

Minutes of a meeting of the **LICENSING COMMITTEE** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Wednesday, 29 June 2022 at 6.30 pm.

PRESENT

J Tyrrell (Chairman)
P A Redgate (Vice-Chairman)

A C Beal
F Biggadike
H J W Bingham

M D Booth
A Casson
A M Newton

G T D Rudkin
A R Woolf
C N Worth

In Attendance: The Public Protection Manager, the Licensing Officer, the Assistant Licensing Officer and the Democratic Services Assistant.

Apologies for absence were received from or on behalf of Councillors A C Cronin, J L King and G P Scalese

1. MINUTES

Consideration was given to the minutes of the meeting held on 17 July 2021.

AGREED:

That the minutes of the meeting be signed as a correct record.

2. DECLARATIONS OF INTEREST

There were none.

3. CHARITABLE HOUSE TO HOUSE COLLECTIONS POLICY

The Public Protection Manager introduced the Charitable House to House Collections Policy and the Charitable Streets Collection Policy:

- The Charitable House to House Collection Policy included door to door and clothing collections and was based on the requirements of the House-to-House Collections Act 1939.
- The Street Collections Policy was based on the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
- There was no statutory requirement to have a policy but without one in place there could be inconsistency in the way collections within the district were managed.
- There was also a need for more clarity around the application process and expectations of charity collection organisers, such as information around percentage returns and security checks.
- There was no transparency for decisions without the policies in place.
- The policies aimed to protect the rights of charities to raise funds and balanced this with protection of residents in the district from the pressure of too many collections at one time.

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- The policies presented were the first draft and officers were seeking the agreement of the Committee to put the policies out for consultation to different stakeholders, e.g., Charities, Policy Development Panel and residents via publication of the policy on the website.
- The draft policies were based on tried and tested policies at East Lindsey District Council.
- The policies were not controversial but aimed to put protections in place for all parties around granting a collection permit.
- The scheme of delegation within the policy detailed the reasons as to why the grant/refusal of a permit would be subject to a Panel decision.
- The proposed consultation would take place over the summer and the final policies would be brought back to the Committee in the autumn for approval.

Members raised the following points:

- Did charities have to apply for a permit annually or for every collection?
 - Officers confirmed that charities had to apply for specific timings and areas, but some national charities would give a broad range of dates and that would be over a number of weeks. It was important to remember that it was a permit that was issued for collections rather than a licence.
- There wasn't anything in the House-to-House policy that stated collectors had to have an ID badge.
 - Officers responded to say that the Home Office Stationary Office provided collectors with an ID badge.
 - It was a challenge to monitor what happened on the ground once the permit had been granted.
- Members felt that ID should be checked as the public could be at risk.
 - Officers confirmed that the legislation required collectors to have ID, but they could consider adding this requirement into the wording of the policy.
 - If complaints were received about bag collections, residents were advised to check if the bag came from a registered charity.
 - Officers were working on providing a public register of collections on the website to enable residents to check what collections were taking place in their area.
- As there was a National Exemption Order in place for larger national charities, did they have to notify the Council of their collection dates?
 - Officers responded to say that charities that were subject to a National Exemption Order did not have to apply for a permit, but it was good practice for them to advise the Council via a letter as the Council could then offer alternative dates if other charity collections were already taking place in the area.
- Could something be incorporated into the House-to-House collections policy to ensure collections bags did not obstruct the highway?
 - Officers confirmed that this was not part of the policy, but a good practice guide could be put on the website regarding bag collections.

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- Were residents currently able to check the register of collections going on in the area?
 - Officers responded that currently the on-line system was not operating as it had previously been a shared system with Breckland Council. However, work was being undertaken to get the register back up and running again as soon as possible.
- Once the register was back up and running, could it be advertised more to the public?
 - Officers confirmed that they would take this into consideration.
- Why was there a disparity in the application time frames for the different types of collections?
 - Officers responded that there were different requirements within the legislations that sat behind the two different types of collections.
- Members were of the understanding that individual collectors from each charity had to register and be given a badge number that correlated with their collection bucket.
 - Officers said that this may be stated in the Charity Commission guidance and therefore something for each charity to manage but was not a requirement of the legislation in terms of the permits issued by the District Council.
- What was the maximum limit of Street Collections and House-to-House Collections that could take place at one time?
 - Ideally there would only be one street collection in a town/village at one time but house to house collections could have more than one going on at a time dependent on charities collecting that were subject to National Exemption Orders.
- Would the badges that collectors wore have the SHDC logo on them at all?
 - Officers confirmed that the permit issued by the Authority would have the SHDC logo on it, but each collector would not necessarily have a copy of this and that was why they had to carry a prescribed badge.
- Would it cost more money to give out permits with a policy in place?
 - Officers confirmed that there was no fee payable for either permit to be given out
 - The aim of the policy was to put in more checks and balances but also about protecting residents. It was not an income generating activity.
- ID was imperative for those out collecting on behalf of charities, especially considering the new S&ELCP lottery scheme that was being set up by the Council.
- What percentage would the S&ELCP lottery take out in terms of overheads?
 - Officers responded to say that the lottery was outside of the scope of the House-to-House Collection policy and would be governed by Charity Commission lotteries legislation.
 - The usual accepted level for overheads was 20% but some charities would submit a higher percentage and additional information could be requested from the applicant to evidence why a higher percentage was required. The decision on whether to grant the permit or not could then be forwarded to the Licensing Panel for consideration.

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- How would the message of the policy get out to charities with national exemption orders?
 - Officers responded to say that not a lot would change in practice with the policy, but it would allow for decision-making rationale if challenged when refusing permit applications. The policy would be published on the SHDC website.
- Could the good will of people be knocked back as they were unaware of what to do?
 - Officers confirmed that there would be no problem with legitimate charities as they tended to be flexible with their dates.
- Would Parish Councils be included in the consultation and had there been any challenges against the refusal of a permit?
 - Officers confirmed that the consultation would be open to everyone.
 - There had been one charity recently that had had its permit refused and it had asked to see a policy, however this had not been in place at the time.
- What was the process for an appeal of the refusal of a permit and would the Council be responsible for costs if an appeal was accepted?
 - Officers confirmed that there was only a right to appeal for house-to-house permits. For any challenge on a street collection permit, a judicial review would need to be applied for.
- Did the Authority not have a policy in place before as there used to be a list of national charities collection dates for the year?
 - Officers confirmed that there had never been a formally adopted policy but there was likely a more structured planning of dates for collections.
- Would every collector get a badge and a corresponding collector number?
 - Officers responded to say that badges were usually issued by the individual charity but there were conditions listed on the permit that would ensure that all collectors had an ID badge.
- Would it be possible to have a number on the badge which linked to SHDC records?
 - Officers confirmed that SHDC wouldn't hold records on individual collectors as the charity would be granted the permit and then delegate collection to individuals.
- How often would the policy need to be updated?
 - Officers confirmed the policy would be added to the Council's Policy Register and reviewed every five years.
 - There would be delegated authority in place for Officers to make minor changes to the policy between reviews.
- The Acts the policies were based on were quite old – were they outdated?
 - Officers responded to say that the policies gave details to flesh out the legislation, but the Council could only work within the framework set out by the Acts.
- It was important to have a policy in order to enforce decisions.
- Could the policies be presented to Policy Development Panel for consideration as part of the consultation?
 - Officers confirmed that the final policies would come back to a meeting of Licensing Committee for approval after consultation had ended. The

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Chairman of PDP would be asked if the policies should be considered by PDP as part of the consultation.

- Could Members be informed when the register of collections was again operating on the website?
 - Officers confirmed that this was possible.
- Would the consultation incorporate any updates to legislation?
 - Officers confirmed that they would double check all legislation before bringing the policy back for final approval.
- Why were direct debit collections not a Council responsibility?
 - Officers responded to say that these collections were excluded from legislation as they did not directly take money and there was an opportunity for people to withdraw their consent to the donation.
- Did pedallers licences fall under the remit of the Licensing Committee?
 - Officers confirmed that these licences were provided by the Police.

AGREED:

That the draft policy be sent out for consultation.

4. CHARITABLE STREET COLLECTIONS POLICY

This item was discussed in conjunction with item 4.

AGREED:

That the draft policy be sent out for consultation.

5. LICENSING UPDATE

The Licensing Officer introduced the update and highlighted the following changes to legislation:

- Taxis & Private Hire Vehicles Disabled Persons Act 2022
 - Amended the Equality Act to introduce new duties for local authorities, taxi and private hire drivers and private hire operators.
 - It was now a mandatory requirement for the local authority to publish a list of wheelchair accessible vehicles on their website which was something that SHDC already did.
 - The updates to legislation required drivers to not charge more for any extra assistance required by a disabled person than they would for a non-disabled person.
 - Exemption certificates could be produced if a driver was not able to assist on medical grounds.
 - Officers would be updating operators on this new legislation but noted that they hadn't received any customer complaints regarding this issue.
- Taxis and Private Hire Vehicles Safeguarding and Road Safety Act 2022
 - This was an extension of the NR3 register for taxi drivers which was now required to be checked by the local authority for all taxi driver applications for any previous convictions and offences.

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- If previous offences and convictions were found, the Council would then contact their previous local authority for details of the offences.

Members raised the following points:

- Did the Council already automatically check the NR3 register for all taxi driver applications?
 - Officers confirmed that they already did this for every application and any taxi driver applicant who did not state previous offences would be subject to a Panel hearing to determine whether to grant a licence or not.
- Did the register pick up any parking tickets a driver had received?
 - Officers confirmed that the register would only pick that up if another authority had refused a licence on that basis.
- Would the Council be notified if a taxi driver received a parking ticket?
 - Officers responded to say that the Council would only be notified if the parking ticket became a police issue. The NR3 register only gave information if a licence had been revoked, suspended or refused by an authority.
- Would the Council be notified of any road traffic offences committed by a taxi driver?
 - Officers confirmed that the police would raise any offence committed by a taxi driver with the Council.

AGREED:

That the update be noted.

6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.

Members asked whether the Council was up to date on animal inspections and whether a full complement of staff were in post to carry out the inspections.

Officers responded to say that the team were getting caught up on inspections as during Covid not as many inspections had taken place due to many premises being closed. They noted that vets were under a lot of pressure and in a lot of cases officers were waiting for a vet to be available to assist with the inspections. There were currently 5 more premises to inspect and a few to chase up who had not renewed their licence.

Officers also confirmed that a new Assistant Licensing Officer was in post who would be undertaking a qualification to be able to undertake animal inspections in the future. There was also an officer within the wider Public Protection team who had relevant qualifications to be able to assist with these animal inspections.

Members felt that the level of inspections taking place and the number of officers qualified to do the inspections was unacceptable and suggested that an update should be given at the next meeting of the Performance Monitoring Panel.

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(The meeting ended at 7.31 pm)

(End of minutes)