

Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: THURSDAY, 6 NOVEMBER 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

City Hall, 115 Charles Street, Leicester, LE1 1FZ

(Tel. 0116 454 6356)

Email@ graham.carey@leicester.gov.uk

Information for members of the public

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- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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 City Hall, 115 Charles Street, Leicester, LE1 1FZ.

For Press Enquiries - please phone the **Communications Unit on 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

The minutes of the meeting held on 11 September 2014 are attached and the Committee will be asked to confirm them as a correct record.

4. PETITIONS

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

5. 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.

6. FIXED ODDS BETTING TERMINALS IN BETTING PREMISES

Appendix B

The Director of Environmental and Enforcement Services to submit a report on Fixed Odds Betting Terminals in Betting Premises.

The Deputy City Mayor has been invited to attend the meeting for this item.

7. CHARITABLE STREET COLLECTIONS

Appendix C

The Director of Environmental and Enforcement Services to submit a report on charitable street collections and to ask if the Council's current policy should be amended.

8. LICENSING SUB COMMITTEE MEETINGS

The Chair to lead a discussion on Licensing Sub Committee meetings being held at 5.30 pm.

9. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the LICENSING AND PUBLIC SAFETY COMMITTEE

Held: THURSDAY, 11 SEPTEMBER 2014 at 5:30 pm

P R E S E N T :

Councillor Clarke (Chair)
Councillor Dr Barton (ViceChair)
Councillor Byrne (Vice Chair)

Councillor Riyait

Councillor Shelton

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Westley.

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 9 April 2014 be approved as a correct record.

4. MEMBERSHIP OF THE COMMITTEE

NOTED: 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

NOTED: 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 reported that no petitions had been submitted in accordance with the Council's procedures.

7. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

8. CONSIDERATION OF THE FORD VOYAGER TOURNEO CUSTOM 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 manufacturers, Voyager MPV Ltd, had submitted the application for the vehicle to be licensed.

The Committee were recommended to approve the Ford Voyager Tourneo Custom provided that Members accepted that the benefits of licensing outweighed the disadvantages outlined in paragraph 5 of the report. Although the vehicle was not fully compliant with the conditions of fitness, it could be licensed as a hackney carriage at Members' discretion.

The Licensing Team Manager presented the report and drew attention to the two areas where the vehicle was not compliant with the existing conditions of fitness. These were :-

- a) that the overall width of vehicle was 141mm wider than the maximum width in the conditions of fitness of 1.845 metres.
- b) that the clear height of the doorway was stated as 65mm less than the minimum height of 1.195 metres in the conditions of fitness.

The Chair then invited Mr N Stuart, Voyager MPV Ltd, to outline the reasons for

the company's application. He stated that:-

- The company were asking all councils to approve the vehicle for use as a hackney carriage.
- The company were responding to requests from hackney carriage operators and drivers that they wanted a vehicle that could be serviced locally and supported by a national supplier.
- The vehicle incorporated a number of environmentally friendly features, including automatic stop/start technology when stationary at traffic lights/junctions etc. The vehicle was considered to be the 'greenest' vehicle currently available for use as a hackney carriage.
- The vehicle offered increased levels of driver comfort.
- The vehicle had a 5 star European NCAP rating.
- The vehicle had a full EC Whole Vehicle Type Approval certificate.
- A number of Councils had already approved the vehicle for use as a hackney carriage.

The Licensing Team Manager confirmed that the Council had seen the EC Whole Vehicle Type Approval certificate. Attention was also drawn to Appendix 2 of the report which showed the equipment specification of the two vehicle models.

Following questions from Members it was noted that:-

- The conditions of fitness had originally been based upon those for London Hackney Carriage Vehicles.
- Some of the original conditions had subsequently been reviewed and certain requirements had been relaxed in 2005 to form the current conditions.
- The variations of the vehicle's width and clear height of the doorway from the current requirements may make the vehicle less able to manoeuvre in narrow streets and some wheelchair users or people who had difficulty in bending may find it difficult to enter the vehicle.

In addition, Mr Stuart gave details of some Councils that had already approved the vehicle. No authorities had refused the application, but two authorities had deferred consideration of the application as the company had not been able to present a vehicle for inspection at the time the applications were considered. These were in the process of being reconsidered now that the vehicle was

available. This was similar to the situation whereby the Committee had deferred consideration of the application at its last meeting.

At 5.45 pm the Chair adjourned the meeting to enable Members to inspect the vehicle, which was parked outside of the Town Hall.

Members inspected the vehicle and experienced entering and leaving the vehicle and seating arrangements.

At 5.55 pm the meeting was reconvened with all Members present who were present when the meeting was adjourned. Councillor Barton also joined the meeting at this time and indicated that she would not take part in the subsequent discussion or decision on the application.

Following the inspection of the vehicle, Members asked questions of Mr Stuart and the following responses were received:-

- The vehicle had high visibility stripes incorporated into the seating material and high visibility handles to assist passengers with disabilities.
- The ramp for wheelchair access to the vehicle was an integral part of the design of the vehicle and this had been incorporated to save storage space.
- There was a four point wheelchair securing system with a 3 point wheelchair passenger belt. When secured in place the wheelchair was forward facing.
- Additional lighting had been installed in the vehicle to illuminate the steps for access and egress to the vehicle.
- The vehicle had a large bulkhead and screen to give the driver high levels of protection.
- There was a door locking system operated by the driver.
- An intercom system allowed the driver and passengers to converse and both the driver and the passengers could turn the intercom off.

The solicitor to the Committee provided legal advice on the application. Members were informed that they could depart from the current requirements provided they felt that the benefits of licensing the vehicle outweighed the disadvantages outlined in paragraph 5 of the report, and that they gave justifiable reasons for doing so.

Members discussed the merits of application and

RESOLVED:

That the application for the Ford Voyager Tourneo Custom to be approved for licensing as a hackney carriage vehicle be approved.

The reasons for the Members making their decision were that the two variations of the vehicle's specification were considered to be minimal differences. The vehicle meets the needs of passengers and drivers and had some extra features which are beneficial. It was felt that there should be a range of vehicles operating in the City as hackney carriages to cater for the differing needs of both drivers and passengers.

9. CHARITABLE HOUSE TO HOUSE COLLECTIONS

The Director of Environmental and Enforcement Services submitted a report on charitable house to house collections and asked if the Council's current policy should be amended in light of new guidance issued by the Cabinet Office. The Cabinet Office had now stated that appeals to the Minister will now be considered afresh on their merits based on the information provided to the local authority by the applicant and any additional information provided by either party. Previously, the Minister would simply review the decision as to whether it was one that the local authority could legitimately make. The Cabinet Office's latest position on appeals was included as an appendix to the report.

The Council's current policy stated that "approval to be given to a guideline figure of zero, for remuneration from the proceeds of any house to house collection." In view of the changes announced by the Cabinet Office, it was considered that any appeal against a refusal based on the current policy was likely to be successful. It was therefore, suggested that a guideline figure of 70% of the proceeds being used for charitable purposes should be considered as a starting point for discussion.

Members discussed the implications of the new Cabinet Office guidance and felt that the Council's policy should give confidence to the public in knowing that their donations were being used for charitable purposes. Members also commented upon the large number of plastic bags that were delivered door to door, a number of which were not from charitable organisations.

In response to Members' questions it was noted that:-

- There was no fee for submitting applications for charitable house to house collections.
- Other Council's currently had a wide range of guideline figures for the percentage of the proceeds that should be used for charitable purposes.
- Collection bags for clothes etc did not require licences unless they stated that the organisation concerned was a charitable organisation.

- There had been 9 applications and 9 approvals granted in the last 3 months for charitable door to door collections.
- Officers would investigate complaints where organisations purported to be a charitable organisation but were felt to be commercial operations.
- A successful challenge to a Council decision on a charitable door to door collection would incur costs in officer time defending an appeal and the possibility of costs being awarded against the Council if the appeal was successful.

Members discussed the merits of amending the current policy in light of the Cabinet Office's latest guidance. A view was expressed that more charities may apply to undertake door to door collections if they were able to recover administration costs in carrying out the collections.

RESOLVED:

- 1) That the Assistant City Mayor - Neighbourhood Services, be recommended to amend the Council's licensing policy for charitable door to door collections to consider each application on its merits and that a guideline figure of 75% of the proceeds being used for charitable purposes, as this was considered appropriate and proportionate in the circumstances.
- 2) That the Council's policies in relation to street collections and the use of animals for charitable collections be considered and reviewed at the next meeting of the Committee, with any proposed changes being recommended to the Assistant City Mayor - Neighbourhood Services.

Councillor Riyait left the meeting at this point.

10. LICENSING ACT 2003 - CHANGES TO LEGISLATION

The Director of Environmental and Enforcement Services submitted a report providing information on forthcoming changes to the Licensing Act 2003.

The report outlined the following changes to the Licensing Act 2003:-

- a) The amendments to the mandatory conditions of all licensed premises imposed by the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendments) Order 2014.
- b) The proposals in the Deregulation Bill currently progressing through Parliament and expected to come into force in April 2015.

- c) Amendments to entertainment licensing which have been laid before Parliament in the Legislative Reform Order.

Members discussed the changes and proposed changes and commented that in relation to the proposed entertainment licensing changes they had concerns that definition of a health care provider was wide and loosely defined. The Chair indicated that he would discuss this overall exemption for local authorities, health care providers and schools to provide entertainment without a licence with the Assistant City Mayor - Neighbourhood Services.

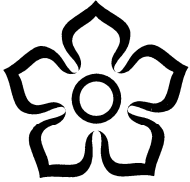
Members also expressed concern at the impact upon public safety if the Magistrates' Courts did not revoke a personal licence where a person was convicted of a relevant criminal offence under the Licensing Act 2003; as the Council would no longer have the opportunity to review a licence in these circumstances if the Deregulation Bill removed the need for personal licences to be renewed in the future. If the proposals were introduced only the Magistrates Courts would have the power to revoke or suspend a personal licence if the holder was convicted of an offence that was relevant under the Licensing Act. The Chair indicated that he would also discuss this concern with the Assistant City Mayor - Neighbourhood Services to arrange for these views to be submitted on the Council's behalf.

RESOLVED:

That the report be noted and that Chair discuss the Committee's concerns with the Assistant City Mayor - Neighbourhood Services.

11. CLOSE OF MEETING

The Chair declared the meeting closed at 7.00 pm.



Leicester
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WARDS AFFECTED
All

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

6 November 2014

Fixed Odds Betting Terminals in Betting Premises

Report of the Director of Local Services and Enforcement

1. Purpose of Report

- 1.1. To provide the Licensing and Public Safety Committee with information on licensed betting premises with fixed odds betting terminals in Leicester.

2. Recommendations

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

3. Background

- 3.1. Premises known as betting shops or bookmakers are licensed under the Gambling Act 2005 as betting premises. Fixed odds betting terminals found in betting premises provide a range of slot machine type games and casino games such as roulette and black jack.
- 3.2. Section 172 of the Gambling Act 2005 allows a betting premises to make up to four gaming machines of Category B, C or D available for use. Fixed odds betting terminals fall into Category B2 for casino games with a maximum stake of £100 per spin and a maximum prize of £500 per spin, and Category B3 for slot machine games with a maximum stake of £2 per spin and a maximum prize of £500 per spin.
- 3.3. Concerns about fixed odds betting terminals, relate to the ease with which large sums of cash can be lost in a short period of time, that people of low income and poor mental health are more likely to spend more time and lose more money on them, and that in some cases premises are sub-divided into a cluster with multiple licences allowing more machines to be made available.

4. Licensing Authority Controls

- 4.1. Applications for betting premises licences are determined by the City Council as licensing authority. Determinations are made in accordance with the three licensing objectives of preventing crime and disorder, ensuring fair and open gambling and protecting children or vulnerable people from being harmed or exploited. The determination can include granting or refusing licences or attaching conditions.

- 4.2. Section 172 of the Gambling Act disallows the power of a licensing authority to attach conditions to a betting premises licence that change the number of category of gaming machines allowed. Section 153 also imposes a duty on local authority to permit gambling provided it is in accordance with the licensing objectives, guidance codes of practice and the authorities gambling policy. These provisions significantly restrict the ability of the authority to limit the availability of fixed odds betting terminals.

5. Fixed Odds Betting Terminals in Leicester

- 5.1. There are 65 licensed betting premises in Leicester, most of which have four fixed odds betting terminals. In total there are 243 fixed odds betting terminals available for use. None of the premises in Leicester have been subdivided into multiple premises with multiple licences.
- 5.2. There has been a steady increase in the number of betting premises licensed in Leicester since the coming into force of the Gambling Act 2005:

Present	65
Dec 2013	67
Dec 2012	60
Dec 2011	56
Dec 2010	56
Dec 2009	55
Dec 2008	54
Dec 2007	53

- 5.3. Betting premises each receive two compliance checks per year.

6. Approach in London Borough of Newham

- 6.1. The London Borough of Newham has begun a campaign using the Sustainable Communities Act 2007 calling upon central Government to reduce the maximum bet per spin on fixed odds betting terminals in high street betting shops from £100 to £2. The authority believes that terminals are popular with the industry because they give a fixed margin and this has led to the increase in betting premises across the country. Reducing the stake to £2 would help to protect the player by reducing losses and bringing the machines in line with other machines in bingo premises and adult gaming centres.
- 6.2. The Executive have supported Newham's Sustainable Communities Act proposal to reduce the maximum bet per spin from £100 to £2.

7. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

7.1. Financial Implications

No significant financial implications for the Council are envisaged as a result of this report –
Colin Sharpe, Head of Finance, ext. 37 4081

7.2. Legal Implications

There are no legal implications additional to those outlined within the report.
Hanna Price, Solicitor, Legal Services

7.3. Equalities Implications

The report, 'Fixed Odds Betting Terminals, Problem Gambling and Deprivation: A Review of Recent Evidence from the ABB' by Landman Economics, April 2014, identifies that men, and young men in particular are most affected by the increase in availability and use of FOBTs. Between 2007 and 2010, male FOBT use increased from 4% of the adult population to 6% - women's use of FOBTs remained constant at 1%. Increased FOBT use focused on young men aged 16-34 – the prevalence rates for machine gambling increased from 9% to 14% during this period. There was also an increase in the proportion of FOBT users from low-income households and from households where the survey respondent was unemployed or in full-time education. Average annual spend per regular gambler (who gamble once a month or more) is £1208 for FOBT (electronic gaming machine) gamblers compared to £427 for OTC (over the counter) gamblers.

Other reports cite these negative impacts arising from FOBT gambling: an increase in problem gambling and related indices (bankruptcy, divorce, suicide, treatment numbers); economically regressive trends (those with low incomes spend a greater share of their income on electronic gaming machines); poorer mental health of those who spend high amounts of money and time on electronic gaming machines and the subsequent impact on their families. While the proposal to reduce the maximum bet per spin on FOBTs from £100 to £2, will reduce the negative economic impact in terms of income spent to support FOBT gambling, it will not likely address the other adverse social impacts raised above that this type of gambling brings.

Irene Kszyk, Corporate Equalities Lead, ext. 374147.

8. Background Papers – Local Government Act 1972

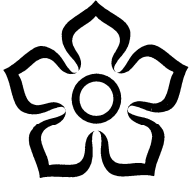
8.1. None

9. Consultations

9.1. None

10. Report Author

10.1. Mike Broster – Head of Regulatory Services, 0116 4543041, mike.broster@leicester.gov.uk



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All

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

6 November 2014

Charitable Street Collections

Report of the Director of Local Services and Enforcement

1. Purpose of Report

- 1.1. To provide the Licensing Committee with updated information on charitable street 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 11 September 2014 in relation to charitable door to door collections. Officers were asked to bring a similar report about charitable street collections to a future meeting.
- 3.2. Charitable street collections are governed by the Police, Factories (Miscellaneous Provisions) Act 1916. This allows local authorities to make regulations with respect to places where and conditions under which collections may take place in any street or public place. Leicester City Council's regulations are attached at Appendix A.

4. Application process

- 4.1. Organisers of charitable street collections are required to apply to the Licensing Section four weeks in advance of their chosen collection date. There is no fee payable. The Licensing Section will review the application to check whether or not the collection complies with the council's regulations. Festivals and Events may be consulted, depending on the location of the proposed collection. It is current practice to allow individual charities to collect in the city centre on one Saturday a year.
- 4.2. Leicester City Council received applications for 186 charitable collections to take place between 1 October 2013 and 30 September 2014. Officers refused 19 of these applications for administrative problems or for non-compliance with the regulations, and the Licensing Enforcement Sub-committee refused one application because it was not considered a street collection was justified. One other application was brought to the sub-committee because

the applicant did not want to comply with the regulations regarding animals and deductions, In this case the Committee agreed that the regulation relating to not allowing collectors to be accompanied by animals would be waived and, in relation to deductions, said that income spent on overheads was legitimate expenditure.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

No financial implications arise directly from this report –

Colin Sharpe - Head of Finance ext 37 4081

5.2. Legal Implications

Charitable street collections are governed by the Police, Factories (Miscellaneous Provisions) Act 1916 Section 5 Regulations of street collections:

- (1) Each of the authorities specified in subsection (1A) below may make regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place, within their area, to collect money or sell articles for the benefit of charitable or other purposes, and any person who acts in contravention of any such regulation shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale or in the case of a second or subsequent offence not exceeding level 1 on the standard scale

(1A)The authorities referred to in subsection (1) above are—

- (a) the Common Council of the City of London,
- (b) the police authority for the Metropolitan Police District, and
- (c) the council of each district;

but any regulations made by a district council under that subsection shall not have effect with respect to any street or public place which is within the Metropolitan Police District as well as within the district.

The Regulations that Leicester City Council has in place for street collections are referred to in this report at Annex A.

Hannah Price - Solicitor ext 371496

6. 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	

7. Background Papers – Local Government Act 1972

None

8. Consultations

8.1. None

9. Report Author

9.1. Rachel Hall, Licensing Team Manager

0116 4543047

Rachel.hall@leicester.gov.uk

REGULATIONS WITH REGARD TO STREET COLLECTION

Notes for guidance of Organisers of Street Collections and persons acting as collectors.

1. No collection of money (other than a collection taken at an open-air meeting) or sale of any article shall be made in any street or public place within the City of Leicester unless the person, society, committee or other body of persons responsible for such collection or sale shall have obtained from the Local Authority a permit for such collection or sale.
2. Applications for a permit shall be made in writing no later than one month before the date on which it is proposed to make the collection or sale.
3. No collection or sale shall be made except upon the day and between the hours stated on the permit.
4. The Local Authority may, in granting a permit, limit a collection or sale to such streets or public places or such parts thereof as they think fit.
5. No person may assist or take part in any collection or sale without the written authority of the person or body of persons to whom a permit has been granted. Every person so authorised shall produce such written authority forthwith for inspection by any Police or authorised officer on demand.
6. No collection or sale shall be made in any part of the carriageway or any street, nor shall any collection or sale be made on the footway or in any public place to the obstruction or annoyance of any person in such street or public place.
7. All persons acting as collectors or vendors in a street shall occupy a stationary position at some place on the footway. Not more than two persons shall act as collectors or vendors at the same station, and no person shall collect money or sell articles within 30 yards of a station where any other person or persons are collecting or selling.
8. No person under the age of 16 years shall act or be permitted to act as a collector or vendor.
9. No collector or vendor shall use a table for the purpose of any collection or sale so as to cause or be likely to cause obstruction. No table shall exceed 30 inches in length and 20 inches in width when used.
10. No collector or vendor shall use a box or other receptacle at the end of a pole intended to reach upper windows or the roofs of conveyances.
11. No collector or vendor shall be accompanied by any animal.

12. No collector or vendor shall importune any person to the annoyance of such persons.

13. Every collector or vendor shall carry and present to all contributors or purchasers for the reception of money contributions a box or other receptacle securely closed and sealed in such a way as to prevent the same being opened without such seal being broken, and into this box or other receptacle all contributions shall be immediately placed. All such boxes or receptacles shall be numbered consecutively. Every collector or vendor shall deliver his/her box or other receptacles with the seals unbroken to one of the persons responsible for the proper application of the money received.

14. A collector or vendor shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the fund for which the collection or sale is being made, nor any box or other receptacle which is not duly numbered.

15. No payment or reward shall be made or given either directly or indirectly to any collector or vendor or other person connected with the promotion or conduct of a collection or sale for or in respect of services rendered in connection therewith.

16. Within one month after the date of any collection or sale the person, society, committee or other body of persons responsible therefore shall forward to Licensing, City Hall, 115 Charles Street, Leicester, LE1 1FZ for the information of the Local Authority, a statement on the form attached, certified by the Auditor of the Society or by some independent responsible person with vouchers showing in detail the amount collected and the expenses incurred in connection with such collection or sale, and shall if required by the Local Authority satisfy them as to the due and proper application of the proceeds of the collection or sale.

