or its commercial profit making arm which is often a business registered at Companies House. The charity/commercial arm meets all the costs associated. These costs are deducted by the charity/commercial arm and the remaining net profits are the resulting **proceeds** that are applied for **charitable purpose**.
3. The collection is undertaken by the "charity" or its commercial profit making arm in the same way as point II, but then a proportion of the clothing is passed through charity shops (which again are usually run by the commercial arm of the charity arm of the charity). The majority of the clothing is sold onto textile reclamation businesses at the prevailing market rate. Again the charity/commercial arm meets all the costs associated. Any costs must be deducted and the remaining net profits are the resulting **proceeds** that are applied for **charitable purpose**.

A limited number of collections may be arranged by individuals. It is important that applications of this nature are handled in exactly the same way as if they are being

organised by a commercial party, commercial arm of charity or the charitable purpose itself.

3 The Law

(See also section 4 “What is a Charitable Purpose?” and point 4.5 “What is not a Charitable Purpose?” below)

1939 House to House Collections Act and the 1947 House to House Collections Regulations.

3.1 The licensing of Charitable Door to Door Collections is principally governed by the 1939 House to House Collections Act together with the 1947 House to House Collections Regulations. With the exception of a limited number of major national charities which hold national exemptions issued by the Cabinet Office, the majority of charitable door to door collectors must first of all obtain a licence from the relevant licensing authority.

3.2 Under the 1939 Act, a licensing authority may refuse to grant a Licence, or, where a Licence has been issued may revoke it, if it appears to the authority that: -

1. 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);
2. 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;
3. 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;
4. 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 Her 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;
5. 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
6. 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

3.3 In respects to the Charities Acts 1992 and 2006, there are 3 relevant obligations for charitable collections.

1. The trustees have a legal duty to act in the best interest of the organization.
2. If a partnership is formed with an external organization, a contract is required, setting out the benefits and obligations of each party.
3. If a commercial party gains financially from the partnership, a solicitation statement is needed. The statement must name the benefitting charity and outline a financial amount that the charity will receive. This statement can be written or verbal, but must be made before a donation is made.

These obligations are there to protect charities interests and ensure that the public are aware of the true benefit to the charity and can make an informed decision of who to donate to.

The 2006 Act also outlined a new licensing regime, which would change how and when collectors need to apply for a licence. However, this has not yet been implemented and it is uncertain if or when it will be brought in.

4 What Constitutes a Charitable Purpose?

4.1 Under the 1939 House to House Collections Act, a licence can be refused if the proportion of proceeds going for “charitable purpose” is inadequate.

4.2 It is important to understand what constitutes a “charitable purpose” and equally importantly what is **not** a “charitable purpose”.

4.3 The 1939 Act

1939 House to House collections act defines “charitable purpose” means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law;

4.4 The 2006 Charities Act (2006)

S2 of the Charities Act 2006 also defines 13 purposes which are considered charitable in England and Wales and can be found at the following link.

<http://www.legislation.gov.uk/ukpga/2006/50/contents>

4.5 What is not a Charitable Purpose?

Profit making businesses (including fundraising arms of charities) are not charitable purposes.

5 Relevance of percentages when considering applications.

5.1 In the case of door to door clothing collections and Cabinet Office advice that each case must be considered on its own merit, setting an arbitrary minimum percentage of the total value of the clothing **going** to the charity is problematic. For reasons explained in paragraphs 5.2 to 5.6, such figures usually bear no resemblance to the amount of proceeds raised for the actual charitable purpose. At the point at which the clothing has been collected, it is unlikely that the value of the proceeds generated for charitable purpose will be much more than 20%, whoever has undertaken the collection.

5.2 Typically, the cost of collecting clothing door to door is substantial compared to the actual value of clothing at its point of collection. In 2010 these costs amounted to

about £750 for every tonne collected. With the average price per tonne of clothing being somewhere in excess of £800 per tonne, there is still some scope for efficient charitable door to door collections to raise substantial sums of money for charity, albeit on relatively small profit margins per tonne of clothing collected.

5.3 Where the collection is undertaken by a commercial third party, the charitable purpose is guaranteed a minimum income (usually based on a per tonne basis), even if it turns out the commercial partner's collect costs are more than the revenue gained through the value of the clothing collected.

5.4 However, if the charity (or its commercial arm) undertakes the collection itself, the collector may be claiming that the charity is getting 100% of the income, but if the value of the clothing they collect is less than what it costs to collect it, they will lose money.

5.5 Published accounts indicate that around 80% of all revenue generated by a charity's trading subsidiary is ploughed back into the running of the trading arm. So even if the trading arm passes all its profits onto its affiliated charity, it usually means that around 20% of the total revenue generated goes for charitable purpose. If the subsidiary were not to pass on all the profits the amount going for charitable purpose would be lower.

5.6 One should also bear in mind that if a charity runs a shop and chooses to pass some of the items through a shop, typically about 80% of the revenue generated by the shop will be re-invested back into the running of the shop. In any case, the process of adding value by sorting clothing and passing it through charity shops, is a separate activity from the door to door collection, and is not covered by the 1939 House to House Collections Act. See special note in Appendix 1.

Please note: The costs and figures quoted in this section were correct at the time of writing and are subject to change. They are for illustrative purposes only.

6 How can one be sure that the amount of proceeds going for charitable purpose is adequate?

6.1 As mentioned in 3.3, trustees are under a duty to ensure that all actions are in the best interest of the organisation. This will involve considering financial and reputation aspects before entering into a contract. Charity employees are well versed on standard returns from partnerships, so will often be aware of what is considered standard and can use this when considering a new agreement.

6.2 Local authorities may wish to consider requesting a "statement of due diligence" from the charity associated with the collection as part of the supporting documentation, (See Appendix 1, Quick Check list, para 4.)

7 Model Application

7.1 The attached model application form in Appendix 6 can be used by licensing authorities to assess whether a charitable door to door clothing collection should be granted a licence. All applicants, whether they are a charity themselves, the commercial arm of a charity or a third party such as a commercial collection partner must all be asked all the same questions and must provide answers to all the questions.

7.2 For reasons explained below, it is very important that licensing officers understand how much is going for charitable purpose and that they are able clearly to distinguish this from the income received by whoever undertakes the collection.

7.3 Supplementary information may be requested to support the application. Please see the checklist in Appendix 1

8 Important issues for Consideration (Summary).

When considering applications the financial information given is sometimes difficult to interpret. Unless the applicant is able to clearly identify the proportion that will be donated to a charitable purpose and the licensing department is confident in the calculations the applicant should be asked to clarify the information that they have provided. If they are unable to clarify information requested, they should first be invited to withdraw the application. If they refuse to withdraw the application following a request for clarification then you may be minded to refuse the licence.

1. It is particularly important that an application provide clear information about who is undertaking the collection (e.g. whether it is an individual, a commercial collection partner, a charity's commercial collection arm or a registered charity itself). It is also important that the application makes a clear distinction between the revenue received by the collector and the proceeds that are actually applied to the charitable purpose.
2. The collection costs incurred by the collector will vary dependant upon the method of collection and should be taken into account and deducted before the amount being sent for charitable purpose can be derived.
3. If the proportion allocated to the charitable purpose is clear, the licensing authority must be satisfied that the amount to be given to the charitable purpose is adequate in relation to the proceeds received. The 1939 House to House Collections Act does not make any stipulation as to what constitutes an adequate proportion and it is up to individual licensing authorities to make their own decision
4. In deriving this, licensing authorities need to be mindful that although the costs of collecting a tonne of clothing can be substantial in relation to the actual value of the clothing, this in itself should not be seen as an automatic reason for refusing a licence. Efficiently run charitable door to door clothing collections can make substantial sums of money charities despite high collection costs and remove what could otherwise become significant amounts of textile waste from the household refuse stream.
5. When assessing an application to undertake a charitable door to door clothing collection, Licensing authorities should assess whether the proceeds actually going for charitable purpose (after all remuneration/collection costs have been deducted) and should adopt a default position where they only consider refusals if it is apparent that these proceeds of a particular collection, are significantly lower than those being achieved by other similarly modelled collections operating in the same area at about the same time.

6. Licensing officers should also be mindful of the outcome of the recent judicial review between Birmingham Council, the Minister for the Cabinet Office and Clothes Aid where the Minister accepted he made an error of law when considering the appeal and that a full merit assessment of Clothes Aid's licence application should have been carried out. Cabinet Office is currently reviewing the way that appeals are viewed as a result of this case.
7. As well as appraisal being given to the proportion of proceeds being applied for charitable purpose and remuneration or costs incurred as a result of the collection, licensing officers should also consider whether any of the other grounds for refusal stipulated in the 1939 House to House Collections Act and highlighted in paragraph 3.2 of this guide are relevant to the application being considered.
8. If it is known that there will be a too high concentration of charitable door to door clothing collections taking part in the particular area at around the same time, as the proposed collection being considered, the Licencing Authority may want to consider undertaking the following (in order of preference);
 1. Arrange by mutual agreement with the collector to grant a licence to operate a collection on alternative dates;
 2. If this is not possible, make a recommendation to the collector to withdraw the licence application;
 3. If having followed point 1 first, then 2 above the collector refuses to withdraw the application, then the licence can be refused.

9 Policy outcomes

Outcomes and links to the corporate outcomes

If this policy is adopted it should contribute to the following outcomes:

- Good reputation with customers and regulators
- Good quality of life – helping to create cleaner, safer, prosperous, healthier and sustainable local environment.
- Effective partnership working – Helping to support and create jobs both locally and nationally, and to raise funds for local and national charitable purposes.
- Members and staff with the right knowledge, skills and behaviours

10 References

House to House Collections Act 1939
 House to House Collections Regulations 1947 & 1963
 Police, Factories, &c. (Miscellaneous Provisions) Act 1916
 Metropolitan and City Policy Districts Regulations 1979
 & (Amendment) Regulations 1986
 The Charitable Collections (Transitional Provisions) Order
 1974. As Amended in Council, 1992 Model Regulations
 1992 Charities Act
 2006 Charities Act.

[\(Return to top\)](#)

Appendix 1.

Quick Check List **for handling charitable door to door clothing collection licence applications.**

Below is a quick check list, which has been developed to help licensing officers make decisions on a day to day basis, as to whether a licence should be granted for a charitable door to door clothing collection.

This check list forms part of the guidance developed by NALEO in conjunction with the Institute of Licensing, Institute of Fundraising and trade representatives. The guidance expands on the issues dealt with below. It is recommended that licensing officers ensure that they familiarise themselves with the contents of the full guidance as well as make use of the quick check list.

1. Has the applicant answered all the questions in the “Model Application Form” (see below)?
 - If yes, go to question 2
 - If no, return application form and ask applicant to complete.
2. Who is applying for the licence? Is it:
 - i. An individual.
 - ii. A Commercial Collection Partner.
 - iii. A Commercial Arm of a Charitable Purpose (or similar)
 - iv. The actual benefitting Charitable Purpose.
 - v. Other.

It is important to be aware of who is undertaking the collection. In the case of collections done by charities, it is important to know if it is actually the charity or its commercial arm running it, as this may affect how much money will reach the charitable purpose.

3. Has the collector clearly identified all tangible costs that they have been asked to provide in the “Model Application Form”?
 - If yes, go to question 4.
 - If no, return form to applicant.
4. Has a statement been provided by the benefitting charitable purpose stating that they are aware of their legal requirements, that they have exercised due diligence and that the collection will raise the maximum possible benefit for the charitable purpose?
 - If yes, go to question 5.
 - If no, return form to applicant.

The statement can be signed by someone from the fundraising department, management team or the trustees.

This statement is important as it ensures that the charitable purpose has stated that they have considered whether they have got the best deal. It also means that

licencing officers have dealt with their duty to ensure that appropriate returns are going to the charitable purpose, without second guessing or overruling decisions made by the charitable purpose.

5. Is it clear what proceeds (in terms of Pounds Sterling/for every tonne collected) will be going to the charitable purpose?

- If yes, go to question 6.
- If no, see special costs considerations note below.

If you think that the proceeds going for charitable purpose may be too low, then you may wish to consider talking to the applicant to see if this can be reviewed. However, it is important to bear in mind that the commercial or fundraising arm of a charity is not likely to be considered a charitable purpose and collection costs must be considered and deducted, whoever undertakes the collections.

6. Are there any other licensed charitable door to door clothing collections proposed to be taking place at around the same time in the same area.

- If yes, you may wish to consider deferring the collection to a later date if there is too high a concentration of collections in the area over the period.
- If no, go to question 7.

7. Are there any other reasons listed under 1939 House to House Collections Act, section 2, paragraph 3 for refusing a licence?

- If no to question 7, and you are happy with the answers to the other questions and the model form then you should be minded to grant a licence. See special cost considerations below.
- If no to question 7 but you are not happy around amounts going to charity, please see special costs considerations note below.
- If yes to question 7. then you should approach the applicant to see if the matter(s) can be resolved.

Special Cost Considerations Note.

Sometimes it may be difficult to establish what proceeds are being applied for charitable purpose, Sometimes, the collectors will claim that 100% goes to charity. However, the 1939 House to House Collections Acts requires licensing officers to consider how much is being applied for charitable purpose. For reasons shown below it is important to establish what the associated costs of running the collections are and deduct these so that the amount applied for charitable purpose can be worked out.

Basic formula for working out profit

In economics to work out the profit of any venture, the following formula is applied.

Profits = Revenue Generated – Total Costs incurred by profit making venture.

To work out the amount of money being applied for charitable purpose, the following terms could be substituted and applied to the above formula, so that it would now read.

Profits applied for Charitable Purpose = Revenue Generated (through sales of clothing) – total costs incurred through collections.

Therefore, in order for licenses offices to be able to establish how much money is applied for charitable purpose, they need to know how much revenue is generated and what the collection costs are.

The 1939 House to House Collections Act requires any applicant by law to declare such refusals or revocations truthfully. However, the refusals process has always been done one way and because it was very complex, it was very difficult for to successfully appeal against a decision to refuse a licence. Any refusals which were issued before the review by the Cabinet Office into the appeals process and the issuing of this NALEO guidance should be considered with this in mind.

Appendix 2.

The Benefits of Supporting Legitimate Door to Door Charitable Clothing Collections

They are popular.

Surveys have shown that there are many members of the public who will only support door to door collections over other collections such as charity shops and textile banks, citing much greater convenience as a key factor.

There are clear environmental benefits.

Clothing is also the fastest growing household waste stream and it is estimated that the clothing industry accounts for about 5 to 10% of all environmental impacts within the EU. The Government have identified textiles as a priority waste stream and a recent report commissioned by DEFRA made an explicit recommendation to encourage higher collection rates through the expansion of local authority approved door to door clothing collections.

They benefit local authorities and the local tax payer.

In addition to this, all local authorities have been set legally binding recycling targets, which they have to achieve. By licensing all legitimate charitable door to door clothing collections, local authority recycling departments can use the data contained within returns submitted by the charity collectors and include this in their overall figures.

Furthermore, licensing of these collections makes direct financial sense for local taxpayers. They can make direct financial savings. Local Authorities have to pay a levy on all waste that they send to landfill. By diverting more textiles away from the waste stream these costs to the local authority are reduced. One should also consider that Waste Collection Authorities (usually borough or district councils) can make a Waste Collection Credit claim to Waste Disposal Authorities for all the waste that is diverted away from disposal in their area.

They can help to support local jobs.

It is important that local authorities are seen to support local job opportunities as well as charities that operate in their area. Many charities choose to engage the services of a commercial partner to undertake collections on their behalf, often because the charity is simply not prepared to undertake the financial or logistical burdens associated with undertaking collections themselves or they simply do not have the resources. Some textile collectors/graders employ hundreds of people and these businesses rely on a regular supply of affordable quality clothing in order to maintain their businesses.

Where collections are being undertaken by Commercial Partners and all relevant legislation is being upheld, licences for collections should be granted.

Appendix 3.

The relative merits of the different forms of Charitable Door to Door Clothing Collections.

The Purpose of this document:

House to House Clothing Collections Guidance.

What information does this document provide?

This document outlines the three main ways in which legitimate charitable door to door clothing collections take place. They are as follows:

1. Charities which undertake collections in partnership with commercial door to door collection businesses.
2. Charities that undertake their own door to door clothing collections without the use of a commercial collection partner and do not sell the items through a charity shop.
3. Charities that undertake their own door to door clothing collections and which sell some of the collected items through their charity shops.

All three types of collection have their relative merits and help raise significant funds for charity. Unfortunately, this method is under threat from bogus collectors, who pretend to represent charities, but in fact will keep all monies for themselves. Bogus collectors are taking goods that the public wish to see go to charity, and depriving the charity sector of much needed goods and income. This briefing also provides guidance and tips on how to spot bogus collectors

This document was produced by the Institute of Fundraising, The Fundraising Standards Board, The Textile Recycling Association, The Charity Retail Association and Kidney Research UK.

Why should people support charitable door to door clothing collections?

1. *They are good for the environment, the economy and charitable fundraising.*
We currently buy over 2 million tonnes of new clothing and textiles every year in the UK, and according to DEFRA it is UK's fastest growing household waste stream. At the same time we are dumping over 1 million tonnes of used textiles in the bin and collecting only about 550,000 tonnes for re-use and recycling annually. More needs to be done to increase re-use and recycling and decrease dumping.
2. *They are popular with the public and convenient to use.*
Up until recently door to door collections of clothing have been a relatively underutilised method of collecting clothing, but they are becoming increasingly popular with the public and charities alike. According to the results of a survey undertaken on behalf of the "Professional Fundraiser", door to door clothing collections are popular because the public feel that there is a lack of pressure to give. Many respondents said that "it is a great way to get rid of serviceable items", they offer greater convenience than other collection methods and make it easier for the public to recycle clothing.
3. *They help charities to raise significant funds and support employment opportunities in the UK.*

All legal charitable Door to Door clothing collections not only provide a valuable service to the public and highly significant environmental benefits, but they also provide opportunities for all participating charities to raise significant funds, and support employment opportunities for thousands of people here in the UK.

There are in principal three different ways in which charitable door to door clothing collections can operate. These are outlined below. All of them can provide significant income for the benefiting charity, can divert significant amounts of clothing and textiles away from the waste stream and be tailored to suit the individual set up of the benefiting charity. All the different collection methods have their relative merits.

It is the actual net profit that the charity receives for each tonne collected and the weight of clothing that can be collected and processed which is of key importance to a charity.

There is statutory protection to keep charities from entering agreements that may not be advantageous. The House to House Collections Act 1939 allows local authorities to refuse a licence to a collection that they feel does not provide a reasonable level of benefit to a charity. Trustees and charity managers also operate under a fiduciary duty to ensure that any agreements are in the best interests of the charity. This legislation and best practice guidance (including the Institute's House-to-House Collections Code and also Charities Working with Businesses Code) can assure donors and licensing officers that legitimate charity collections, no matter who undertakes them, result in the charity benefitting financially.

What are the different collection methods?

1. Charities which undertake collections in partnership with commercial door to door collection businesses.

Under such arrangements the commercial collection partner meets all the costs of setting up and promoting the scheme and undertakes all the work. The collection partner can then prepare the clothing for export at the prevailing global market prices.

The benefiting charity then receives a payment from the commercial collection partner. The rest of the operating profit goes to the participating textile collection business.

The profits generated by the business helps to secure paid jobs for the thousands of people employed in the UK textile reclamation industry.

Such arrangements offer charities a risk free way to fundraise. The commercial collection partner undertakes all burdens. The benefiting charity does not incur any costs, commercial risks or the inconvenience that running such a scheme incurs. If there is a downturn in the market, the losses that would be incurred are met completely by the commercial collection partner. Under this type of arrangement, there can be a very high turnover of clothing and the potential to generate large sums of money every year for the charity is significant.

2. Charities that undertake their own door to door clothing collections without the use of a commercial collection partner and do not sell the items through a charity shop.

Some charities may choose to undertake their own door to door clothing collection without the use of a commercial collection partner so as to try and

increase their profit margins.

Charities that choose to pursue this model may have the staff and/or resources to undertake such collections and may be prepared to accept the commercial risks associated with such collections. Unlike the collection method described above, if there is a downturn in the market, any resulting financial losses that are incurred would have to be met by the charity.

Once the charity has undertaken the collection itself, it can then sell the clothing at the prevailing market price in the same way as commercial collection partners sell the clothing in the method above. However, the charity will have incurred the costs associated with collecting the clothing, which will be higher if paid staff are used.

3. Charities that undertake their own door to door clothing collections and which sell the collected items through their charity shops.

A small number of charities have charity shops, through which they can sell clothes. Charity shops provide good quality, affordable clothing and other items.

Some of these charities choose to undertake door to door clothing collections using either paid staff or volunteers. They then retail a percentage of the better quality items in their shops as a means to increasing their potential profit on every tonne of clothing that they collect. The remainder is sold on to merchants at the prevailing commercial market rate, before being exported for re-sale in a similar manner to clothing collected via methods' 1 and 2 above.

The charity itself will be bearing additional costs and physical burdens when undertaking door to door clothing collections of this nature. They will also be realising additional financial risks. By using volunteers as opposed to paid staff a charity can reduce its costs.

What is the situation with bogus collections?

Unfortunately, there are a number of clothing collectors who give the impression that they are collecting for a charitable or philanthropic cause, but all monies go to commercial operations. Some collectors will put out leaflets pretending a legitimate charitable collection, or will simply take bags that were intended for legitimate charity collections.

There are a few simple things that you can do to check whether the collection leaflet or bag that you have received is for a genuine charitable collection. You can:

- Check to see if the collection purports to support a genuine UK registered charity (with the registration number given). This should not be confused with other numbers like "Company Numbers" or "Export Numbers".
- Check that there are genuine contact details for the Charity on the bag.
- See if the collection organiser bears accepted kitmarks, such as the Fundraising Standards Board (FRSB) tick, the Charity Retail Association (CRA) logo or Institute of Fundraising (IOF) membership logo.
- Check with the local authority to see whether the collection is licensed. With the exception of a few big national collection charities, most charitable door to door collectors are required to obtain a licence from the local authority where they collect.
- Contact the charity that the collection will supposedly benefit, as they can tell

you if a genuine collection is being done in your area or not.

The Charity Commission (www.charity-commission.gov.uk) and the Charity Retail Association (www.charityretail.org.uk) provide further guidance on giving to legitimate collections.

If you suspect that an unauthorised person has collected the clothing that you have put out, you can ring the police to report a theft. If you can remember which charity was meant to benefit you can also call the charity concerned.

Appendix 4.

Office for Civil Society provisional position on appeals under the House to House Collections Act 1939

Where a local licensing authority refuses to grant a licence (or revokes a licence), there is a right of appeal to the Minister for the Cabinet Office (under section 2(4) of the House to House Collections Act 1939). Under section 2(4), local licensing authorities must set out in writing their decision including the grounds for refusal (or revocation), and must inform the applicant of their right of appeal to the Minister for the Cabinet Office. Any such appeal may be brought within 14 days of the date of the notice.

As a starting point, house to house collections appeals will be considered afresh on their merits, based on the information provided by the applicant to the local licensing authority, and any additional information provided to us by either party. This approach represents a shift, based on legal advice, from our previous position of simply reviewing whether the local licensing authority's decision was one that it could legitimately make (without consideration of the merits of the application).

In determining an appeal on its merits, we will need to consider whether to refuse the application on one of the grounds in set out in sections 2(3)(a) to (f) of the House to House Collections Act 1939 ("the 1939 Act"). These are:

(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.

The most common grounds on which appeals have been received for refusals in recent years are (a), (b) and (f).

In considering the test in (a) above (“the proportionality test”), what we regard as “inadequate” will depend on the nature of the collection. We acknowledge that the costs of conducting certain types of house to house collection (e.g. of second-hand clothing) tend to be higher than other collections (e.g. of cash). In relation to collections of second-hand goods for re-sale, the value of the goods at the point of donation may be low, and it is through the collection and sorting process that value is added, resulting in a saleable product. We will therefore take into consideration reasonable costs of conducting the collection.

In considering the test in (b) above (“the excessive remuneration test”), we will consider whether remuneration or expenses paid out to any persons involved in organising or conducting the collection are at a level that is reasonable for the type of work being undertaken, taking into account that the collection is said to benefit a charitable purpose.

In most cases we will need to ask for more information from both the appellant and local licensing authority unless it has been provided as part of the license application process or when the appeal was lodged. This is likely to include a copy of the relevant commercial participator agreement where a commercial partner is undertaking the collections on behalf of a charity, copies of the collection materials (leaflets/bags), details of some previous collections – e.g. returns provided to local authorities, what steps the promoter takes to secure that collectors are fit and proper persons, whether best practice e.g. membership of the Fundraising Standards Board, mechanism for dealing with complaints etc..

Appendix 5.

The Preamble to the Charitable Uses Act 1601

The following purposes have been found to be analogous to the purposes set out in the Preamble:

- The provision of public works and services;
- The provision of public amenities;
- The protection of life and property;
- The preservation of public order;
- The defence of the realm;
- The promotion of the sound development and administration of the law;
- The social relief, resettlement and rehabilitation of persons under a disability and deprivation;
- The promotion of certain patriotic purposes;
- The promotion of health and the relief of sick, ill and disabled people;
- The care, upbringing and establishment in life of children and young people;
- The training and retraining of and finding work opportunities for unemployed people.

Appendix 6,

House to House Collections Act 1939

House to House Collections Regulations 1947

Model Application Form for licence to undertake Charitable Door to Door Clothing Collections.

To the [Licensing Authority] for (here insert name of [licensing area]).

In pursuance of section 2 of the House to House Collections Act 1939, I hereby apply for a licence authorising me to promote the collection, of which particulars are given below.

Date (Signed)

PARTICULARS OF COLLECTION

1. Surname of applicant (in block letters).

Other names.

2. Name of organisation undertaking collection (if applicable). If collection is being undertaken by a registered company, please also provide registered company number.

3. Contact Address of applicant.

4. Is the organisation/individual undertaking the collection:

- (a) An individual,
- (b) A registered company (including any subsidiary company of a registered charity or charitable purpose),
- (c) Any other type of business,
- (d) The registered charity or charitable purpose that is proposed to benefit from the collection.

Note that if a collection is undertaken by any subsidiary company which is owned by a charity/charitable purpose (including any fundraising company arm of a charity) and that entity has its own legal identity then box (b) must be ticked and a registered company number provided in answer to question 2 (if applicable).

5. Particulars of charitable purpose to which proceeds of collection are to be applied. (Full particulars should be given including name of organisation, registered address, registered charity number (if applicable) and appropriate contact details, Furthermore, where possible, the most recent account of any charity which is to benefit should be enclosed).
6. Over what parts of the [licensing area] is it proposed that the collection should extend?
7. During what period of the year is it proposed that the collection be made?
8. Is it proposed to collect money?
9. Is it proposed to collect other property? If so, of what nature? and is it proposed to sell such property or to give it away or to use it?
10. Approximately how many persons is it proposed to authorise to act as collectors in the area of which the application is addressed?
11. Is it proposed that remuneration should be paid out of the proceeds of the collection-
 - (a) to collectors (including collection costs incurred by the charity/charitable purpose if they are undertaking the collection themselves or any subsidiary company of a registered charity or charitable purpose)?
 - (b) to other persons?

If so, at what rates and to what classes of persons?

Note to applicant

In deriving the answer to question 11, all tangible costs should be considered including:

- *Cost of purchasing bags/leaflets;*
- *Distribution costs;*
- *Vehicle costs (including fuel, hire, insurance and other costs)*
- *Collection staff and other associated staff salaries;*
- *Warehouse/storage costs;*
- *Any other tangible cost that be attributed to the door to door collection.*

12. Is application being made for licences for collections for the same purpose in other [licensing areas]?

If so, to what [licensing authorities]?

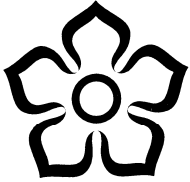
And, approximately, how many persons in all is it proposed to authorise to act as collectors?

13. Has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused a licence or order under the Act, or had a licence or order revoked?

14. Is it proposed to promote this collection in conjunction with a street collection? If so, is it desired that the accounts of this collection should be combined wholly or in part with the account of the street collection?

15. If the collection is for a War Charity, state if such charity has been registered or exempted from registration under the War Charities Act 1940, and give name of registration authority and date of registration or exemption.

ⁱ Remunerate (definition) - to pay, recompense, or reward for work, trouble, etc. Source (www.dictionary.com).



Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

11 September 2014

Licensing Act 2003
Changes to legislation

Report of the Director of Environmental and Enforcement Services

1. Purpose of Report

- 1.1. To provide the Licensing Committee with information relating to forthcoming changes to the Licensing Act 2003.

2. Recommendations

- 2.1. Licensing Committee is asked to note this report.

3. Summary

- 3.1. There are a number of changes to the Licensing Act 2003 in the pipeline:
- The Act will be amended from 1 October 2014 by the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014. The changes relate to the mandatory licensing conditions, that apply to all licensed premises.
 - The Deregulation Bill 2014 is progressing through Parliament and is expected to come into effect in April 2015.
 - Further amendments to entertainment licensing have also been laid before Parliament through a Legislative Reform Order, although it is not yet known whether or when these amendments will become law.

4. Mandatory licensing conditions

- 4.1 Sections 19, 20 and 21 of the Licensing Act 2003 detail mandatory licensing conditions that apply where a licence authorizes the supply of alcohol or the exhibition of films, or where door supervisors are required. Section 19A was subsequently introduced in 2010 and created additional mandatory conditions relating to the supply of alcohol, and this was further amended in 2014.
- 4.2 The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 will take effect on 1 October 2014. The revised mandatory conditions from 1 October 2014 are

set out in Appendix A. The amendments are technical and do not make significant changes to the existing conditions.

5. Deregulation Bill 2014

- 5.1 The Deregulation Bill 2014 is proceeding through Parliament at present and is expected to take effect in April 2015. If it is successfully passed it will abolish the need to renew personal licences, and introduce a new light touch permission for alcohol supplies by community groups that are incidental to their main activity.
- 5.2 Personal licences are currently issued for a 10 year period. The first licences were granted in 2005 and therefore are due to expire in 2015. At the time of writing this report Leicester City Council has 3,191 personal licence holders, 861 of which are due to expire in 2015. The renewal process set out in the 2003 Act included a requirement for a criminal record check and a revised photograph, neither of which will be necessary if renewals are abolished. Personal licences will instead continue for an indefinite period of time. Only the courts have the power to revoke or suspend a personal licence if the holder is convicted of an offence that is relevant under the 2003 Act.
- 5.3 There may be some personal licence holders whose licences are due to expire before the legislation comes into full effect. The government is aware of this and has indicated that advice on how to deal with these licences will be issued in due course.
- 5.4 The proposed Community and Ancillary Sellers Notice (CAN) is intended to be a light touch and inexpensive authorization to enable community groups to sell alcohol where the sale is ancillary or incidental to their main activity. Each CAN will last for three years and will permit the ancillary sale of alcohol between 07.00 and 23.00 hours.

6. Legislative Reform Order

- 6.1 The Legislative Reform Order was laid before Parliament in July 2014. It deals with further amendments to entertainment licensing under the Licensing Act 2003, as follows:
 - a) The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own premises will be exempt from entertainment licensing between 08.00 and 23.00 hours on the same day, with no audience limit.
 - b) The audience limit for live amplified music in alcohol licensed premises or in a workplace between 08.00 and 23.00 hours on the same day will be increased from 200 to 500.
 - c) Playing recorded music in relevant alcohol licensed premises will be deregulated (on a conditional basis) when it takes place between 08.00 and 23.00 hours on the same day, of audiences of up to 500.
 - d) Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available for third parties for live and recorded music activities between 08.00 and 23.00 on the same day, for audiences of up to 500.
 - e) Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08.00 and 23.00 hours on the same day, for audiences of up to 500.
 - f) Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except for exhibition of a film, boxing or wrestling, where

the activity takes place between 08.00 and 23.00 hours on the same day, with no audience limit.

g) Greco Roman and freestyle wrestling will be deregulated between 08.00 and 23.00 hours for audiences of up to 1,000 people.

h) An exhibition of a film that is incidental to another activity (that is not regulated entertainment) will be exempt from licensing.

6.2 It is not yet known whether this Order will be passed, or when it may take effect.

7 Financial, Legal and other implications

7.1 Financial Implications

There are no significant financial implications.

Colin Sharpe - Head of Finance (City Development and Neighbourhoods & Corporate Resources)

7.2 Legal Implications

There are no legal implications to be considered other than the legislative changes which are the subject of the report.

Hannah Price, Solicitor, Legal Services

8 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

9 Background Papers – Local Government Act 1972

9.1 None

10 Consultations

10.1 None

11 Report Authors

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Mandatory conditions relating to the supply of alcohol from 1 October 2014

No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supplied alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a) a holographic mark, or

- b) an ultraviolet feature.

The responsible person shall ensure that-

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - i) beer or cider: $\frac{1}{2}$ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.