



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 23 NOVEMBER 2017

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 31 August 2017 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

5. **Exempt Item**

The Committee is recommended to pass the following recommendations in relation to the following item:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Members are reminded that, whilst the following item has been marked as exempt, it is for

Committee itself to decide whether or not to consider it in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Members should also be mindful of the advice of Council Officers.

6. **Hackney Carriage and Private Hire Driver's Licence - Ian Karl Robert Parker** (Pages 1 - 2)

Report of the Commercial Protection Manager

7. **Public Item**

The press and public will be readmitted to the meeting at this point.

8. **Street Collection Permits 2018** (Pages 3 - 9)

Report of the Commercial Protection Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chairman), Terrie Metcalfe (Vice-Chairman), Alan Biddulph, Susie Charles, Mel Guilding, Tim Hamilton-Cox, Joan Jackson, Janice Hanson and Robert Redfern

(ii) Substitute Membership

Councillors Sheila Denwood, Rebecca Novell, Sylvia Rogerson, Oscar Thynne and John Wild

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Tuesday, 14 November 2017.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

LICENSING REGULATORY COMMITTEE

**Street Collection Permits 2018
23rd November 2017**

Report of the Commercial Protection Manager

PURPOSE OF REPORT
The report is to enable Members to set quotas for street collection permits for 2018 and to consider minor amendments to the policy and procedure relating to the same.
This report is public.

RECOMMENDATIONS

That the new quota for street collection permits for the forthcoming year and minor amendments to the regulations relating to processing of applications be agreed.

1.0 Introduction

- 1.1 The report is concerned with setting the quota of permits to be made available to charities wishing to conduct street collections within the district and to consider minor changes proposed to the rules and regulations governing the allocation of street collectors.
- 1.2 Members will be aware that each calendar year there are a set number of permits available for charities wishing to conduct street collections. The purpose of the regulations is to help manage the demand for street collection permits and provide a framework that is fair to charities and minimises potential disruption to the public. There is no charge for the permits and no requirement for consultation with other agencies as part of the permit application process.
- 1.3 The existing Lancaster City Council local regulations controlling street collection permits is attached as Appendix A to this report.
- 1.4 Each year the quota for street collection permits is set by this committee based on an allocation for Lancaster, Morecambe and the Rural parts of the Borough, with a further 50/50 split between Local and National charities. There is no delegated flexibility built into the system to allow for relaxing the rules or switching the allocation between the National/Local Charities or between geographical areas within the Borough. Appendix B shows the current distribution of permits for 2017
- 1.5 The table below offers a comparison over the last three years for street collection permits allocated.

Street collection permits	2015	2016	2017
Lancaster Local	17	13	21
Lancaster National	16	7	9
Morecambe Local	4	3	4
Morecambe National	2	0	2
Rural	0	2	0

2.0 Proposed minor changes to local regulations

2.1 The regulations set out a clear framework for managing the demand for street collection permits and seek to offer a fair balance between requests to carry out collections from different organisations and minimising potential disruption to the public. However, there is no scope built into the current system for flexibility to reflect local demand.

2.2 There is far greater demand for street collection permits in Lancaster and the majority are from local charities. This demand for permits also varies throughout the year, with peak times around the Christmas and holiday periods.

2.3 During recent months a number of permit applications have been received which would not normally have been granted within the current framework due to:-

- The application has been received without the one month minimum notice period
- The charity has already had a permit in the same year
- The permit quota for Local Permits has been reached for the year

2.4 To address the issues highlighted above it is proposed to make the following minor alterations to the local regulations:-

- Reduce the desired notice period to 14 days and include the caveat that applications received without the 14 days' notice will be processed but cannot be guaranteed to be authorised by the date of the event.
- Allow a charity to arrange up to a maximum of 3 collections each year, but **only one** in each of the three designated areas – Lancaster, Morecambe or Rural.
- To remove the split between National and Local Charities.

3.0 Proposed quota for street collection permits for 2018

3.1 It is proposed that the allocation for street collection permits for 2018 should be:-

Lancaster – 40
Morecambe – 30
Rural - 10

4.0 Conclusion

4.1 Members are recommended to approve the minor changes to the local regulations applying to street collection permits and to agree the proposed quota for 2018.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

Legal Services have been consulted and their comments have been incorporated in the report.

BACKGROUND PAPERS

None

Contact Officer: Steve Sylvester

Telephone: 01524 582717

E-mail: ssylvester@lancaster.gov.uk

Ref:

Appendix A

STREET COLLECTION REGULATIONS

1. In these Regulations, unless the context otherwise requires -
“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;
“promoter” means a person who causes others to act as collectors;
“the licensing authority” means Lancaster City Council;
“permit” means a permit for a collection;
“contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
“collecting box” means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the District of Lancaster City Council unless a promoter shall have obtained from the licensing authority a permit.
3. [a] Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection;
[b] Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. [a] No person may assist or take part in any collection without the written authority of a promoter.
[b] Any person authorised to collect shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
7. [a] No collection shall be made in any part of the carriageway of any street which has a footway.
[b] Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriage way where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person. No collector shall importune any person to the annoyance of such person.
9. While collecting -
[a] a collector shall remain stationary; and
[b] a collector or two collectors together shall not be nearer to another collector than 25 metres;

- [c] Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.
10. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
11. [a] Every collector shall carry a collecting box.
[b] All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
[c] All money received by a collector from contributors shall immediately be placed in a collecting box.
[d] Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
12. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
13. [a] A collecting box shall be opened in the presence of a promoter and another responsible person.
[b] Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
[c] As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
18. [a] No payment shall be made to any collector.
[b] No payment shall be made out of the proceeds of a collection, either directly or indirectly to any other person connected with the promotion or conduct of such collection for, or in respect of services connected therewith, except such payments as may have been approved by the licensing authority.
19. [a] Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority -
- [i] a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
 - [ii] a list of the collectors;
 - [iii] a list of the amounts contained in each collecting box.
- [b] and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.
[c] The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph above publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection,

the amount collected and the amount of the expenses and payments incurred in connection with such collection.

[d] The licensing authority may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph [16][a] above.

[e] For the purposes of this Regulation “a qualified account” means a member of one or more of the following bodies:-

- [i] the Institute of Chartered Accountants in England and Wales
- [ii] the Institute of Chartered Accountants of Scotland
- [iii] the Association of Certified Accountants
- [iv] the Institute of Chartered Accountants in Ireland

20. These regulations shall not apply –

- [i] in respect of a collection taken at a meeting in the open air or
- [ii] to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

21. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding £25 for a first or subsequent offence, by virtue of the Criminal Law Act, 1977. [Commencement No.5] Order, 1978 [1978 No. 712]

Appendix B

STREET COLLECTION CRITERIA

The Licensing Regulatory Committee has a policy with regard to the allocation of permits (minute No 25, 1999/2000 refers) which provides:

That 96 street collection permits be available for allocation annually, as follows:-

national charities

18 for Lancaster,
18 for Morecambe,
12 for Carnforth and the Rural areas

local charities, which demonstrate that all money collected will be distributed within the City Council district

18 for Lancaster,
18 for Morecambe,
12 for Carnforth and the rural areas for local charities

That, in addition, permits be issued annually to the Royal British Legion Poppy Appeal; the Lancaster University Rag Appeal; the Lancaster, Morecambe & Carnforth Round Table Christmas Appeals; the Lancaster, Morecambe & Carnforth Carnivals; the Morecambe Branch of the RNLI and the Telethon Appeal.

- (a) That, if in any one year there are more allocations than permits available, then the allocation be determined by ballot, the Licensing Regulatory Committee being recommended to give first consideration to those applicants utilising their funds locally.
- (b) No charity be granted street collection permits for both Lancaster and Morecambe in any one year.
- (c) That a charity which has been granted street collection permits for 3 consecutive years be granted a permit for the 4th year in succession, only if no other qualifying charities would, as a consequence, be deprived of a permit.