



Scan code to view reports

Monday, 18 March 2024

To All Councillors:

As a Member or Substitute of the **Licensing & Appeals Committee**, please treat this as your summons to attend a meeting on **Tuesday, 26 March 2024 at 6.00 pm** in the **Council Chamber, Town Hall, Bank Road Matlock DE4 3NN**

Yours sincerely,

Helen Mitchell
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

AGENDA

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 751133 or email committee@derbyshiredales.gov.uk of any apologies of absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 5 - 8)

05 December 2023

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct.

Those interests are matters that relate to money or that which can be valued in money, affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at the time.

4. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

5. REQUEST FOR EXEMPTION FROM TAXI LICENSING POLICY REQUIREMENT MAXIMUM AGE LIMIT FOR LICENSED VEHICLES (Pages 9 - 18)

This report seeks consideration of an application for an exemption from the Council's Taxi Licensing Policy's vehicle maximum age limit.

6. REVIEW OF HOUSE-TO-HOUSE AND STREET COLLECTIONS LICENSING POLICY (Pages 19 - 34)

This report seeks the Committee's consideration of the draft House-to-House and Street Collection Policy detailed in Appendix 1.

Approval is sought for Officers to carry out a consultation exercise on an agreed draft Policy, with a view to referring it to full Council for consideration for adoption and republishing by 1st August 2024.

7. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press from the meeting for the remaining item of business for the reasons shown in italics.

(The following report is exempt under paragraph 1,2 and 3 of Schedule 12A of the Local Government Act 1972)

8. APPEAL AGAINST OFFICER DECISION TO REJECT AN APPLICATION FOR A DISCRETIONARY COUNCIL TAX DISCOUNT FOR A PROPERTY IN DARLEY DALE (Pages 35 - 60)

This report asks the Committee to determine an appeal against an officer decision to reject an application for a discretionary Council tax discount in respect of a property in Darley Dale.

Members of the Committee - Councillors Steve Wain (Chair), Dawn Greatorex (Vice-Chair), Anthony Bates, John Bointon, Geoff Bond, Neil Buttle, Peter Dobbs, Steve Flitter, Marilyn Franks, Susan Hobson, Joanne Linthwaite, Laura Mellstrom, Lucy Peacock and Peter Slack

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or email committee@derbyshiredales.gov.uk

This page is intentionally left blank



This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email

committee@derbyshiredales.gov.uk

Licensing & Appeals Committee

Minutes of a Licensing & Appeals Committee meeting held at 6.00 pm on Tuesday, 5th December, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Steve Wain - In the Chair

Councillors: Dawn Greatorex, Anthony Bates, John Bointon, Geoff Bond, Neil Buttle, Peter Dobbs, Marilyn Franks and Lucy Peacock

Tim Braund (Director of Regulatory Services), Eileen Tierney (Licensing Manager), Angela Gratton (Democratic Services Officer) and Tommy Shaw (Democratic Services Team Leader)

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

APOLOGIES

Apologies for absence were received from Councillor(s): Steve Flitter, Susan Hobson, Joanne Linthwaite, Laura Mellstrom, Peter Slack and Mark Wakeman

234/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Anthony Bates, Seconded by Councillor Neil Buttle and

RESOLVED (unanimously)

That the minutes of the meeting of the Licensing and Appeals Committee held on 27 June 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

235/23 - INTERESTS

There were no declarations of interest.

236/23 - PUBLIC PARTICIPATION

There was no public participation.

237/23 - LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL REPORT

The Licensing Manager introduced a report which provided a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous three financial-year periods, to allow comparisons to be made.

Members were also provided with details of compliance and enforcement work carried out in partnership with other statutory authorities, which contributes to the Licensing Service Plan Actions.

It was moved by Councillor Peter Dobbs, seconded by Councillor Geoff Bond and

RESOLVED (unanimously)

- 1) That the Licensing Team continues to work, with other Responsible Authorities where possible, to carry out licensing awareness, compliance, and enforcement visits to licensed premises within the district.
- 2) That the Licensing Team continues to contribute to the work of the Community Safety Partnership's VAL (Violence, Alcohol and Licensing) Group, and support the initiatives promoted by the Institute of Licensing and the Gambling Commission.

The Chair declared the motion **CARRIED**.

238/23 - REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY 2023 - PROGRESS REPORT

The Licensing Manager introduced a report which provided Members with an update on the review of the Council's Taxi and Private Hire Licensing Policy. The report sought Committee support for the Council to be recommended to approve and adopt the final draft of the taxi and private hire licensing policy.

Following the introduction of Statutory Taxi and Private Hire Vehicle Standards by the Department for Transport (DfT) in 2020/21, it was deemed necessary for the Policy to be reviewed in order to ensure that the Council's approach to taxi and private hire licensing supported the national standards and contributed to a consistent country-wide approach. It was noted within the report that Members were regularly informed of the progress made throughout the review process.

The report detailed the outcomes of the consultation process undertaken, including the proposed alterations to the draft policy document. These proposed changes were highlighted within the draft policy document included at Appendix 1 to the report. Members were informed of a proposed amendment to the draft policy, to be included in Appendix C, to incorporate the requirement for an enhanced DBS check and online subscription to the DBS update service for owners/part owners of a vehicle to be licensed as a taxi or for private hire.

During the discussion of this item, Members expressed concerns regarding the shortage of Wheelchair Accessible Vehicles (WAVs) licensed by the Authority. The discussion also considered the low number of electric/other non-combustion vehicles currently licensed. It was recommended that Officers would investigate ways in which the number of WAVs, and electric/other non-combustion licensed vehicles might be increased, by working closely with the taxi trade and other stakeholders in the service, such as representatives of vulnerable groups.

The timetable for implementation of the revised Policy was recommended to take effect from 1st February 2024, subject to Council approval. It was also noted that the revised policy would be kept under close review during 2024 – with regard being paid to any recommendations contained in the Department of Transport’s Best Practice Guidance, as released on 17th November 2023.

It was moved by Councillor Neil Buttle, seconded by Councillor Lucy Peacock and

RESOLVED (unanimously)

That Council be recommended to approve and adopt the draft Taxi and Private Hire Licensing Policy subject to the following amendments:

1. That the requirement for an enhanced DBS check and online subscription to the DBS update service for owners/part owners of licensed vehicles be incorporated at Appendix C to the draft policy document.
2. That the introduction of an option to license vehicles for a period of 6 months in exceptional circumstances be incorporated into the draft policy document.

The Chair declared the motion **CARRIED**.

Meeting Closed: 6.43 pm

Chairman

This page is intentionally left blank



Agenda Item 5

OPEN REPORT
LICENSING AND APPEALS COMMITTEE

Licensing and Appeals Committee – 26 March 2024

REQUEST FOR EXEMPTION FROM TAXI LICENSING POLICY REQUIREMENT MAXIMUM AGE LIMIT FOR LICENSED VEHICLES

Report of Director of Regulatory Services

Report Author and Contact Details

Grace Dowson, Licensing Manager / Eileen Tierney, Licensing Manager
01629 761344 or Grace.Dowson@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

This report seeks consideration of an application for an exemption from the Council's Taxi Licensing Policy's vehicle maximum age limit.

The Committee is informed that the Council's Taxi Licensing Policy requires that any vehicle to be licensed as a taxi (hackney carriage) or a private hire vehicle will not be more than 10 years old at the time of licensing. This means that when a licensed vehicle passes the tenth year of registration, the taxi/private hire vehicle licence cannot be automatically renewed as it no longer complies with the Policy requirement.

The Committee is asked to consider a request for an exemption from this Policy requirement from John Greenhough – Area Business Director, Derbyshire, of 24x7 Ltd, a company specialising in SEN (Special Education Needs) Transport. Mr Greenhough has requested an exemption from the 10-year age limit Policy requirement, in respect of 6 fully wheelchair accessible vehicles (WAVs) that the company currently licences with the District Council.

The Committee is advised that paragraph 30 of Appendix A (the Vehicle Specification) of the Council's current Taxi Licensing Policy, provides that the Council may in exceptional circumstances dispense with or vary any of the conditions set out in the Policy.

Applications for any deviation from the Policy requirements, such as an exemption from the vehicle age restriction, will be dealt with on a case-by-case basis. Where the Committee is minded to approve an exemption to the 10 year age limit of vehicles to be licensed, this would always be subject to the vehicle passing a vehicle inspection carried out at the District Council's approved testing station (Northwood Depot).

Recommendations

1. That the Committee considers the request from John Greenhough, Area Director for Derbyshire for 24 x 7 Ltd, for an exemption from the Council's Taxi Licensing Policy requirement in respect of the maximum age limit for licensing a vehicle as a private hire vehicle.
2. That having considered the request, the Committee determines whether applications to re-licence the wheelchair accessible vehicles detailed in **Appendix 2** of the report, currently licensed as Private Hire Vehicles (contract only), should be accepted by the Licensing Manager.
3. That the Committee considers giving tacit approval for all 6 vehicles on the list (in Appendix 2 to the report) to be exempt from the maximum age requirement.

List of Appendices

Appendix 1 - Email from Area Director for Derbyshire, 24 x 7 Ltd

Appendix 2 - Details of licensed Wheelchair Accessible Vehicles (WAVs) – 24x7 Ltd

Background Papers

- Vehicle inspection reports from DDDC Testing Depot.
- DDDC Taxi and Private Hire Licensing Policy (2018)

Consideration of report by Council or other committee

No.

Council Approval Required

No.

Exempt from Press or Public

No

Request For Exemption from Taxi Licensing Policy Requirement - Maximum Age of Vehicles Licensed by the Council

1. Introduction

1.1 Request for Exemption

A request has been received from John Greenhough, Area Director for 24 x 7 Ltd, for an exemption from the 10-year age limit in respect of a fully wheelchair accessible vehicles (WAV) currently licensed by the Council, but approaching 10 years of age.

Under the current Policy these vehicle licences cannot be automatically renewed when due, as the vehicle would no longer comply with the Council's Taxi Licensing Policy maximum age restriction for licensing a vehicle.

1.2 The Licence-Holder

The company, 24 x 7 Ltd, have held private hire vehicle and private hire contract only driver licences with the District Council since October 2020. Currently they have 6 vehicles licensed that are fully wheelchair accessible vehicles (WAVs) and 4 mini-buses used for similar transportation needs.

This type of vehicle is suitable to allow the customer to remain seated in their wheelchair whilst travelling rather than having to transfer to a car seat.

- 1.3 Currently, 24x7 Ltd.'s vehicles are licensed for the full 12-month period. If it remains in use for the whole period, the licence needs renewing. This is different to other smaller vehicles which they licence from brand new and replace at 6 months old or after 4,000 miles, whichever comes first.
- 1.4 The Company currently licences 90+ other private hire vehicles with the Council. This allows them to fulfil Derbyshire County Council SEN (Special Educational Needs) and other social care (adults and children) contracts. They do not have any licensed vehicles that allow them to carry out standard private hire work involving transporting members of the general fare-paying public.
- 1.5 All drivers employed by 24 x 7 Ltd are licensed by the District Council as Private Hire Drivers (Contract Only), and all are required to undertake safeguarding awareness training as well as wheelchair/disability operational training on a regular basis.

1.6 The Vehicles

The 6 vehicles that Mr Greenhough wishes to re-licence after each has passed 10 years of age, are listed in his request to the Committee for an exemption in **Appendix 1**.

A brief licensing history and the age of each vehicle is summarised in **Appendix 2**.

- 1.7 The first vehicle on the list in Appendix 2 will need to be replaced in March 2025.
The second vehicle, although registered in July 2015, can be licensed for a further year from May 2023 without any exemption needed, but 24 x 7 Ltd would then need to apply for an exemption next year; and so on with the newer vehicles on the list.

2. **Key Issues**

- 2.1 These 6 vehicles are currently licensed by the District Council, are fully wheel-chair accessible private hire vehicles, and can only be used for County Council SEN and child and adult social care transport journeys.
- 2.2 The vehicles are high specification, and low mileage. Vehicles licensed as taxis or for private hire pre-booked journeys usually have high mileage and significant wear and tear, which is one reason for the Council limiting the age of vehicles to be licensed.
- 2.3 All licensed drivers (and passenger assistants) employed by 24 x 7 Ltd are fully trained in operating wheelchair accessible vehicles safely.
- 2.4 Any decision to approve the request would not set a precedent as each application for an exemption/deviation from the Policy requirement regarding the maximum age of a vehicle to be licensed must be determined on a case-by-case basis.

2.5 Equality Act 2010

Section 167 of the Equality Act 2010 requires Local Licensing Authorities (LLAs) to maintain and publish a list of designated wheelchair accessible taxis and PHVs.

The Council does not have any Taxis or Private Hire Vehicle WAVs currently licensed that can be booked by members of the general public. As the vehicles licensed by 24 x 7 Ltd will not be bookable by members of the public, they will not be included on a list of designated wheelchair accessible taxis and PHVs.

3 **Options Considered and Recommended Proposal**

- 3.1 It is recommended that the Committee consider the request for an exemption to the maximum age restriction for licensing 24 x 7 Ltd's private hire vehicles, where they are fully wheelchair accessible vehicles (WAVs).
- 3.2 The Committee may wish to consider giving tacit approval now for all 6 vehicles on the list to be exempt from the maximum age requirement. This would negate the need for 24 x 7 Ltd to make similar requests and would assist the company in planning their WAV provision for the next 3 years moving forwards. The newer vehicles on the list would still be subject to future satisfactory inspection reports at the Council's testing depot.

4. **Policy Implications**

4.1 Taxi and Private Hire Vehicle Licensing Policy

As Members are aware, Officers do not have delegated powers to permit any deviation from the Council's Policy, which is thought to be entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Derbyshire Dales, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences.

- 4.2 It is however acknowledged that a 'blanket' Policy cannot be applied in every circumstance and there needs to be a process in place for any departure from the Policy to be considered, on a case-by-case basis. While the Policy binds officers in their decision-making it is not binding for Members. It is suggested that the Committee could choose to depart from the Policy if a vehicle is not intended for the standard use associated with the majority of Private Hire Vehicles licensed in the district but could be licensed without compromising public safety.
- 4.3 Applicants seeking an exemption from any Policy requirements are required to provide information/evidence to allow the Committee to consider the application and make an informed decision. 24 x 7 Ltd have submitted a request for an exemption from the vehicle age limit, and the reasons for the request. The Licensing Manager has confirmed the vehicle licensing history for each vehicle in **Appendix 2**.
- 4.4 Should the Committee approve the request, any fully wheelchair vehicles to be licensed for 24 x 7 Ltd, once they have passed 10 years of age, will have to be presented for inspection at the Council's Testing Depot (Northwood), before any licence would be renewed.

5 Financial and Resource Implications

- 5.1 The licensing service sets application fees for licences on a full cost recovery basis. The application fee for a vehicle licence covers the cost of processing and determining the application, the cost of 2 vehicle inspections during the 12-month licence period and a contribution towards any enforcement activity. The application fee will be fully met by the licensed driver.
- 5.2 Therefore, the financial risk has been assessed as low.

6 Legal Advice and Implications

- 6.1 The Council has a statutory duty to regulate private hire vehicles and hackney carriages (taxis) and has discretion in the application of its Policy.
- 6.2 The legal risk in taking the decisions as recommended in this report has been assessed as low.

7 Equalities Implications

- 7.1 Under the Equality Act 2010, Derbyshire Dales District Council has a Public Sector Equality Duty to consider how its policies or decisions affect people who are protected under the Act, which specifically includes people with a physical or mental disability.
- 7.2 This duty also requires the Council to eliminate discrimination, victimisation and harassment, advance equality of opportunity and foster good relations between different groups. Providing a wheelchair accessible vehicle clearly meets the duty to advance equality of opportunity in accessing transport and also to eliminate discrimination against disabled people, by lack of suitable vehicles. This measure will therefore have a positive Equalities impact on the Derbyshire Dales community.

8 Climate Change Implications

- 8.1 No direct impact.

9 Risk Management

- 9.1 The District Council has a statutory responsibility for the regulation of the taxi and private hire vehicle trades.

Report Authorisation

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	18/03/2024
Director of Resources/ S.151 Officer	Gemma Hadfield	18/03/2024
Deputy Monitoring Officer	Kerry France	18/03/2024

This page is intentionally left blank

From: John Greenhough [REDACTED]

Sent: Wednesday, February 28, 2024 4:53 PM

To: Tierney, Eileen <eileen.tierney@derbyshiredales.gov.uk>

Subject: EXEMPTION FROM DDDC TAXI POLICY RESTRICTION ON AGE OF LICENCED VEHICLES

Appendix 1

Warning External

Dear Licencing and appeals committee,

24X7LTD licence vehicles with DDDC to work only providing transport for special education needs children and adults along with some healthcare travel. We do not undertake any forms of work for private individuals or companies.

We work at present exclusively for Derbyshire County Council under contract.

The demand for the transportation of SEN children and adults grows exponential each year across the country . Currently running at over 10% nationally.

We licence 90 plus vehicles with DDDC that are new when licenced and replaced after 6 months. We also annually licence 4 minibuses and 6 wheelchair access vehicles that are more than six months old but are less than 10 years old .

I would like to request that once a wheelchair access vehicle becomes 10 years old we are able to continue to test and licence these vehicles. The vehicles are low mileage in good condition and are well maintained and will have received several prior tests with DDDC workshops. We have a very high first time pass rate at the DDDC six monthly tests .

Wheelchairs access vehicles are in short supply due to the high level of increasing demand from the SEN transport sector. 24X7LTD purchases as many new wheelchair access vehicles that are available on the market each year and has invested in a vehicle conversion company to manufacture our own supply of these vehicles, unfortunately this cannot meet the increasing demand.

The following are our current wheelchair access vehicles with registration dates,

NU15 BDO 01.03.2015

SF15HLA 01.07.2015

SF15MWM 01.07.2015

NK67AYJ 01.10.2017

1

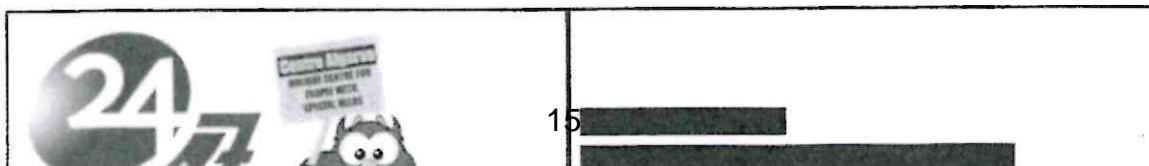
OY16MDU 01.08.2016

SF17GTU 01.06.2017

I would be happy to attend the committee meeting on 25.03.24 to answer any questions that may arise in consideration of my request.

Kind Regards,

*John Greenhough
Area Business Director - Derbyshire*



This page is intentionally left blank

Wheelchair Accessible Vehicles (WAVs) Licensed by 24 x 7 Ltd

1. NU15 BDO – Registration date 31st March 2015 (Current age: 8 years 11 months)

Licensed from 22/02/2021

- 2021 – PASS 12 month inspection
- 2022 – PASS 12 month inspection
- 2022 – PASS 6 month inspection
- 2023 – FAIL 12 month inspection – brake warning light on
- 2023 – Retest PASS
- 2023 – PASS 6 month inspection
- 2024 – PASS 12 month inspection

2. SF15 HLA – Registration date 20th July 2015 (Current age: 8 years 8 months)

Licensed from 30/05/2023

- 2023 – FAIL 12 month inspection – Rear brake binding
- 2023 – Retest PASS
- 2023 – PASS 6 month inspection

3. SF15 MWM – Registration date 6th July 2015 (Current age: 8 years 8 months)

Licensed from 12/12/2022

- 2022 – PASS 12 month inspection
- 2023 – PASS 6 month inspection
- 2023 – PASS 12 month inspection

4. OY16 MDU – Registration date 1st August 2016 (Current age: 7 years 7 months)

Licensed from 04/10/2022

- 2022 – PASS 12 month inspection
- 2023 – PASS 6 month inspection
- 2023 – PASS 12 month inspection

5. SF17 GTU – Registration date 8th June 2017 (Current age: 6 years 9 months)

Licensed from 01/09/2021

- 2021 – FAIL 12 month inspection – No Spare, Front inner brakes pass worn
- 2021 – Retest PASS
- 2022 – PASS 6 month inspection
- 2022 – PASS 12 month inspection
- 2023 – PASS 6 month inspection
- 2023 – PASS 12 month inspection
- 2024 – PASS 6 month inspection

6. NK67 AYJ – Registration date 1st October 2017 (Current age: 6 years 5 months)

Licensed from 02/08/2022

- 2022 – FAIL 12 month inspection – Engine management light on
- 2022 – Retest Pass
- 2023 – PASS 6 month inspection
- 2023 – PASS 12 month inspection

This page is intentionally left blank



Agenda Item 6

OPEN REPORT
LICENSING AND APPEALS COMMITTEE

Licensing and Appeals Committee – 26 March 2024

REVIEW OF HOUSE-TO-HOUSE AND STREET COLLECTIONS LICENSING POLICY

Report of Director of Regulatory Services

Report Author and Contact Details

Grace Dowson, Licensing Manager / Eileen Tierney, Licensing Manager
01629 761344 or Grace.Dowson@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

This report seeks the Committee's consideration of the draft House-to-House and Street Collections Policy detailed in Appendix 1.

Approval is sought for Officers to carry out a consultation exercise on an agreed draft Policy, with a view to referring it to full Council for consideration for adoption and republishing by 1st August 2024.

Recommendations

That the Committee considers and approves for consultation the draft House-to-House and Street Collections Policy detailed in **Appendix 1**.

List of Appendices

Appendix 1 – Draft Consultation Exercise Document - House-to-House and Street Collections Licensing Policy.

Background Papers

None.

Consideration of report by Council or other committee

No.

Council Approval Required

Yes. Final Policy document will require Council approval

Exempt from Press or Public

No

Review of House-to-House and Street Collections Licensing Policy

1. Introduction

1.1 House-to-House and Street Collections

The District Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House-to-House Collections Act 1939.

1.2 The Council has made regulations, which require the promoter to obtain a permit from the Council before a collection can take place.

1.3 In 2021 the Council approved a formal Policy setting out the Council's requirements and expectations in relation to these collections, for the benefit of the Council, applicants and members of the Public.

1.4 House-to-House and Street Collections Licensing Policy

The current Policy was approved by full Council and took effect from 1st July 2021.

It was recommended that the Policy should be kept under review and republished after a maximum period of 3 years.

1.5 During the last 3 years the Policy and way in which the service has been provided has not presented any cause for concern.

1.6 The Council usually limits collections to one per day in the same location/area, so that the public are not inundated with requests for donations, and to ensure that as many charities as possible have a reasonable opportunity to raise funds.

1.7 The Council is entitled to refuse an application for a house-to-house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is assessed as insufficient. Generally, a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause. The Promoter must complete an income/expenditure statement after a collection.

1.8 Consultation Exercise

The current Policy was approved by full Council in 2021, following a consultation exercise, where the draft document was circulated to all existing house- to-house and street collection permit holders, town and parish councils, police, trading standards, elected members, and officers within this authority.

The Policy was approved with a view a further review being carried out 3 years later. In the interim period the Policy has been kept under review, and any legislative or administrative changes required have been made to the draft Policy document detailed in **Appendix 1**.

2 Key Issues

2.1 The House-to-House and Street Collections Policy is due for review by 1st August 2024.

- 2.2 Officers consider that the Policy has worked well; there have not been any complaints or issues in the way the service has been administered during the last 3 years.
- 2.3 A 6-week consultation exercise should be undertaken to ensure that stakeholders of the service have the opportunity to influence any required changes).

3 Options Considered and Recommended Proposal

- 3.1 It is recommended that, using the draft document in **Appendix 1**, Officers carry out a 6-week consultation exercise to enable a final draft House-to-House and Street Collections Policy document to be prepared, for referral to full Council for adoption and republishing by 1st August 2024.

4 Policy Implications

4.1 Licensing Policy

Although it is not a statutory requirement to have a formal Policy for House-to-House and Street Collections, it is considered 'good practice' to do so.

5 Financial and Resource Implications

- 5.1 The Council cannot make a charge for the issue of either a Street Collection permit or House to House Collection licence. As such, the cost of administering the scheme cannot be recovered.

The cost of the consultation exercise would be minimal, consisting of officer time.

The financial risk is therefore assessed as low.

6 Legal Advice and Implications

- 6.1 Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted.
- 6.2 The Council has made regulations, which require the promoter to obtain a permit from the Council before the collection can take place.
- 6.3 House to House collections are regulated by the House to House Collections Act 1939. This Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on application unless one of the grounds set out in the Act for refusing the licence apply.
- 6.4 There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision-making.
- 6.5 The legal risk of challenge when taking the decisions as recommended at the beginning of this report has been assessed as low.

7 Equalities Implications

7.1 There are no changes to the Equalities Impact Assessment carried out in 2021.

8 Climate Change Implications

8.1 No direct impact.

9. Risk Management

9.1 Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted.

9.2 House to House collections are regulated by the House to House Collections Act 1939. This Act requires the promoter to obtain a licence from the Council before a collection can be carried out.

Report Authorisation

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	18/03/2024
Director of Resources/ S.151 Officer	Gemma Hadfield	18/03/2024
Deputy Monitoring Officer	Kerry France	18/03/2024

**DRAFT POLICY DOCUMENT FOR
APPROVAL FOR CONSULTATION**

**LICENSING POLICY
HOUSE TO HOUSE AND STREET COLLECTIONS
(CHARITY COLLECTIONS)**

This Policy will take effect from ~~1st AUGUST 2021~~ **XXXXXXXX** for a maximum period of 3 years, and will be kept under review. If you wish to make any comments during this period please contact the Licensing Manager in writing by:

Email : licensing@derbyshiredales.gov.uk

Post : The Licensing Manager
Place and Economy
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Index

	Page Number
Introduction	2
General Policy Matters	2
• Sharing information	2
• Policy Application	2
• Enforcement	2
Street Collections	
• Introduction	3
• Policy	3 - 4
• Applications and Fees	4
• Waivers and Consents	4
• Regulations	4
• Appeals	4
House to House Collections	5
• Introduction	5
• Exemptions	5
• Policy	5
• Fit and Proper Person	6
• Exercising Due Diligence	6
• Additional Information	6
• Late Applications	6
• Applications and Fees	6 - 7
• Appeals	7
Appendix 1 – Street Collections Regulations	8 - 9
<p>NB: The House-to-House Collections Regulations 1947. The regulations are 12 pages long and can be requested by email licensing@derbyshiredales.gov.uk. A copy of these will be sent out with every House-to-House Licence issued.</p>	
Appendix 2 – Standard Scale of Maximum Fines for Offences (Levels 1 – 5)	10

Introduction

- 1.1 Derbyshire Dales District Council regulates charitable collections in the street and also house to house charitable collections. Some matters relating to these collections are at the discretion of the Council and it is important that the Council has a policy regarding these matters.
- 1.2 This policy is designed to ensure that:
- a) applications are made in a timely way, neither too early nor too late,
 - b) collecting organisations each get a fair opportunity to make collections, and
 - c) members of the public are not subject to an excessive number of requests for donations.

2 General Policy Matters

2.1 Sharing of Information

The Council will share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with data protection legislation. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.

2.2 Policy Application

This document contains the policies adopted by Derbyshire Dales District Council for the grant of permits and licences. These policies will normally be applied in every case but where there are exceptional or unusual circumstances then these policies and conditions may be departed from. Any departure from these policies will only be as approved by the ~~Head of Regulatory Services~~ **Director of Place and Economy**.

2.3 Enforcement

Failure to comply with legislative requirements is an offence. In determining what enforcement action to pursue in respect of offences, the individual circumstances will be taken into consideration, together with the Council's enforcement policies and other national guidance, such as the Crown Prosecutor's Code of Practice.

3 **Street Collections**

3.1 **Introduction**

The Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, empowers local authorities to regulate collections made in the street.

A collection means a collection or a sale of articles for the benefit of charitable or other purposes.

3.2 **Policy**

All collections shall be carried out in accordance with the regulations made by the Council. The following policies are in addition to those regulations.

- 1) Collections may not be carried out in any public street or public place, apart from at an open air meeting, unless the promoter has obtained a permit from the Council. This includes collections as part of processions. This does not prevent collections taking place on land which is not a public place but some land that is privately owned to which the public generally have access will constitute a public place.
- 2) All applications shall be made at least one calendar month prior to the proposed start date of the collection. Applications received after this time will not generally be considered unless there are exceptional circumstances. For example: where a major charitable need has suddenly arisen, which could not have been foreseen, and which requires urgent assistance e.g. Children in Need Rickshaw Challenge.
- 3) Applications for permits or waivers will not be considered more than twelve months in advance of the proposed date of the start date of the collection.
- 4) Only one charity shall be allowed to collect within any one town centre on any one day. Applications may be made for several town centres for the same period – but a separate application must be completed for each one.
- 5) The most popular areas in which collections are usually applied for are Bakewell, Matlock, Ashbourne, Wirksworth, Tideswell and Matlock Bath. Other towns and villages may be allowed.
- 6) Permits to collect shall only be granted for periods not exceeding seven consecutive days with a period of seven clear days between permits; (with the exception of the RBL Poppy Appeal (Royal British Legion), which usually takes place over 2-3 weeks in October/November each year).
- 7) Permits will not be granted to any organisation which
 - a) has any direct political allegiance or affiliation or
 - b) is involved in, or advocates
 - i) any form of direct action which intimidates or threatens any person, or group or person, or
 - ii) which involves or encourages any illegal activity.

- 8) Where applications are received from more than one organisation for the same day, or for periods which overlap, then a permit will only be granted to one organisation. The organisation which shall be granted a permit shall be determined on a first-come-first-served basis.

However, preference will be given to local charities or charities with a local connection where applications have been made but not yet granted for the same or an overlapping period.

- 9) Exceptions to this rule shall be for the following national charities whose collections are linked to specific dates in the year to whom preference shall be given: Children in Need, Royal British Legion Poppy Appeal, Round Tables, Lions and Rotary Clubs. In addition local events that will receive preference include Shrovetide Committee, Matlock Bath Raft Event and various village carnivals.
- 10) Authority is delegated to the ~~Head of Regulatory Services~~, **Director of Place and Economy** to limit permits to such streets or public places or such parts thereof as is considered appropriate.
- 11) Applications to collect to raise funds for the purpose of financing personal expeditions shall not be permitted, even where a proportion of the funds raised are donated to charity.

3.3 Applications and Fees

The current legislation does not make any provision for any fees to be payable for a permit.

3.4 Waivers and consents

The Council's Regulations make allowances for the Regulations to be departed from in some case under specified circumstances. Any request to depart from the Regulations shall be made as detailed above.

3.5 Regulations

Applicants for permits and existing permit-holders shall comply with the Council's Regulations which are included at **Appendix 1**.

Any person who acts in contravention of these Regulations is guilty of an offence which on conviction is punishable by a fine not exceeding Level One (currently £200).

3.6 Appeals

There is no formal right of appeal against any decision made by the Council to grant or refuse an application for a street collection permit.

However, in the interest of fairness and transparency, if an organisation wishes to lodge a request for a decision to be reviewed then the matter should be put in writing to the ~~Head of Regulatory Services~~, **Director of Place and Economy** who will review the decision.

4 House to House Collections

4.1 Introduction

Public charitable collections conducted on a house-to-house basis are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947.

Collections for a charitable purpose may not be made unless the provisions of the Act and the Regulations are complied with and a licence from the Council has been obtained; otherwise a criminal offence is being committed. Anyone acting as a collector where the promoter is not licensed, would also be committing a criminal offence. Offences are punishable by penalties ranging from a minimum fine up to six months imprisonment and a fine.

For penalties for offences see House to House Act 1939 – section 8
<https://www.legislation.gov.uk/ukpga/Geo6/2-3/44/section/8>

NB: See page 10 for current maximum fines for each Level on the Standard Scale.

4.2 Exemptions

The Minister for the Cabinet Office is responsible for a national exemption order scheme for house-to-house collections under the current law.

National exemption orders are generally available to organisations which have obtained house to house collection licences in at least 70-100 local authority licensing areas for the two preceding years. There are currently 47 national exemption order holders. (List updated July 2019).

Special provisions relate to collections which are local to an area and which are to take place over a short period of time. In such circumstances the Police are able to issue a local exemption certificate as an alternative to the Council issuing a licence.

Selling goods door-to-door on the basis that the proceeds will go to charity constitutes a house to house collection. The Council has no power to attach conditions to a licence, nor to limit the number of house to house collections taking place at any one time nor to restrict them to a particular locality.

4.3 Policy

1) Amount devoted to charity

The grounds for refusal of an application for a licence by the Council, which are detailed in the Act, include where the total amount likely to be applied for charitable purposes as a result of the collection is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).

For the purposes of assessing this, the Council will not generally grant a licence unless the total amount applied for charitable purposes is a) likely to be equal to or exceed 80% of the total value of money likely to be received or b) where goods are collected or sold 80% of the profit derived.

In judging this, evidence of the amount devoted to charitable purposes as a result of previous collections, both within or outside the District, will be taken into account.

Where information becomes available after a licence has been granted, that the percentage requirements have not been met, then the licence shall normally be revoked.

2) Fit and proper person

The grounds of refusal include where the applicant is not a fit and proper person by virtue of having been convicted of certain offences.

The Council's Policy shall be that generally anyone convicted of one of the specified offences shall not be granted a licence or shall have their licence revoked.

For penalties for offences see House to House Act 1939 – section 8

<https://www.legislation.gov.uk/ukpga/Geo6/2-3/44/section/8>

NB: See page 10 for current maximum fines for each Level on the Standard Scale.

3) Exercising due diligence

Where the applicant for or licence-holder fails to exercise due diligence in ensuring that collectors authorised by him/her were or are fit and proper persons, then the Council may refuse to grant the licence or may revoke the existing licence.

The Council's Policy is that, where the Council is satisfied that due care or diligence has not been exercised, a licence will be refused or revoked.

4) Additional information

Where the applicant or the holder of a licence refuses or neglects to provide the Council with such information that the Council considers reasonable to require, then the Council will normally refuse the application or will revoke an existing licence.

5) Late applications

Applications must be made at least one month before the month in which it is proposed to carry out the collection. This period is specified in the legislation. Late applications may be considered but only where there are special reasons for doing so.

The Council's Policy is that late applications will not generally be considered unless there are exceptional circumstances. An example of this would be where a national/international disaster that could not be foreseen, where emergency aid/relief is required eg. Tsunami Relief Aid.

4.4 Applications and Fees

The current legislation does not make any provision for any fees to be payable for a licence.

Once a licence has been granted the collection promoter must ensure that their collectors are issued with prescribed certificates of authority and badges, blank copies of which may be obtained from HM Stationery Office.

It is an offence for any collector to collect without being in possession of the required signed authority and badge.

Following the collection, a form of statement must be completed and submitted to the Council within one month of the collection. The Statement must include details of income and expenditure, and the amount donated to the charity or good cause.

Some collections are carried out by regional or national charitable organisations under the authority of a Cabinet Office Exemption, and do not need a licence from the Council, so will not be required to submit statements to the Council.

4.5 Appeals

There is a right of appeal to the Minister for the Cabinet Office against the decision of the Council to refuse an organisation a licence to hold a house-to-house collection or to revoke such a licence.

An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was given to the applicant or licence-holder.

STREET COLLECTIONS - REGULATIONS

1. No collection of money or sale of any article shall be made in any street or public place within the District of Derbyshire Dales unless the person, society, committee or other body of persons responsible for such collection or sale shall have obtained from the Derbyshire Dales District Council a permit for such collection or sale.
2. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection or sale.

The licensing authority may reduce the period of one such month if satisfied that there are special reasons for so doing.
3. No collection or sale shall be made except upon the day and between the hours stated in the permit.
4. The licensing authority may in granting a permit limit a collection or sale to such streets or public places or such parts thereof as they think fit.
5. No person may assist or take part in any collection or sale without the written authority of the person, society, committee or other body of persons to whom a permit has been granted. Every person so authorised shall produce such written authority forthwith for inspection by a duly authorised officer of the licensing authority or any police officer on demand.
6. No collection or sale shall be made in any part of the carriageway of any street, which has a footway, provided that the licensing authority may, if it thinks fit, allow a collection or sale to take place on the said carriageway where such a collection or sale has been authorised to be held in connection with a procession.
7. No collection or sale shall be made in any street or public place to the obstruction or annoyance of any person in such a street or public place.
8. No collector or vendor shall importune any person to the annoyance of such persons.
9. Any person acting as a collector or vendor in a street or public place shall occupy a stationary position at some place on the footway. Not more than 2 persons shall act as collectors or vendors at the same place, and no person shall collect money or sell articles within 25 metres of the place where any other person is collecting or selling.

The licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection or sale, which has been authorised to be held in connection with a procession.
10. No person under the age of 16 years shall act or be permitted to act as a collector or vendor.
11. Every collector or vendor shall carry and present to all contributors or purchasers for the reception of money contributions, a box or other receptacle securely closed and sealed in such a way as to prevent the same being opened without such seal being broken, and all money shall be immediately placed into such box or receptacle.

All such boxes or receptacles shall be numbered consecutively. Every collector or vendor shall deliver his boxes, other receptacles, with seals unbroken, to one of the persons responsible for the proper application of the money received.

12. A collector or vendor shall not carry or use any collecting box, receptacle or tray, which does not bear, displayed prominently thereon the name of the fund for which the collection or sale is being made, nor any box or the receptacle which is not duly numbered.
13. No payment or reward shall be made or given either directly or indirectly, to any other person connected with the promotion or conduct of a collection or sale for or in respect of services connected therewith, except such payments as may have been approved by the authority which granted the permit.
14. (1) Within one month after the date of any collection or sale, the person, society, committee or other body of persons responsible therefore shall forward to the Secretary and Solicitor for the information of the licensing authority a statement in the form set out in the Schedule to the Regulations, certified by the auditor of the society or by some independent responsible person, with vouchers showing in detail the amount received and the expenses incurred in connection with such collection or sale, and shall, if required by the licensing authority, satisfy them as to the due proper application of the proceeds of the collection or sale.

The society, committee or other body shall also, within the same period, at their own expense and after audit, publish in such newspapers as the licensing authority may direct, a short statement showing the name of the person, society, committee or other body of persons responsible for the collection or sale, the amount collected, the amount of expenses and the amount distributed to the charity or fund.

- (2) The licensing authority may, if satisfied there are special reasons for doing:-
 - (a) extend the period of one month referred to in Paragraph (1) above and
 - (b) agree to accept from the person, society, committee or other body of persons required to forward a statement to the appropriate officer under Paragraph (1) above, a statement which although not in the form set out in the Schedule to these Regulations is in a like or similar form, and where there has been agreement and an acceptance, Paragraph (1) above shall be deemed to have been complied with.

15. These regulations shall not apply:-
 - (i) in respect of a collection taken at a meeting in the open air;
 - (ii) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade and for the purpose of earning a livelihood and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.
16. The maximum fine for breach of any of these regulations is £200, Level 1 under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 as amended.

Maximum fines

A fine must not exceed the statutory limit. Where this is expressed in terms of a 'level', the maxima are:

Level 1	£200
Level 2	£500
Level 3	£1,000
Level 4	£2,500
Level 5	Unlimited

(This information is correct at 1 April 2024)

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 8

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank