

CHILTERN DISTRICT COUNCIL

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Licensing & Regulation Committee

Thursday, 5th December, 2013 at 6.30 pm

**Large & Small Committee Room, King George V House, King George V Road,
Amersham**

A G E N D A

- 1 Evacuation Procedures
- 2 Minutes (*Pages 3 - 6*)
To sign the Minutes of the meeting held on 13 June 2013.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Hackney Carriage and Private Hire Policy (*Pages 7 - 14*)
Appendix (Pages 15 - 18)
- 6 Licensing and Enforcement Update (*Pages 19 - 22*)
- 7 Charitable Street Collections (*Pages 23 - 24*)
Appendix 1 (Pages 25 - 32)
Appendix 2 (Pages 33 - 46)
- 8 Exclusion of the Public
To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

9 Private Reports (if any)

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Licensing & Regulation Committee

Councillors: P N Shepherd (Chairman)
M Vivis (Vice-Chairman)
N L Brown
Mrs J A Burton
G K Harris
P M Jones
D J Lacey
D G Meacock
M Prince
J J Rush
C H Spruytenburg
N Stewert
H A Trevette
J F Warder
A P Williams

Date of next meeting – Thursday, 13 February 2014

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CHILTERN DISTRICT COUNCIL

**MINUTES of the Meeting of the
LICENSING & REGULATION COMMITTEE**
held on **13 JUNE 2013**

PRESENT: Councillor P N Shepherd - Chairman
" M Vivis - Vice Chairman

Councillors: P M Jones
D G Meacock
C H Spruytenburg
H A Trevette
J F Warder

APOLOGIES FOR ABSENCE were received from Councillors N L Brown, Mrs J A Burton, G K Harris, D J Lacey, M Prince, J J Rush, N Stewert and A P Williams

1 ELECTION OF CHAIRMAN

RESOLVED –

That the appointment of Councillor N Shepherd as Chairman of the Committee for the remainder of the Municipal year, as agreed at Annual Council on 21 May 2013, be noted.

2 APPOINTMENT OF VICE-CHAIRMAN

RESOLVED –

That the appointment of Councillor M Vivis as Vice-Chairman of the Committee for the remainder of the Municipal year, as agreed at Annual Council on 21 May 2013, be noted.

3 MINUTES

The Minutes of the meeting held on 14 February 2013, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 CHILTERN HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Following the consultation in September 2012 with interested parties and the work undertaken by the Task and Finish Group, the Chiltern Hackney Carriage and Private Hire Policy has been further revised. In November 2012, the Licensing and Regulation Committee discussed the proposals and set up a Task and Finish Group. This group met three times and considered in detail all the concerns that had been raised by the feedback, and also allowed the trade to discuss further any issues. The various consultation responses and comments were appended to the report. Amendments made to the policy were discussed during a final feedback session in April 2013. The final draft policy was considered and in particular, the 12 key policy points:

Policy 1 – introduction of Passenger Assistant Training Scheme for all new applicants and existing licensees.

It was proposed that the training be carried out with Bucks County Council (BCC) Transport Team every 4 years, to be phased in gradually for existing drivers for all renewals by 2014. This training was already required for all drivers on Home to School contracts and would support drivers in working on these contracts and present a more consistent approach.

The Committee were concerned about the requirement for both hackney carriage and private hire vehicle drivers to assist passengers with the loading and unloading of luggage into and out of the vehicle and recommended that this should be qualified with the words “reasonable assistance” to ensure that drivers were not being asked to carry out tasks beyond their own physical capability.

This policy was then agreed by the Committee.

Policy 2 – removal of the requirement that a Hackney Carriage Driver who applies to obtain a Private Hire Driver Licence requires an additional medical examination certificate and vice versa.

This was welcomed by the Trade, supported by the Task and Finish Group and agreed by the Committee.

Policy 3 – A reduction of 25% on the vehicle licence fee for any vehicle that falls within Band A, B or C for road tax purposes (low emissions).

The Committee recommended the insertion of “or equivalent DVLA classification” to cover future advances. This policy was then agreed by the Committee.

Policy 4a – Amendments to wording on renewals and new application forms.

The Committee generally agreed to the proposals, pointing out that the instructions on completing every question on the form should be made clear, but requested more information about the new form. Members asked to see the form at a future committee meeting.

Policy 4B – Review of the criminal convictions and behaviour policy for new and existing drivers.

The committee requested that the offences listed in the policy be numbered so that they could be quoted clearly on decision notices issued by sub-committees.

Policy 5 – Introduction of a system for the monitoring of contraventions.

The Task and Finish Group had developed a monitoring enforcement tool for persistent offenders. Its purpose was to highlight those drivers who have a pattern of contraventions, i.e. who were constantly being given the same advice or warnings. Those given a Red Card would have 14 days to appeal to the Head of Health and Housing.

The trade had been concerned that this could involve ‘double jeopardy’ and drivers could be punished twice for the same contravention where it was also a criminal offence. The committee were reassured that serious offences where the police were dealing with the matter were covered elsewhere in the policy. In such cases it was intended that the Council would only take action under the Enforcement Policy if the police did not pursue the matter.

It was agreed that the operation of the policy would be reviewed after one year Decision making when issuing yellow or red cards would be delegated to the Head of Health and Housing and not involve sub-committees.

Policy 6 – Certificates of Good Conduct for non-UK residents.

The committee discussed the time periods recommended in this policy and agreed to the proposals made for the present time with a review in two years’ time.

Policy 7 & 8 – Introduction of a vehicle age policy

This proposal had received the most objections from interested parties. The policy still allowed vehicles over 12 years to be used but they would require an additional garage inspection costing approximately £25. It was noted that all the neighbouring local authorities had a similar policy (and in most cases much stricter) and it was important to maintain standards and safety. It was felt this provided a sensible compromise and balance.

Policy 9 – Amendments to the requirements for the issue of a small plate.

The committee agreed that drivers were generally of smart appearance so agreed to introduce a formal requirement for holders of a small plate to be smartly dressed. The prohibition of advertising from vehicles that had requested a small plate was also supported.

Policy 10 – Removal of the requirement for licensees to notify the licensing team when they have booked their Certificate of Compliance/MOT.

The committee agreed to this amendment.

Policy 11 – Introduction of a minimum size and compulsory text for taxi roof signs.

Although there had been concerns raised by the trade to this proposal, all the roof signs recently checked had complied with the policy.

Policy 12 – Introduction of non-standard Private Hire Vehicle Policy for stretched limousines and novelty vehicles.

These vehicles would be exempt from displaying their licence. The Committee agreed that the licence could be kept in the boot or elsewhere “in the vehicle”.

The committee also agreed that the provisions relating to the wearing of seat belts by drivers would be a recommendation rather than a requirement.

The Chairman thanked the Officers on behalf of the Committee for a very good report and their work and also thanked the Task and Finish Group for their detailed consideration.

RECOMMENDED –

- 1. That the Council approve the Chiltern District Council Hackney Carriage and Private Hire Policy with the amendments as agreed at the meeting.**
- 2. That further minor amendments be delegated to the Head of Health and Housing in consultation with the Chairman of this Committee.**

The meeting ended at 7.51 pm

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE – 5 DECEMBER 2013**

Background Papers, if any, are specified at the end of the Report

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Contact Officer: Ben Coakley 01494 732060

RECOMMENDATIONS:

The Licensing and Regulation Committee:

- 1 consider the EIA in relation to the Hackney Carriage and Private Hire Policy.**
- 2 consider the further request by the taxi trade in relation to the policy previously agreed on the 13th June 2013**
and,
- 3 if appropriate make any changes in relation to the points raised by the trade before the policy is endorsed by full Council.**
- 4 consider varying proposals of the taxi policy as suggested in paragraph 21 of this report.**

Background:

The final version of the Hackney Carriage and Private Hire Policy was agreed by the Licensing & Regulation Committee on the 13th June 2013.

- 1 This followed significant consultation including:
 - 12 week formal consultation period for the revised policy concluding on the 30th September 2012.
 - Direct SMS messaging of all drivers and operators, a dedicated web page with a large banner directing people from the Chiltern website homepage, newspaper coverage of the consultation, direct email to all Councillors, police, highways, neighbouring authorities and interested stakeholders e.g. residents groups. Several reminder communications also went out to drivers prior to the official closing date.
 - Informal meetings with the trade were arranged and held prior to the start of the consultation and also during the consultation to allow any clarifications or items to be considered.

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- A workshop (led by the Chairman of the Licensing and Regulation Committee) was held with the trade on the 20th September 2012 to consider in detail subsequent issues or concerns.
- The Task and Finish Group then met on three separate occasions to discuss the proposed amendments in great detail,
- The Task and Finish Group met with the Trade as a final feedback session on 11 April 2013 and the proposed amendments were discussed in detail with the Trade representatives.

2 As a result of the significant dialogue already held with the trade, key elements of the policy were redrafted several times. The responses from the trade on each occasion were discussed in detail and several amendments were made to the original proposals as a direct result of the on-going consultation feedback and task and finish group meetings.

3 The completed equalities impact assessment for the policy is provided as **Appendix**.

Matter for consideration:

4 Since agreement on the final policy was made by the Licensing and Regulation committee, representatives from the trade have approached the Council requesting that the following specific matters are reconsidered before the Policy is formally endorsed by Full Council,

- Vehicle Age proposals
- Overall costs that the policy will put upon the trade

5 The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained Hackney Carriage (HC) and Private Hire Vehicle (PHVs). For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

As the term implies, Hackney Carriage and private hire vehicles are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

6 The existing adopted Council policy in relation to vehicle age is as follows:

All vehicles shall not be more than 4 years old when first licensed and should not be older than 10 years in the case of any subsequent application for renewal of license. The age of the vehicle will be taken from the vehicle registration document. The age limit may be exceeded if the vehicle complies with the standards for conditions of appearance.

7 The first consultation suggested the introduction of a vehicle age policy where all new vehicles (first license and change of vehicles) are 4 years of

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age or less and all existing vehicles could be licensed until they reached 10 years of age.

- 8 Following consultation, review of feedback and considerable deliberation by Members, this policy proposal was significantly changed to reduce the burden on the trade. It was subsequently agreed that:

All new vehicles to be licensed (first license and all change of vehicles if not a current licensed vehicle) to be 7 years of age or lower.

All vehicles to be licensed until they reach 12 years of age.

It is also proposed to introduce an exceptions policy as follows;

Licensees of current licensed vehicles may apply for a one year extension annually, for vehicles over 12 years of age. An application must be made in writing/via email no less than 30 days before the date of expiry of the license. The interior and exterior of the vehicle must meet the Council's specifications. The vehicle must have had a Certificate of Compliance within the last 3 months and will require an inspection by one of the Council's approved garages, for which there will be a £25 charge.

- 9 It was noted that all bar one of the eight closest local authorities had vehicle age policies including South Bucks, and that Chiltern District Council's proposed revised vehicle age policy would be the most flexible.
- 10 As a deregulated Hackney Carriage and Private Hire Licencing Authority the policy cannot be strictly applied solely on the grounds of age and appearance, but must relate to the safety of the vehicle.
- 11 Section 32 of the Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance, issued in February 2010 states 'a greater frequency of testing may be appropriate for older vehicles'.
- 12 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 allows for the Council to require a vehicle to be tested up to a maximum of three times per year.
- 13 In the course of researching this report, Officers found and considered the following information:

According to the 'Motor Vehicles Dismantlers' Association', the average lifespan of an ordinary domestic car is 13.5 years.

There is no evidence to demonstrate the average lifespan of a taxi or private hire vehicle. This is possibly reflected in the varying age restrictions imposed by various local authorities. However, the vehicle manufacturing industry suggests that the lifespan of a vehicle is generally attributable to the way the vehicle is used and maintained. Members considered that the maximum age a vehicle should be licenced would be 12 years, but with ability for cars to be

licenced beyond 12 years e.g. vintage cars following a visual check for which there would be a charge made.

- 14 A review of the information available on the risk of vehicle failure in relation to age identified the following figures reported to Calderdale MBC Licensing and Regulatory Committee, 11 June 2012.

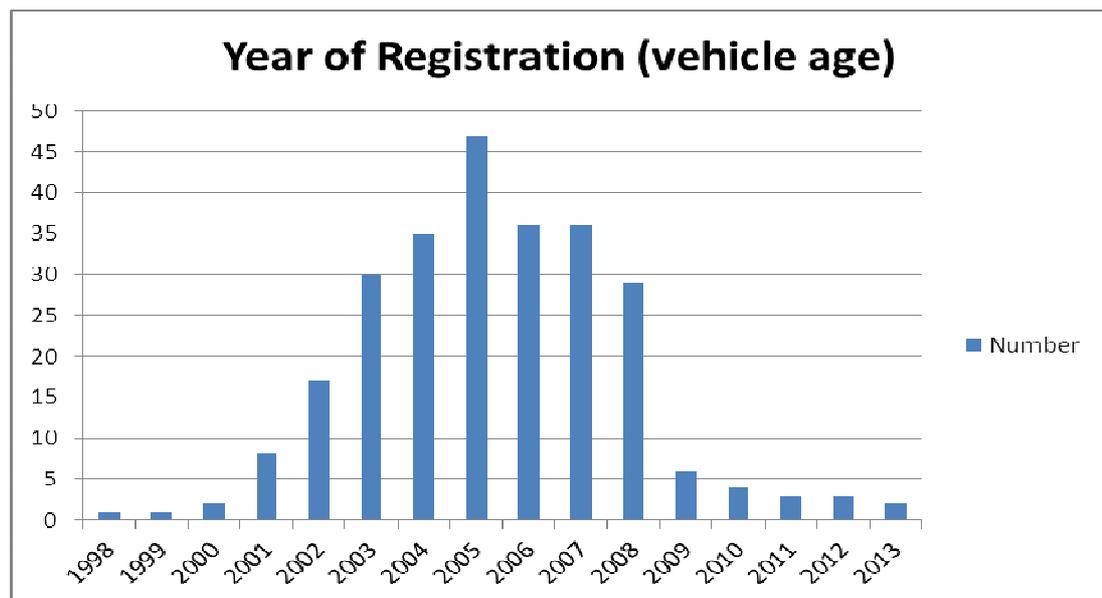
In April 2012 there have been 117 compliance tests undertaken.

Vehicles over 6 years old - 29 had minor failures and 13 had major failures.

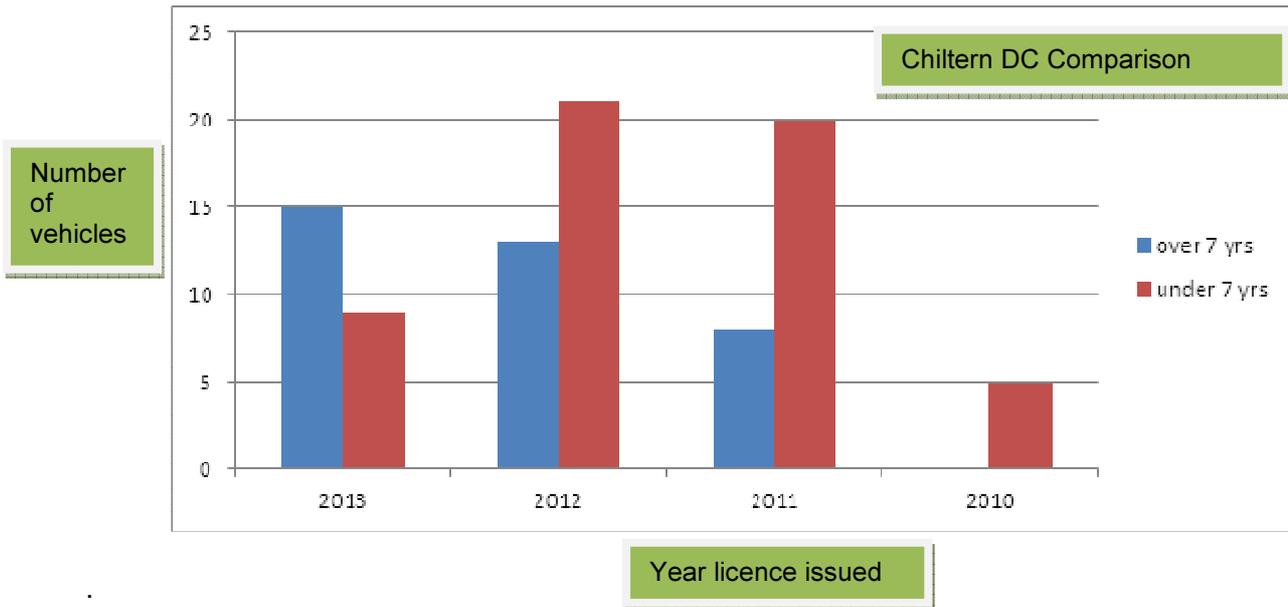
Vehicles under 6 years old - 14 had minor failures and 2 had major failures.

This Council does not currently have any failure statistics from its own compliance testers but the authority will seek this information for future reference.

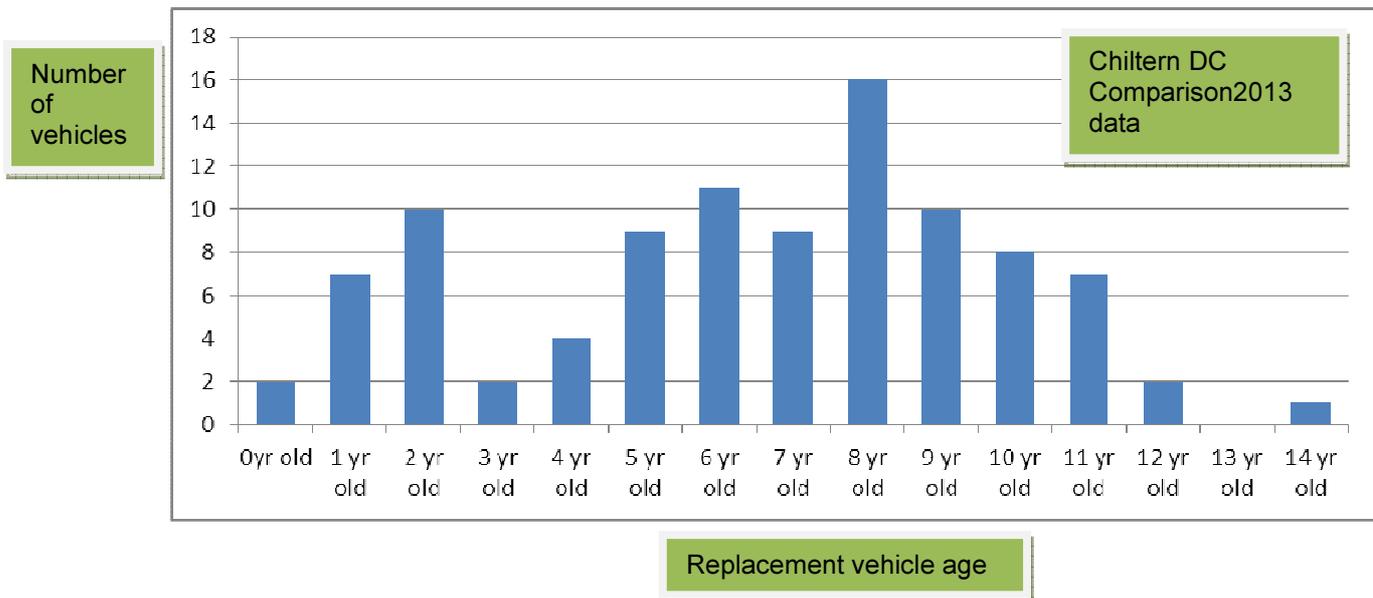
- 15 The following graph shows the year of registration (age) figures for all Chiltern vehicles at the time of writing this report:



- 16 When looking at **new licences** issued over the period of 2010-2013, 93 have been issued. The graph below shows these broken down into 'over 7 years old' or 'less than 7 years' at first licence.



17 Analysis of **change of vehicles** has also been undertaken. There have been 98 changes of vehicles since January 2013 at the time of writing this report. The graph below shows the age of replacement vehicle at the time of change.



18 The graph shows that the average vehicle age for a change of vehicle is 6.5yrs of age. The oldest vehicle is 14 years old and the youngest being brand new vehicles. The majority of vehicles are within the 4 to 11 years age range.

19 The trade has explained that many proprietors cannot afford to purchase new vehicles at their current turnover based on the Hackney Carriage Fares and available trade. That since the recession the trade has been more difficult with businessmen not traveling to the airport as frequently as before; many

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international meetings are being undertaken by tele and video conferencing and not face to face. The trade has also see a reduction in income opportunities through loss of school contracts to operators based in Wycombe and Aylesbury.

- 20 The trade appear to accept the proposed policy conditions of a 7 year age limit on first licensing a vehicle as these enable the flexibility required to operate. In practice very few vehicles are affected by the 12 year limit and the issue of safety can be addressed through more frequent vehicle examination. The Council currently requires two compliance checks per year for all vehicles over six years of age. The compliance check considers both vehicle safety and appearance. Should Members seek to increase the number of checks for older vehicles, they may consider three tests per year.
- 21 It is therefore suggested that the agreed proposal is amended to the following;

All new vehicles to be licensed (first license and all change of vehicles if not a current licensed vehicle) to be 7 years of age or lower

All vehicles to be licensed until they reach 12 years of age, should a vehicle continue to be licensed beyond 12 years it will be required to have 3 compliance tests/yr.

- 22 The second point raised by the trade is in relation to the overall financial burden from the proposed changes to policy. Officers have therefore listed those policy elements with associated additional costs.

Element	Description	Impact	Amount (per year)
Policy element 1:	Disability Awareness Every 4 years	Cost if needed	+£11.50
Policy element 2:	Removal of need for additional medical	Cost Reduction	- £
Policy element 3:	Low emission vehicle discount	Cost Reduction	- £
Policy element 4:	Conviction guidance	No Change	£0
Policy element 5:	Monitoring of contraventions	No Change	£0
Policy element 6:	New applicant – Good Conduct	No Change	£0
Policy element 7:	Vehicle Age	See discussion above	
Policy element 8:	Vehicle Age	See discussion above	
Policy element 9:	Executive Plates criteria	No Change	£0
Policy element 10:	Remove need for notification	Cost Reduction	- £
Policy element 11:	Minimum Size of sign	No Change	£0

As can be seen the perceived increases to the trade relate only to the requirement for disability awareness training and the testing of vehicles over 12 years of age. The disability awareness is not required for those drivers already having undertaken the relevant training and can provide proof and is also the same training required by BCC for those companies undertaking school contracts. The frequency of every 4 years would equate to a maximum expenditure of £11.50 per year.

- 23 It should also be noted that the fees charged by the Council have not risen for 6 consecutive years.
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Appendix 1:

CHILTERN DISTRICT COUNCIL

Equality and Diversity Impact AssessmentPart 1

Title of document being assessed	CHILTERN HACKNEY CARRIAGE AND PRIVATE HIRE POLICY
1) This is a new policy, procedure, strategy or practice being assessed (If yes please tick box) NO	This is an existing policy, procedure, strategy or practice being assessed? YES
2) Please give a brief description of the policy, procedure, strategy or practice being assessed.	This is a revision to an existing policy to bring it up to date and sets out the Council's approach to decision making in relation to licensing of Hackney Carriage/Private Hire Drivers, Vehicles and Operators.
3) What is the intended outcome of this policy, procedure, strategy or practice?	<ul style="list-style-type: none"> ➤ Improvements to the structure of the document and to the look and feel of the policy to make it easier to understand and read. ➤ The Equality Act 2010 has new and emerging implications for both hackney carriage and private hire operators in respect of disabled access to vehicles. ➤ In recommending changes to the existing policy (seen in proposal boxes) and following consultation feedback, the council will have regard to the likely costs of implementation and will endeavour to strike a balance between the financial interests of the trade, public safety and the delivery of other council policies.
4) Policy Aims:	<ul style="list-style-type: none"> • by ensuring that licensed vehicles do not give rise to a risk to passenger safety. • by ensuring that licensed drivers are fit and proper persons and achieve as high a standard of good practice as is possible. • by ensuring that licensed vehicles meet emissions standards and encouraging the use of low polluting vehicles. • by encouraging the use of vehicles that are more accessible to persons who have disabilities. • by liaising with the County Council highways department to encourage that taxis and private hire form part of the wider strategic transport and local transport plans.

Appendix

	<ul style="list-style-type: none"> • by working in partnership with a variety of other agencies to both support the Council's objective in relation to both the public and the trade • by reducing the frequency with which licence holders are required to attend the Council Offices. • by improving online accessibility to allow remote application by new and existing licence holders. • by utilising electronic and mobile communication methods including the use of sms messaging and extranet sites
<p>4) Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.</p>	<ul style="list-style-type: none"> • DFT Taxi & Private Hire Licensing Best Practice Guidance 2010 • The National Association of Licensing and Enforcement Officers – Model • Standard for Taxi and Private Hire Licensing - • Department for Transport Guidance for operators of stretch limousines – • Town Police Causes Act 1847 • Local Government (Miscellaneous Provisions) Act 1976 • Transport Act 1985 • Road Safety Act 2006
<p>5) Please list those consulted with in relation this proposal.</p>	<ul style="list-style-type: none"> • Taxi Forum (pre formal consultation) • Taxi and Private Hire Drivers & Proprietors • Private Hire Vehicle Operators • Thames Valley Police • Bucks County Council • Disability Groups • Transport User Groups • General Public • Town & Parish Councils • Age Concern • Authorised Garages • VOSA

Part 2

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

Appendix

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
People with a disability (Wheelchair users and carers and others who may require additional support to access and egress taxis)	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age (People with age related impairments may benefit from improved driver disability/ customer care training)	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Socio-economic	<input type="checkbox"/>	x	x	<input type="checkbox"/>
Pregnancy & Maternity (Parents of young children particularly those in prams or buggies may benefit from improved driver disability/ customer care training)	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 3

<p>1) Have any positive impacts been identified? (We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>If yes please give further details</p> <p>Yes: Improved, easier to understand policy and procedures.</p> <p>Yes: Improved understanding by drivers of disabilities and how to best to support those with them.</p> <p>Yes: Disabled customers who use a wheelchair for mobility should benefit from the provisions set out in the policy.</p> <p>Yes: CDC is committed to encouraging applications for more fuel efficient vehicles. Vehicle pollution has a significant impact to air quality in the District, and there is widespread agreement that more must be done to reduce the number of higher polluting vehicles. The Council will therefore offer a reduction of 25% on vehicle licence fees</p>
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	<p>for any vehicle which falls within Band A, B or C for road tax purposes. Evidence from the vehicles V5 document will need to be provided prior to any discounted rates being given.</p> <p>Yes: Reduced need to visit offices by drivers.</p>
<p>2) Have any negative impacts been identified? (Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>No, see below:</p> <p>Race: Are required to speak, read and write in English. This can be corrected by individuals learning the necessary skills</p> <p>Gender None – open to all</p> <p>Age Annual medical for those over 65 No under 18s eligible to apply to drive</p> <p>Both of these are statutory requirements</p> <p>Disability Failure to meet Group 2 medical standard</p> <p>Sexual Orientation No restrictions</p>
<p>3) What action is proposed to overcome any negative impacts? E.g. involving community groups in the development or delivery of the policy or practice, see Good Practice on DCC equalities web page</p>	<p>Please give further details</p> <p>Policy has been developed with significant consultation , best practice, benchmarking against other Las, specific working groups between Members and the trade</p>
<p>4) Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome? (If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>Yes, The policy addresses technical issues on the taxi and private hire licencing trade. There is no evidence that anyone is prevented from operating other than under statutory control.</p> <p>Changes have been made to the policy based on dialogue with the Trade and other stakeholders.</p>
<p>5) How will the policy be monitored? (How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.</p>	<p>Please give details</p> <p>Monitoring by the Head of health & Housing, Regular dialogue with Chair of Licensing & Regulation Committee</p> <p>Reports to Licensing Committee</p>

**CHILTERN DISTRICT COUNCIL
LICENSING & REGULATION COMMITTEE – 5TH DECEMBER 2013**

Background Papers, if any, are specified at the end of the Report

LICENSING AND ENFORCEMENT UPDATE

Contact Officer: Donna Harrison ((01494 732063)

RECOMMENDATIONS

1. That Members note the report

Report

1 General

- 1.1 The authority is responsible for ensuring compliance with the legislation and Council policy for licensing including Licensed Premises, Taxi and Private Hire and Animal Licensing.
- 1.2 Routine or non-controversial licensing enforcement functions are generally administered by Officers under delegated powers. Matters relating to policy, hearings of objections to applications, and individual cases requiring special consideration are referred to the Licensing Sub-Committee for determination.

Enforcement

Premises Licences and Club Premises Certificates

- 2 Chiltern District Council currently licence 356 Premises (including pubs, restaurants, off licences, village halls etc.) and 41 Club Premises under the Licensing Act 2003. Licensed Premises are identified and inspected on a risk related basis, taking into consideration complaints, previous history of compliance and intelligence e.g from the Police or Environmental Health. No formal action (prosecution) has been necessary to secure compliance over the last year. All of the information within this report covers the period 26.11.2012 to 14.11.2013. 62 visits have been made to 41 licensed premises to carry out inspections or discuss queries or complaints with licensees/Designated Premises Supervisor's.
 - 2.1 There has been 1 Review of a Premises Licence, which did not result in any amendments to the license conditions.
 - 2.2 There have been 3 applications for Premises Licences that have received valid representations and were referred to the Licensing Sub-Committee for determination. All 3 were granted with appropriate conditions.
 - 2.3 410 Temporary Event Notices (TEN's) have been issued

3 Taxi and Private Hire

3.1 Chiltern District Council currently licence;

Hackney Carriage Drivers Licenses - 197

Hackney Carriage Vehicle Licenses - 143

Private Hire Drivers Licences - 187

Private Hire Vehicle Licenses – 124

Private Hire Operator Licenses (including single and larger operators) - 39

3.2 9 operator addresses have been visited to discuss queries, inspect records and bookings etc. The Licensing Officer has met with 12 Operators.

3.3 The following actions were taken during the period above;

Action	Numbers
Verbal warning	27
Warning letter	8
Caution	0
Prosecution	0
Suspension of licence	11
Revocation of licence	2
Appeal	0

3.4 A specific investigation was conducted with regard to an alleged unlicensed Operator. Numerous visits and checks were made with regard to the allegations but there was no evidence of the business operating within our district. The company concerned now has an Operator's licence with CDC and the Licensing Officer continues to closely monitor the company's activity.

3.5 Numerous complaints have been received with regard to drivers/vehicles licensed by the Public Carriage Office in London picking up passengers without bookings at a particular premises within the District. The Licensing Officer has monitored the activity at the premises, met with the licensees, discussed the allegations with an enforcement manager at the PCO and contacted the London Operator directly. These allegations continue to be investigated and an enforcement operation has been scheduled to see if the allegations are valid and can be proved. In addition, complaints have been received regarding two CDC licensed Private Hire Driver's/Vehicles allegedly plying for hire at the same location, the planned enforcement activity aims to also prove or disprove these allegations.

3.6 Members will be aware that the Taxi and Private Hire Policy has been reviewed and updated which included extensive consultation. The Policy has been approved by the Licensing Committee and it is anticipated that it will be ratified by Council very shortly. The updated Policy includes the introduction of a card system, whereby yellow or red cards can be issued for certain offences/contraventions. If a licensee obtains 4 yellow or 1 red card within a rolling 12 month period

they will be referred to the Licensing Sub-Committee to consider whether action should be taken against their licence.

4 **Animal Licensing**

4.1 Chiltern District Council currently licence;

Animal Boarding Establishments - 9
Animal Boarding (in the home) – 16
Animal Breeding Establishments – 2
Pet Shops – 3
Dangerous Wild Animals – 0
Riding Establishments – 5

4.2 The Licensing Officer has carried out 4 inspections of Animal Boarding Premises to meet with the licensees, discuss queries or issues and in some cases investigate complaints. The Council have a Service Level Agreement with Wheelhouse Veterinary Centre who attend to carry out a full inspection of all licensed establishments/premises once a year.

4.3 Details of individuals/companies who advertise as potentially providing boarding have been identified and contacted to establish the activities they provide, whether a license is required and if they have a license. Those who were identified as requiring a license have been strongly encouraged to submit applications. As a result of this the number of licensees for Animal Boarding in the home has doubled from 8 last year to 16 this year.

4.4 The Council also have a Service Level Agreement with Wendover Heights Equine for the Riding Establishments. All of the licensed establishments are inspected twice a year by the Vet and a report is sent to the Licensing Team. The Licensing Officer will follow up any recommendations with the Licensee. The Licensing Officer has attended 2 premises inspections with the Vet.

4.5 The Licensing Officer and Environmental Health Manager have been liaising with a large Home Boarding Franchise with regard to the requirement for their individual boarders to be licensed. A meeting was recently held with the franchisees representing the company and an agreement has been reached that the company will submit the applications on behalf of the individual home boarders by 10th December 2013.

5 **Street and House to House Collections**

5.1 The Council issued the following number of permits during the period;

House to House Collections – 18
Street Collections - 113

5.2 The process for Street and House to House Collections has been strengthened in order to maximise the number of returns received. When a permit is issued the promoter is required to submit a return detailing the amount collected, expenses and the amount given to the charity. The process has changed so that if a promoter does not

Item 6

submit their return their next request for a collection will be refused until the outstanding return has been submitted.

6 **Small Society Lotteries and Gaming Permits**

6.1 The Council currently have 53 issued Gaming Permits. The Licensing team receive numerous enquiries about the requirement of the Permits, the categories and number of machines etc.

6.2 Small Society Lotteries are issued for certain prize draws and raffles. The Council currently have 122 issued registrations.

Background papers: None

CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE – 5TH DECEMBER 2013

Background Papers, if any, are specified at the end of the Report

CHARITABLE STREET COLLECTIONS

Contact Officer: Ian Snudden 01494 732057

RECOMMENDATIONS

That Members consider the Charitable Street Collections Policy.

Report

- 1 The Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972 and Charities Act 2006 authorizes local authorities to regulate collections with respects to the places where and the conditions under which persons may be permitted in any street or public place to collect money or sell articles for the benefit of charitable or other purposes.
- 2 At the meeting of 5th February 2010, the Licensing and Regulation Committee approved amendments to the *Regulations made by Chiltern District Council with regard to Street Collections 1981* to comply with the Provision of Services Regulations 2009, which aimed to open up the European internal market to cross-border trade. The implications were to lift restrictions as to when and where charitable collections could take place unless there was an overriding reason of public interest. At the time of writing, there were no overriding reasons to maintain the restrictions and so the Regulations were amended.
- 3 However the implication has been that streets have had collectors from a number of charitable organisations collecting at the same time creating a degree of conflict for the public in terms of interference and annoyance and the charities in terms of reduced charitable donations. As a result the Licensing Team has received complaints and it was considered that there existed an overriding reason of public interest to impose some form of restriction.
- 4 A review of the Regulations provided flexibility to amend the process requirements and to restrict the times and areas in which charitable street collections could take place. Guidance for applicants and enforcement officers has been developed to incorporate such restrictions and a consultation with all interested parties has been undertaken.
- 5 A table summarising the responses is detailed in **Appendix 1** and the amended Street Collection Guidance is presented in **Appendix 2**.

Background Papers: None

Schedule of Responses following the consultation on the Council's Charitable Street collections Guidance

Section: How Many Permits are issued in each area?

Question 1	Reason
Is the period of no earlier than 3 months prior to collection reasonable	To prevent organisations block booking whole areas too far in advance, therefore limiting the areas available for other organisations

Reference	Respondent	Comments	Appraisal	Response
001/01	Chesham Society	These changes appear to sensible and practical The Chesham Society endorses these changes which it believes will be beneficial for our Annual Flag Day collection in the Chesham High Street during June each year.	Noted support	
002/01	IRRH	The period of 3 months is not sufficient notice from our point of view – in January each year we send a letter to potential volunteers with the dates of all of our planned collections for the year and ask the volunteers to tick which dates they are available for. If we had to do more than one letter it would be extremely costly for us and would take up far more time from an admin point of view.	Amend	Amend – time period extended to maximum of 12 months prior to collection
003/01	St Michael's, Amersham	I think this is fine for small charities, but large Charities know from year to year when their Flag Days are and presumably would want to be sure of getting that particular well in advance. Smaller charities may want to organise a collection on short notice (I have on	Amend the maximum time period for applications. However, a	Amend – time period extended to maximum of 12 months prior to collection

		occasions) so having to apply with a month hasn't be convenient. Does the Council really need 4 weeks to get a permit approved? Could this be reduced to 2 weeks?	minimum of 4 weeks' notice allows time to assess and process the application and to issue the permit	
004/01	South Bucks DC	Not very customer-friendly as it would make it difficult for charities to do their fiscal planning. At the moment SBDC take applications for the whole year ahead from September of the previous year, but we would prefer to offer a 'rolling' year's notice for applications to avoid the 'onslaught' we currently get at this time of year.	Amend	Amend – time period extended to maximum of 12 months prior to collection

Question 2	Reason
Areas based on Wards – is this reasonable?	To provide a clear and practical administrative boundary within which organisations can collect

Reference	Respondent	Comments	Appraisal	Response
001/02	Chesham Society	These changes appear to sensible and practical The Chesham Society endorses these changes which it believes will be beneficial for our Annual Flag Day collection in the Chesham High Street during June each year.	Noted support	
003/02	St Michael's,	Re. Amersham - presumably these are 3 separate Wards	Noted	Clarified

	Amersham	each requiring a separate permit?		
004/02	South Bucks DC	Depends on the size of the Wards. Would seem reasonable to allow one collection in Old Amersham at the same time as one in New Amersham.	Noted	

Question 3	Reason
Only one permit to be issued per area per collection period applied for with the exception of exceptional circumstances – is this reasonable and practical? Are there other exceptional circumstance which could be added?	To prevent organisations from block booking a number of areas thus preventing others from collecting in those areas. Only one collection per area will prevent competition between collecting organisations.

Reference	Respondent	Comments	Appraisal	Response
001/03	Chesham Society	These changes appear to sensible and practical The Chesham Society endorses these changes which it believes will be beneficial for our Annual Flag Day collection in the Chesham High Street during June each year.	Noted support	
002/03	IRRH	One permit per ward/area is <u>essential</u> . Twice this year we have found other charities collecting and this has been very frustrating for our volunteer coordinator, who cancelled the collection and then had to try and contact all volunteers as Amersham is not a large enough area to have two charities collecting. If at short notice as per your point due to a natural disaster you decide to allow a charity to collect it would be good if you could let the	Amend	Amend – to inform charity of disaster appeal changes

		charity already due to collect know so that they can have the opportunity to change their date if they should wish to do so.		
003/03	St Michael's, Amersham	If this means one collection per 3 months I think that's reasonable to give everyone a chance.	Noted support	
004/03	South Bucks DC	Yes – agree.	Noted support	

Question 4	Reason
An individual or organisation can only collect in one area at any one time and each permit will have effect for a maximum of 4 weeks – is this reasonable and practical?	To prevent organisations block booking a number of areas at any one time and to allow organisations to collect in alternative available areas on the same day. To prevent an organisation monopolising an area or group of areas for a prolonged period of time. An organisation can collect either for a day or for the whole 4 week period but no longer without making another application.

Reference	Respondent	Comments	Appraisal	Response
001/04	Chesham Society	These changes appear to sensible and practical The Chesham Society endorses these changes which it believes will be beneficial for our Annual Flag Day collection in the Chesham High Street during June each year.	Noted support	
002/04	IRRH	A period of 4 weeks for one charity is from our point of view too long although I realize some charities request this. We normally ask for one or two dates at a time per area and this has worked well for us so far from an application point of view.	Amend	Amend – permitted collection period reduced to 8 consecutive days

				to allow for National Fundraising Weeks but still enabling other charities to collect at other times.
003/04	St Michael's, Amersham	not sure what this means. I thought the specific date/dates were printed on the permits?	Noted	Clarified
004/04	South Bucks DC	<p>We believe this would again make it very difficult for charities to be efficient and effective as it would require them to submit multiple applications on a continual basis. Those collecting for a particular cause at a specific time of year (i.e. Poppy Appeal) need to be able to collect in multiple locations at the same time because of time restrictions. Restricting them to one area at any one time would mean that if they had half a dozen locations earmarked, they would have to submit 6 applications for 6 consecutive days. From our point of view, the work is the same for us, because a permit must be issued for every road or every area being collected in, but it would create far more work for the charity – which in itself would perhaps add to their costs – something we would prefer to avoid for them.</p> <p>At the moment the SBDC application form lists all areas / streets on the same form and multiple dates can be entered on the one form.</p>	Amend – although charities will have to apply for each period they require, discussions have shown that they only tend to collect a few times a year due to limitations on the number of volunteers they can obtain. Therefore this would not be too onerous. Online	<p>Amend – permitted collection period reduced to 8 consecutive days to allow for National Fundraising Weeks but still enabling other charities to collect at other times.</p> <p>The concept of collecting across the 'whole district' has been introduced at the Council's</p>

			applications will make the application process simpler.	discretion to allow for National Fundraising Days and Weeks. The discretion comes with regard to the number of areas to be permitted, restricting collections if an area is already covered by another charity
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Question 5	Reason
Any number of collectors can operator within the area applied for.	To clarify that a collection in an area relates to a single charitable collection and not a physical collection

Reference	Respondent	Comments	Appraisal	Response
001/05	Chesham Society	These changes appear to sensible and practical The Chesham Society endorses these changes which it believes will be beneficial for our Annual Flag Day collection in the Chesham High Street during June each year.	Noted support	
003/04	St Michael's, Amersham	I think the number of Collectors operating per area should be regulated according to the size of the area. For instance, speaking from experience, in Amersham on	Discussions with charities has shown that	No change

		the Hill you only have Sycamore Road, and possibly the top of Hill Ave as effective places to collect so 5 or maybe 6 collectors would be absolute maximum, both from the Charity's and Public's point of view.	the number of volunteers is self-limiting and so large numbers of collectors from the same charity in one particular area is unlikely	
004/02	South Bucks DC	This is fine with us, as we have not had an adverse feedback in relation to this.	Noted support	

Question 6	Reason
Each application can only relate to one area and collection period at a time. Is this practical?	To enable CDC back office systems to efficiently process and produce permits

Reference	Respondent	Comments	Appraisal	Response
001/06	Chesham Society	These changes appear to sensible and practical The Chesham Society endorses these changes which it believes will be beneficial for our Annual Flag Day collection in the Chesham High Street during June each year.	Noted support	
003/06	St Michael's, Amersham	Yes - one application per area seems fine.	Noted support	



STREET AND HOUSE TO HOUSE COLLECTIONS GUIDANCE NOTES

Licensing Team, King George V House, King George V Road, Amersham Bucks HP6 5AW
 Direct Line: 01494 732063
 Switchboard: 01494 729000
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 E-mail: licensing@chiltern.gov.uk

Street Collections

The Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972 and Charities Act 2006 authorises local authorities to, within their district, regulate collections with respects to the places where and the conditions under which persons may be permitted in any street or public place to collect money or sell articles for the benefit of charitable or other purposes.

A brief Guide

The Licensing team have compiled these notes purely to give guidance to those wishing to apply for a Street Collection or House to House Collection Permit. They are not a full and authoritative statement of the law and do not constitute professional or legal advice. The council does not accept any liability or responsibility for any errors, omissions or misleading statements on these pages

Definitions

For the purposes of the street collection regulations and for these guidance notes, unless the context otherwise requires,

'Charitable purpose' - the statutory definition of charity, including the list of headings for charitable purposes and the public benefit requirement are set out below:

- a) The prevention or relief of poverty.
- b) The advancement of:
 - education
 - religion
 - health or the saving of lives
 - citizenship or community development
 - the arts, culture, heritage or science
 - amateur sport,
 - human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
 - environmental protection or improvement

- animal welfare
- c) The relief of those in need by reason of youth, age, ill-health, disability, disadvantage, financial hardship or other disadvantage.
- d) The promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services.
- e) Other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

'Area' means streets within the local authority Ward boundary.

'Street' includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

'Collection' means a **collection of money or sale of articles** for the benefit of charitable or other purposes and the word 'collector' shall be construed accordingly.

'Promoter' means any person who causes others to act as collectors

'The Licensing Authority' means the Chiltern District Council

'Permit' means a permit for 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 collection of money from contributors.

Who Needs to Apply?

Any Person who wishes to collect money or sell articles for the benefit of charitable or other purposes is required to apply for a collection permit. No collection shall be made unless a promoter has first obtained a permit from the relevant Licensing Authority.

When do I need to Apply?

A collection or sale which is to be held on any highway and public bridge, road, lane footway, square, court, alley or passage, whether a thoroughfare or not will require a permit. A collection, which is to take place within a private building, for example a supermarket, **does not** require a permit. However, if you wish to hold a collection standing in the entrance of a private premises and solicit contributions from passers by then a permit **will be** required.

If you are planning on holding a collection outside the entrance to a supermarket authority will need to be obtained from them. This authority is needed in **addition** to a street collection permit and a collection or sale cannot take place without a permit issued by Chiltern District Council.

At what time should I apply for a Permit?

The application form to apply to hold a collection should be received at the council offices no later than 1 month and no earlier than 12 months prior to the proposed collection date. Although every effort is made to meet preferred dates we do experience a high volume of applications for Saturday collections. We process applications by date of receipt so it is best to return your application forms as soon as possible.

Applications received less than 1 month before the proposed collection date will only be accepted after prior arrangement with the Licensing Team. It is the applicants' responsibility to ensure that they are in possession of a Street Collection Permit before their collection or Sale may take place.

How Do I Apply For a Permit?

1. Applications for a Street Collection Permit can be made online and a copy of the Regulations can be downloaded from our website.
2. Read the Regulations fully. If there are any queries relating to these regulations please contact the Licensing Team for further clarification. It is important that you understand these regulations and your responsibilities as in submitting the application form you will be agreeing to comply with them.
3. Contact the Licensing team to check that the dates you want are available and has not already been allocated to another charity.
4. Complete the form entering all details and answering all questions. Please make sure that your address, email and daytime telephone number are correct so that we are able to contact you if required.
5. Submit the form only once you have read and understood all conditions.

When will I receive my Permit?

On receipt of your application form we will check that the form is completed correctly and that the date(s) requested are still available. If we are not able to issue a permit for your requested date(s) we will contact you with some alternatives.

If all is satisfactory a permit will be issued with a further copy of the regulations and a 'form of statement' return form, please see the 'Return of Accounts' section for more information.

Where Can I Collect?

Chiltern District Council issues street collection permits for locations within the following Wards;

- Amersham - Amersham Common, Amersham Town, Amersham-on-the-Hill,
- Ashley Green, Latimer and Chenies
- Ballinger, South Heath and Chartridge
- Chalfont St Peter - Austenwood, Central, Chalfont Common, Gold Hill
- Chalfont St Giles
- Chesham - Asheridge Vale and Lowndes, Hilltop and Townsend, Newtown, Ridgeway, St Mary's and Waterside, Vale
- Chesham Bois and Weedon Hill
- Cholesbury, The Lee and Bellingdon
- Great Missenden
- Holmer Green
- Little Chalfont
- Little Missenden
- Penn and Coleshill
- Prestwood and Heath End
- Seer Green

How Many Permits are issued in each area?

Only one permit will be issued per area per collection period applied for with the exception of exceptional circumstances - for example, national and international disaster appeals where multiple

collections may take place, providing collections do not take place at the same location and at the same time.

Where Street Collection Permits are granted in exceptional circumstances a relaxation of Regulation 3 of the Council's Street Collections Regulations shall be available, namely that applications under these circumstances need not be made one month before the date on which it is proposed to make the collection. Any charity previously granted permission to collect at that time will be notified.

An individual or organisation will generally be permitted to collect in only one area at any one time and each permit will have effect for a maximum of 8 consecutive days. Applicants can apply to collect for the whole 8 day period or for a lesser time. Any number of collectors can operate within the area applied for. Each application can only relate to one area and collection period at a time. Any applications to collect in the whole District will be considered at the Council's discretion and a permit may be granted for whole or part of the District. Only one 'whole District' permit will be granted at any one time.

How Many Collections can I hold in a year?

Currently Chiltern District Council does not limit the number of collections a charity or promoter can hold in one calendar year. We do however ask all permit holders to be reasonable with the applications that they intend to make and ask that they only request permits for dates which they will be realistically able to hold a street collection or sale.

What do I do if a collection is cancelled?

If the collection is cancelled in advance, for example due to lack of volunteers, we request that the council be notified and the issued permit be returned to us so that we may issue another permit for the vacated date. In this case no further paperwork relating to this collection will be required.

If the council does not receive notification of the collection cancellation or if the collection does not take place due to unforeseen circumstances, like inclement weather, we require a statement of form to be returned within one month of the cancelled collection date showing 'nil' entries along with a short covering letter explaining the reasons for the cancellation.

When wouldn't a permit usually be issued?

The Council will not issue permits to an individual or organisation which fails to provide adequate information in order to consider their application properly. This includes any information which might lawfully be requested by the Council in addition to that given on the application form.

Subject to the provisions of the forthcoming Charity Tribunal, the Council will not issue permits to an individual for private gain nor an individual or organisation whose aims do not appear to be charitable or of a closely allied nature or comply with the definition of charitable purpose under the Charities Act 2006.

The Council will not issue permits to an individual or organisation whose collectors are paid more than it considers to be 'reasonable expenses' or who do not comply with the provisions made under the Charities Act 2006 updating the requirements of the Charities Act 1992 with regard to remuneration and solicitation statements.

The Council will not normally and without good reason, issue further permits to an individual or organisation that has cancelled a street collection in Chiltern at short notice (less than one week), on more than one occasion in the last three years

The Council will not normally issue permits to an individual or organisation that has held an unlawful street or house to house collection within this area, or that of another local authority.

The Council will take into account any reasonable decision by another local authority to refuse permission for the individual or organisation in question to hold a street or house to house collection, and the reasons for it.

The Council will not normally issue permits to an individual or organisation who has broken the Street Collections Regulations set by this Council, or those of another local authority within the last five years, or where it is reasonably suspected that the individual or organisation might do so.

The Council will not normally issue permits to an individual or organisation who has previously submitted a returns form for a collection which has taken place in the District showing that no money was received, unless the 'nil return' was the result of the collection being cancelled.

The Council will take into account relevant and reasonable information or advice supplied by the Police or other relevant body in deciding whether to grant a permit.

The Collection and Collectors

Who may take part in the collection?

1. No person may assist or take part in any collection without the written authority of the promoter and this person shall produce such written authority for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
2. 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.

What receptacle can I use for the collection?

1. Every collector shall carry a collecting box
2. 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.
3. All money received by a collector from contributors shall immediately be placed in a collecting box.
4. Every collector shall deliver, unopened, all collecting boxes in his/her possession to a promoter.
5. A collector shall not carry or use any collecting box, receptacle or tray which does not display prominently the name of the charity or fund which is to benefit nor any collecting box which is not numbered.

Open buckets are NOT a suitable collection receptacle.

Collection receptacles for Sales?

We appreciate that in the case of a sale where change is likely to be needed it is not possible to have sealed collection boxes. In this case we ask the promoter to use their discretion when complying with these regulations. However, if a collection takes place alongside a sale the receptacles used for the collection will need to comply fully.

Can I get paid for collecting?

The regulations state that no payment shall be made to any collector.

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.

How should collectors conduct themselves?

1. No collection shall be made in a manner likely to inconvenience or annoy any person.
2. No collector shall importune any person to the annoyance of such person.
3. 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 meters.

Processions

The Licensing authority may, if it thinks fit, waive the requirements of (a) and (b) above in respect of an authorised procession.

Opening Collection receptacles

Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.

Where a collecting box is delivered, unopened to a bank, it may be opened by a bank official.

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.

Returns – Form of Statement

What details do I need to supply with my Form of Statement return?

Within one month after the date of any collection, the person to whom a permit has been granted will need to forward to Chiltern District Council the following;

1. A Form of Statement, available from the Licensing Team showing the amount received and the expenses and payments incurred in connection with the collection. The Permit holder and a qualified accountant must certify this return. This is an official declaration to the Council stating how much money you have raised and how much is going to be given to the charity. Applicants are advised that although there is no legal minimum the percentage of the proceeds of a collection applied to expenses should not exceed 20%.
2. For the purposes of this regulation 'a qualified accountant' means a member of one or more of the following bodies

The Institute of Chartered Accountants in England and Wales
The Institute of Chartered Accountants in Scotland
The Association of Certified Accountants
The Institute of Chartered Accountants in Ireland

A list of the collectors along with a list of the amounts contained in each collecting box.

3. Within the same one month period, at the expense of the permit holder, and after a qualified accountant has given his/her certificate under paragraph, publish in a local newspaper for the area 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.

The following newspapers cover the Chiltern District:

Bucks Advertiser – Chalfont St Giles, Chalfont St Peter; Bucks Examiner – Amersham, Little Chalfont, Chesham, Chalfont St Giles, Great Missenden, Prestwood; Bucks Free Press – Amersham

Exemptions

These regulations shall not apply in respect of a collection taken at a meeting in the open air to the selling of articles in any street or public place when the articles sold are in the ordinary course of trade.

House to House Collections

The conduct of collections made by means of visits from house to house is governed by the House to House collections Act, 1939, and the House to House collections Regulations, 1947 (as amended). The legal interpretation of 'collection' means an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property. This means that collections e.g. clothing and direct debit fundraising, will also need to be licensed.

Collections requiring a Licence

1. Subject to two exceptions, the promoter of a collection for a charitable purpose requires a licence from the licensing authority.

The two exceptions are as follows:-

- (a) Where the Secretary of State has granted an order to an organisation which pursues a charitable purpose throughout the whole, or substantial part, of England and Wales, and is desirous of promoting collections for that purpose. Where such an order has been granted, the person or organisation will be exempt from the requirement to obtain licences from the licensing authority in respect of all collections for that purpose in such localities as may be prescribed in the Order.

If you feel that such an Order may apply to the collection which you wish to hold, enquiry should be made with the council's licensing section.

NB. Those with exemptions are required to notify the licensing authority of the location and dates of their house to house collection.

- (b) A similar exemption is provided for collections for which the purposes is local in character and where the collection is likely to be completed within a short period. In the case of such collections, application should be made to this council, initially, for later determination by the Chief Constable.

How Do I Apply For a Licence?

1. Applications for a House to House Licence can be made online.
2. Read the Regulations fully. If there are any queries relating to these regulations please contact the Licensing Team for further clarification. It is important that you understand these regulations and your responsibilities as in submitting the application form you will be agreeing to comply with them.
3. Contact the Licensing team to check that the dates you want are available and has not already been allocated to another charity.

4. Complete the form entering all details and answering all questions. Please make sure that your address, email and daytime telephone number are correct so that we are able to contact you if required.

5. Submit the form only once you have read and understood all conditions.

The application form to apply to hold a collection should be received at the council offices no later than 1 month.

When can I hold a collection and how long can I hold it for?

Whereas street collection permits are normally issued to cover a period of one or two days, a house to house permit can be granted for up to a year.

There are no restrictions on the allocation of dates for house to house collections. Many collections are carried out by regional or national charitable organisations who often book their collections well in advance.

On successful completion of the application we will grant a licence for the period specified on the application, providing that the period does not exceed one year.

Refusal or revocation of a licence

Chiltern District Council may refuse to grant a licence or if it has already been granted, revoke the licence, if it appears to the authority:

- that the applicant or the holder of the licence is not a fit and proper person to hold a licence. In making this decision, the Council will have regard to whether applicants have been convicted of the following:
 - any offence for which conviction involves acting fraudulently or dishonestly, or an offence of a kind the commission of which would be likely to be facilitated by the grant of a licence
 - offences under sections 47 -56 of the Offences against the Person Act 1861
 - robbery, burglary, or blackmail under the Theft Act 1968
 - offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property
 - offences under the Street Collections Regulation (Scotland) Act 1915
 - offences under section five of the Police, Factories etc. (Miscellaneous Provisions) Act 1916
- that the licence holder has failed to exercise due diligence to secure that the persons authorised by him/her to act as collectors were fit and proper persons and that they complied with the regulations
- that the total amount likely to be used for charitable purposes as a result of the collection is inadequate in proportion to the amount likely to be received
- that money from the collection has been or is likely to be retained or received by any person which is excessive in relation to the amount collected
- that the grant of a licence could lead to an offence being committed under the Vagrancy Act 1824 or an offence has already been committed in connection with a collection

Where Chiltern District Council refuse to grant or revoke a licence they will give written notice to the applicant or licence holder stating upon which of the above grounds this has been taken.

Responsibility of promoters and collectors

The following section aims to summarise the main requirements of the House to House Collections Regulations 1947 and does not constitute the law, please refer to the Regulations for the full text.

- Every promoter of a collection shall exercise all due-diligence to secure that persons authorised to act as collectors for the purposes of the collections are fit and proper persons, and to ensure compliance on part of persons so authorised with the provisions of the House to House Collections Regulations 1947.
- No person under the age of 16 years old shall be authorised to act as a collector of money.
- The promoter of the collection must ensure that all collectors are issued with:
 - a prescribed certificate of authority, which has been signed by or on behalf of the chief promoter of the collection
 - a prescribed badge, indicating the purpose of the collection
 - if money is to be collected, a collecting box or receipt book clearly marked
 - with the purpose of the collection and a distinguishing number.

In addition promoters/collectors must comply with the following:

- the promoter must keep a list of the names and addresses of each collector and identify the distinguishing number of each box/receipt book given to each collector
- the collector shall sign their certificate of authority/badge and produce same to any Police Officer of householder for inspection.
- the collector shall wear the badge when collecting
- the collector shall return the certificate and badge to the promoter on demand
- the collector must not annoy or importune a householder and must leave if requested
- the collector must ensure that all money received is deposited in the collecting box
- if collecting with a receipt book, the collector must complete a receipt detailing monies received, sign same and give to the householder
- the collector shall return on demand to the promoter any collecting box (with the seal unbroken) and/or receipt books
- the promoter must ensure that collecting boxes, when returned, are opened in his presence
- no collector shall importune any person to the annoyance of such person, or remain in, or at the door, of any house if requested to leave by any occupant

Fee

There is no charge for a house to house collection licence. However, once a licence has been issued, you will need to apply to [The Stationery Office](#) for copies of the certificate of authority and badges which you will need to supply to all your collectors.

The Stationery Office will require your original licence and covering letter with details of the quantity of badges required.

Appeals

Any applicant who is refused a licence or wishes to appeal against the conditions can appeal to the [Minister for the Cabinet Office](#). Appeals must be lodged within 14 days of the date of the decision.

If the Minister for the Cabinet Office decides that the appeal is allowed North Devon Council will issue the licence forthwith or cancel the revocation.

DRAFT

Appendix 1

Regulations made by the Chiltern District Council with regard to Street Collections

In pursuance of Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972, the Chiltern District Council hereby makes the following regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the District of Chiltern to collect money or sell articles for the benefit of charitable or other purposes:-

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;

“permit” means a permit for 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 Chiltern District unless a promoter shall have obtained from the Chiltern District Council a permit.

3. Application for a permit shall be made on the prescribed form not later than one month before the date on which it is proposed to make the collection:

Provided that the Chiltern District Council may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except in accordance with the terms of the permit.

5. The Chiltern District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit, provided that there is an overriding reason of public interest for so doing’.

6. (1) No person may assist or take part in any collection without the written authority of a promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Chiltern District Council or any constable.

7. No collection shall be made in any part of the carriageway of any street which has a footway:

Provided that the Chiltern District Council may, if it thinks fit, allow a collection to take place on the said carriageway 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.

9. No collector shall importune any person to the annoyance of such person.

10. 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.

Provided that the Chiltern District Council may, if it thinks fit, waive the requirement of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. 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.
12. (1) Every collector shall carry a collecting box.
- (2) 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.
- (3) All money received by a collector from contributors shall immediately be placed in a collecting box.
- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. 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.
14. (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
- (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- (3) 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.
15. (1) No payment shall be made to any collector.
- (2) 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 Chiltern District Council.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Chiltern District Council –
- (a) 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 either a qualified accountant or an independent responsible person acceptable to the Chiltern District Council;
 - (b) a list of collectors;

- (c) a list of the amounts contained in each collecting box;

and shall, if required by the Chiltern District Council, satisfy it as to the proper application of the proceeds of the collection.

- (2) 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 (1) (a) above, publish in such newspaper or newspapers as the Chiltern District Council may direct in 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.
- (3) The Chiltern District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purposes of the Regulation “a qualified accountant” means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland.

17. These regulations shall not apply –

- (a) in respect of a collection taken at a meeting in the open air; or
- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale (currently £200).

