

# Licensing and Regulatory Committee

Excerpt of the Minutes of the remote meeting held on Monday 19 July 2021 at the Town Hall, Royal Leamington Spa at 4.30pm

**Present:** Councillors Illingworth (Chairman), Cullinan, Grey, Leigh-Hunt, Mangat, Redford, and Wright.

## 7. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillors Boad, C Gifford, Heath, Norris and Syson; and
- (b) there were no substitutes.

## 8. **Declarations of Interest**

There were no declarations of interest.

## 13. **Proposed House to House Collections Policy**

The Committee considered a report from Health and Community Protection which presented a new policy for House to House Collections which would be applicable to all applicants, and which requested that it be forwarded to Council for adoption.

The Licensing Authority was required to authorise house to house collections under the House to House Collections Regulations 1947.

The proposed policy had been consulted upon and was attached as Appendix 1 to the report. Appendix 2 to the report set out the public consultation responses in relation to the Policy, as well as responses from officers and any advice from legal services. Legal advice had been sought on two areas of the proposed policy, 'contactless' donations via a credit/debit card would be covered by the policy and whether Warwick District Council should ever deviate from the policy for any reason which required legal advice.

On these points the legal advice was that of supporting the officers views, with the exception of point 12 of the public responses in Appendix 2 to the report, this had been received shortly before the meeting and was "*it is clear in my view that the regulations can only reasonably be interpreted as applying to cash collections*".

In terms of alternative options, the only other option would be that no Policy was introduced.

In response to questions from Members, the Licensing Team Leader advised that:

- Many of the larger charities could not be controlled by the Council because those types of charities had national dispensation whereby they did not need to inform the Council that they were coming to the area. The Policy was more about local charities, particularly those who used collection bags, as opposed to those who knock on doors

## LICENSING & REGULATORY COMMITTEE MINUTES (Continued)

regularly and ask for direct debits who were also given an exemption from the Secretary of State to inform the Council they were in the area. Charities that were trying to sell at the door or collect money, for example the Poppy Appeal, would need to inform the Council that they were coming to the area.

- The Council could not control designated charities that held exemptions from the Government, and therefore the way those charities and collectors would be vetted was separate.
- If two charities asked the Council for a collection on the same day and same time, preferential treatment would be given to the local charity.
- An officer would never move away from the policy without consulting with the Head of Service and Chairman of the Licensing & Regulatory Committee.

Members felt that the collection hours should be changed from 9am – 7pm, to 9am – 8pm, as they felt 7pm was too early to finish but also wanted to protect vulnerable members of the public and minimise disturbance. A proposal to amend these hours was voted on and was carried.

In response to further questions from Members, the Licensing Team Leader advised that:

- The application form the Council asked to be filled in included a desired date for collection and alternative dates, and with details about the area. This form could be altered to ensure the permit issued had a control measure on it that stated the Charity could not collect beyond 8pm. The Council would be monitoring and reviewing via complaints received.
- The application form included an estimate of costs, and the Charities were required to provide the Council the agreement they had with the Charity collector. If there was a collector acting on behalf of the charity there would be a contract in place, and to date the Council had never failed as a licensing authority to be provided with those contracts. Application forms would be scrutinised and compared with the contracts to make they matched, and where the percentage was not matched then that charity would not be issued with a permit in future, and also if follow up statements weren't provided.
- The way they currently worked allowed charities to tell the Council they would be collecting between a beginning and end date, with a maximum of 12 months, this Policy would mean that every time you would need to complete an application form and provide background information so there would be a better monitoring process, which was designed to help the Council and residents know the charity was legitimate.
- In relation to the legal advice received around point 12 of the public responses in Appendix 2 to the report, this had been received shortly before the meeting and was "*it is clear in my view that the regulations can only reasonably be interpreted as applying to cash collections*". Therefore, it was understood that any of the QR code or chip and pin type collections that were undertaken on a high street or outdoors, there was no way for the Council to compel them to have a permit, or file the appropriate returns. The Licensing Team Leader asked if a review of this in light of this legal advice could be done, and sent to Members if the words changed, and the Committee were happy with this suggestion.

## LICENSING & REGULATORY COMMITTEE MINUTES (Continued)

The Committee therefore

**Recommended** to Council that the House to House Collection Policy (attached as Appendix 1 to the minutes), subject to the above changes, be adopted.

### 14. **Proposed Street Collections Policy**

The Committee considered a report from Health and Community Protection which presented a new policy for Street Collections, which would be applicable to all applicants and requested that it be forwarded to Council for adoption.

The Licensing Authority was required to authorise street collections under the Police, Factories etc. (Miscellaneous Provisions) Act 1916.

The proposed policy had been consulted upon and was attached as Appendix 1 to the report. Appendix 2 to the report set out the public consultation responses in relation to the Policy, as well as responses from officers and any advice from legal services. Legal advice had been sought on two areas of the proposed policy, 'contactless' donations via a credit/debit card would be covered by the policy and whether Warwick District Council should ever deviate from the policy for any reason which required legal advice.

On these points the legal advice was that of supporting the officer's views.

In terms of alternative options, the only other option would be that no Policy was introduced.

In response to a question from Members, the Licensing Team Leader advised that when a permit was issued or refused for a licence for a street collection or house to house collection, the Council informed the licensing officer at Warwickshire Police.

The Committee therefore

**Recommended** to Council that the Street Collection Policy (attached as Appendix 1 to the minutes), be adopted.

(The meeting ended at 5:38pm)