

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the St Etheldreda Room, Ely Cathedral Centre, Palace Green, Ely on Wednesday 13 June 2012 at 9.30am

P R E S E N T

Councillor Michael Allan
Councillor Sue Austen
Councillor Lavinia Edwards
Councillor Tony Goodge (Chairman)
Councillor Lindsey Harris
Councillor Chris Morris
Councillor John Palmer
Councillor Sue Willows
Councillor Andy Wright

I N A T T E N D A N C E

Elizabeth Bailey – Principal Environmental Health Officer
Maggie Camp – Senior Legal Assistant
Liz Knox – Head of Environmental Services
Melanie Sage – Democratic Services Officer

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Alderson, Cornell, Read and Roberts. Following the Chairman's Announcements an apology for absence was also recorded from Cllr D Ambrose Smith.

4. DECLARATIONS OF INTEREST

Referring to agenda item no. 6 - Approval of the Draft House-to-House Collection Licensing Policy - Cllr Edwards enquired whether she needed to declare an interest, as she was involved in house-to-house collections for charity. Cllr Edwards was informed that it was not necessary to declare either a personal or prejudicial interest.

Subsequently there were no personal or prejudicial interests declared.

5. MINUTES

It was resolved:

That the Minutes of the Licensing Committee meetings held on 16 May and 22 May 2012 be confirmed as correct records and signed by the Chairman.

6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed all Members to the first Licensing Committee meeting of the new municipal year.

The Chairman informed Members that the information session that had been scheduled at the conclusion of the Licensing Committee meeting would not take place due to the number of apologies for absence that had been received.

The Chairman informed Members that there had been a change to the membership of the Licensing Committee and that Cllr David Ambrose Smith had replaced Cllr Read. The Chairman explained that the information session would have been particularly beneficial to Cllr Ambrose Smith who was not able to attend the meeting until he had undertaken training. In response to a question, the Chairman stated that the information session on an Overview of the Licensing Team was now scheduled at the conclusion of the Licensing Committee meeting on 18 July 2012.

7. **APPROVAL OF THE DRAFT STREET COLLECTION LICENSING POLICY**

The Principal Environmental Health Officer presented a report, (M13), previously circulated, to enable the Licensing Committee to consider and approve the draft East Cambridgeshire District Council Street Collection Licensing Policy for the purposes of consultation with relevant stakeholders and the general public.

The Principal Environmental Health Officer explained that in the United Kingdom it is unlawful to hold, for the benefit of charitable, benevolent or philanthropic purposes, a street collection on any street or public place without first obtaining a Street Collection Permit from a Licensing Authority.

East Cambridgeshire District Council, as the Licensing Authority, is empowered under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, to licence collections made in 'any street or public place' for 'charitable or other purposes'. Currently the Council does not have an adopted policy for the licensing of charitable street collections within the district and there was no legal requirement for the Council to adopt a policy on how it proposed to licence charitable street collections. However, it is considered best practice for the Council to adopt such a policy to encourage consistency and transparency in the

way applications for street collection permits are considered and granted.

The Principal Environmental Health Officer explained that the draft policy would be submitted for a twelve week consultation exercise with relevant stakeholders and the general public.

Cllr Allan noted that often items left for collection were taken unlawfully and that he had personally experienced this. Cllr Allan was informed that this related to the next agenda item on house-to-house collections.

Cllr Wright noted that the Street Collection Licensing Policy had been governed by a set of Regulations and he enquired whether the Regulations could be amended. Cllr Wright explained that consultation responses might indicate that the Regulations should be amended and if this was not possible there was limited value in consulting.

Cllr Wright referred to paragraph 4.2 of the Draft Street Collection Licensing Policy, which listed streets where collections were permitted. In the case of Littleport Cllr Wright was aware that the listed streets were inaccurate. Therefore Cllr Wright requested that officers consult with all Parish Councils to ensure that streets were correctly listed.

Cllr Wright commended that the Draft Street Collection Licensing Policy appeared to support small local charities. However, the requirements stipulated in paragraphs 6.7 – 6.12 of the policy were unlikely to be feasible for small charities. Cllr Wright explained that a contract between a street collection organiser and the benefiting charity was unlikely to exist in the instance of small charities and that the requirement of public liability insurance cover of £5,000,000 would incur a cost for the charity. Cllr Wright also noted that the Regulations stipulated that following a collection, the permit holder should provide a statement to the District Council with the amount of money received, expenses and payments incurred in connection with a collection which should be certified by the organiser and either a qualified accountant or an independent responsible person acceptable to the District Council. Cllr Wright noted that it cost approximately £200 per hour to certify accounts and such requirements were not an issue for large national charities, but were for small charities.

Cllr Wright further noted that the Regulations stated that when street collecting a collector, or two collectors together, must be a minimum distance of 25 metres apart. Cllr Wright stated that this was not practical in the case of a collector that required a carer or companion.

The Principal Environmental Health Officer explained that the Regulations with regard to Street Collections had been in existence for

a considerable amount of time and that the Draft Street Collection Licensing Policy had been based on these Regulations. Cllr Wright explained that this was the reason for him clarifying whether the Regulations could be amended. The Principal Environmental Health Officer suggested that the outcome of the consultation would determine whether the Regulations would require review. The Principal Environmental Health Officer explained that Parish Councils, the general public and people who had been issued with a Street Collection permit would be included within the consultation.

Cllr Wright requested that the Draft Street Collection Licensing Policy and the Regulations with regard to Street Collections both be consulted upon at the same time. The Head of Environmental Services noted that the recommendation would therefore need to include reference to the Regulations.

Cllr Austen enquired whether sellers of The Big Issue required a Street Collection permit. The Principal Environmental Health Officer explained that such sellers required a different permit.

Cllr Austen enquired whether begging was a police matter. The Principal Environmental Health Officer confirmed that begging was a police matter and that the Street Collection Licensing Policy referred to collecting for charitable purposes.

For the purposes of clarification it was confirmed that the recommendation within the officers report would be amended to include consultation of both the Draft Street Collection Licensing Policy and the Regulations with regard to Street Collections. The Head of Environmental Services noted that when officers considered the consultation responses it would be explained if a suggestion to amend the Regulations were not possible.

It was resolved:

That the Licensing Committee:

- i. Approves that the draft Street Collection Licensing Policy, set out in Appendix 1 of the officer's report, and the Regulations are submitted for consultation with relevant stakeholders and members of the general public.
- ii. Agree that public consultation on the draft Street Collection Licensing Policy and the Regulations should be for a minimum of twelve weeks in accordance with best practice recommended by the Government.
- iii. Approve that the methods for consultation (in addition to the statutory consultees) should include the display of a copy of the draft Street Collection Licensing Policy and the

Regulations on the Council's website and public notice board in the Council reception, with copies made available for viewing in the public libraries within the district.

8. **APPROVAL OF THE DRAFT HOUSE-TO-HOUSE COLLECTION LICENSING POLICY**

The Principal Environmental Health Officer presented a report, (M14), previously circulated, to enable the Licensing Committee to consider and approve the draft East Cambridgeshire District Council House-to-House Collection Licensing Policy for consultation with relevant stakeholders and the general public.

The Principal Environmental Health Officer explained that East Cambridgeshire District Council, as the Licensing Authority, is empowered under the House-to-House Collections Act 1939 and the House-to-House Collections Regulations 1947 to licence house-to-house charitable, benevolent or philanthropic collections involving the collection of either money or items directly from a person's property or within public houses in the district.

Currently the Council did not have an adopted policy for the licensing of charitable house-to-house collections within the district and there was no legal requirement for the Council to adopt a policy on how it proposed to licence house-to-house collections. However, it is considered best practice for the Council to adopt such a policy to encourage consistency and transparency in the way applications for house-to-house collection applications were considered and granted, particularly as house-to-house collections did attract bogus operators.

Cllr Allan wondered how bogus collectors operated as individual properties were provided with a genuine collection bag and a date for collection, yet bogus operators collected the bags. Cllr Willows enquired whether collectors could be challenged. The Principal Environmental Health Officer explained that every collector should wear a standard identification badge and adhere to specified obligations. The Principal Environmental Health Officer explained that the Council provided police with intelligence, which had resulted in the prosecution of a bogus collector.

Cllr Allan enquired whether the identification badges could be imitated. The Principal Environmental Health Officer explained that this would not be easy to do. The Chairman noted that a further regulating measure was that the Licensing Authority also specified when and where the collections could occur.

Cllr Willows stated that the collecting vehicles were often white vans with no external identification to relate them to the charity, which they are collecting for. The Principal Environmental Health Officer

confirmed that the collectors could be challenged and asked to provide identification.

The Principal Environmental Health Officer explained that following consultation, and once the Licensing Committee had approved the House-to-House Collection Policy, the Licensing Team would undertake a publicity campaign and also publish sample house-to-house collection permits on the Council's website in order that the public could familiarise themselves with genuine identification badges. This would also be another way of identifying bogus operators.

It was resolved:

That the Licensing Committee:

- i. Approves the draft House-to-House Collection Licensing Policy, as set out in Appendix 1 of the officer's report, for the purpose of consultation with relevant stakeholders and members of the general public.
- ii. Agree to public consultation taking place on the draft House-to-House Collection Licensing Policy for a minimum of twelve weeks in accordance with best practice recommended by the Government.
- iii. Approve that the methods for consultation (in addition to the statutory consultees) should include the display of a copy of the draft House-to-House Collection Licensing Policy on the Council's website and public notice board in the Council reception, with copies made available for viewing in the public libraries within the district.

Cllr Wright requested that, as both the Street Collection Licensing Policy and the House-to-House Collection Licensing Policy were similar documents that they be consulted upon together. The Head of Environmental Services confirmed that officers would consider the most cost effective way of consultation of both documents.

9. **FORWARD AGENDA PLAN**

The Committee received and considered the Licensing Committee forward agenda plan.

The Head of Environmental Services informed Members that the Draft Street Trading Policy was a significant piece of work and would therefore need to be deferred to the Licensing Committee Meeting on 12 December 2012.

The Head of Environmental Services also informed Members that Approval of the Street Collection Licensing Policy; Approval of the House-to-House Collection Licensing Policy and Approval of the Stretched Limousine License Conditions would be considered by the Licensing Committee at its meeting on 21 November 2012.

As noted in the Chairman's Announcements the information session that had been scheduled at the conclusion of the Licensing Committee meeting on an Overview of the Licensing Team had been deferred to take place at the conclusion of the Licensing Committee meeting on 18 July 2012.

It was resolved:

That the Licensing Committee forward agenda plan be noted, subject to the following amendments/additions:

- Draft Street Trading Policy – deferred to Licensing Committee meeting on 12 December 2012.
- Approval of the Street Collection Licensing Policy - added to the forward agenda for Licensing Committee meeting on 21 November 2012.
- Approval of the House-to-House Collection Licensing Policy - added to the forward agenda for Licensing Committee meeting on 21 November 2012.
- Approval of the Stretched Limousine License Conditions - added to the forward agenda for Licensing Committee meeting on 21 November 2012.

10. **TAXI LICENSING SUB-COMMITTEE MINUTES**

The Licensing Committee received the minutes of the Taxi Licensing Sub-Committee meeting held on 30 April 2012.

It was resolved:

That the minutes of the Taxi Licensing Sub-Committee meeting held on 30 April 2012 be received and noted.

11. **EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining item because it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information of Category 1, 2 and 7, Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

12. **TAXI LICENSING SUB-COMMITTEE - EXEMPT MINUTES**

The Licensing Committee received the exempt minutes of the Taxi Licensing Sub-Committee meeting held on 30 April 2012.

It was resolved:

That the exempt minutes of the Taxi Licensing Sub-Committee meeting held on 30 April 2012 be received and noted.

Cllr Wright enquired whether it was necessary for the Licensing Committee to receive the exempt Taxi Licensing Sub-Committee minutes, particularly as the public minutes, although limited in content, were included within the agenda and the exempt minutes could be provided to Members on request.

Cllr Allan also enquired whether the name of the Driver/Applicant could appear in the public Taxi Licensing Sub-Committee minutes. Cllr Wright noted that if a driver/applicant appealed a decision of the Taxi Licensing Sub-Committee to the Magistrates Court the drivers name did not remain anonymous. It was also noted that other authorities do not provide anonymity to Drivers/Applicants.

The Licensing Committee was advised that officers would seek advice on whether there was any procedural reason why the exempt Taxi Licensing Sub-Committee minutes should be presented to the Licensing Committee. Regarding identifying the Driver/Applicant in the public Taxi Licensing Sub-Committee minutes, it was explained it was the decision of the Driver/Applicant to appeal to the Magistrates Court and for their name to subsequently not remain confidential, it was not as a result of a Council decision to identify their name. However, officers would seek advice and report back to the Licensing Committee.

The meeting concluded at 10.00am