

To: All Members and substitute members of
the LICENSING (GENERAL
PURPOSES) SUB-COMMITTEE
(Other Members for Information)

When calling please ask for:

Maureen Brown, Democratic Services Officer
Policy and Governance

E-mail: maureen.brown@waverley.gov.uk

Direct line: 01483 523225

Calls may be recorded for training or monitoring

Date: 12 June 2015

Membership of the Licensing (General Purposes) Sub-Committee

Cllr Simon Inchbald
Cllr Patricia Ellis
Cllr Peter Isherwood

Cllr Anna James
Cllr Bob Upton

Substitutes

Cllr Maurice Byham

Cllr Carole King

Dear Councillors

A SPECIAL meeting of the LICENSING (GENERAL PURPOSES) SUB-COMMITTEE will be held as follows:

DATE: MONDAY, 22 JUNE 2015

TIME: **12 NOON [PLEASE NOTE START TIME OF MEETING]**

PLACE: COUNCIL CHAMBER

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact committees@waverley.gov.uk or call 01483 523351

NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **APPOINTMENT OF CHAIRMAN**

To confirm the appointment of Cllr Simon Inchbald as Chairman of the Licensing (General Purposes) Sub-Committee for the Council Year 2015/16.

2. **APPOINTMENT OF VICE-CHAIRMAN**

To confirm the appointment of Cllr Patricia Ellis as Vice-Chairman of the Licensing (General Purposes) Sub-Committee for the Council Year 2015/16.

3. **MINUTES**

To confirm the Minutes of the Special Meeting held on 2 April 2015 (to be laid on the table half an hour before the meeting).

4. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

5. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

6. **QUESTIONS BY MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public of which notice has been given in accordance with Procedure Rule 10.

7. **APPLICATION FOR STREET TRADING PERMIT**

An application for a street trading permit has been received for the Cranleigh Lions Carnival and Fun Day to be held on Saturday 27 June. The last date for comments on this application is Wednesday 24 June which is after the despatch of this agenda. Should any comments be received following the closing date they will be reported to the Sub-Committee for discussion and determination.

8. **APPLICATION FOR STREET COLLECTION PERMIT - GO GODALMING**
(Pages 5 - 14)

This report gives details of an application received for a street collection permit, the proceeds of which are intended to benefit Go Godalming in funding the

running of concerts at the Bandstand, Godalming to entertain the community free. The organisation is not a registered charity in the UK.

Recommendation

It is recommended that the Committee considers whether it would wish to grant extra street collection permits to GO GODALMING for 2015, as described in this report.

9. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is 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 the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the Act in respect of the following item:

Information relating to any individual (paragraph 1)

10. REVIEW OF HACKNEY DRIVER'S LICENCE WITH REFERENCE TO A SERIOUS INCIDENT (Pages 15 - 34)

To consider the attached [Exempt] report.

11. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Maureen Brown, Democratic Services Officer, on 01483 523225 or by
email at maureen.brown@waverley.gov.uk**

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

22 JUNE 2015

Title:

APPLICATION FOR STREET COLLECTION PERMIT – GO GODALMING
[Ward Affected: Godalming]

Summary and Purpose

This report gives details of an application received for a street collection permit, the proceeds of which are intended to benefit Go Godalming in funding the running of concerts at the Bandstand, Godalming to entertain the community free of charge. The organisation is not a registered charity in the UK.

How this report related to the Council's Corporate Priorities:

The report relates to understanding residents' needs and providing them with reassurance that the collection is adequately supporting charitable causes.

Equality and Diversity Implications:

There are no equality implications.

Resource/Value for Money implications:

There are no resource implications, as any necessary administration would be dealt with from existing staffing resources.

Legal Implications:

A street collection permit is required by any person to collect, in any street or public place within Waverley, money for the benefit of charitable or other purposes. The Council's Regulations ([Annexe 3](#)) regulate such collections. Any person who collects money or otherwise acts in contravention of the Council's Regulations with regard to street and house-to-house collections is liable to a fine.

There is no statutory right of appeal against the refusal of a street collection permit but a licensing authority's actions could be challenged by application to the High Court for a review of the decision.

Introduction

1. An application for a street collection permit, attached at [Annexe 1](#), has been received from Mrs Joy Poulter, Vice President of Go Godalming. Mrs Poulter submitted the application on 1 May 2015 requesting a street collection permit to collect at the Godalming Bandstand on the following dates;

- May 17, 24 and 31

- June 7, 14, 21 and 26
- July 5, 19 and 26
- August 9, 16, 23 and 30
- Sept 6, 13

These dates are all Sundays except for 26 June which is a Friday.

Any money collected will, it is stated, be for the purpose of entertaining the community free of charge. There will be no benefit for a local charity.

Officer Consideration

2. The Council has authorised the officers under delegated powers to deal with applications for street collections, which are of a routine nature and subject to the Council's guidelines which are attached at Annexe 2.

3. On initial consideration of this application officers were reluctant to use their delegated powers to authorise all the street collections applied for as the Council Regulations require that applications be made no later than one month prior to the collection date, and the Council's Guidelines state the Council will usually permit four collections only per year by any individual or organisation applying.

4. The Council's Street Collections guidelines were amended to increase the number of collections usually permitted from one to four following a similar report in relation to collections made by Go Godalming at the Bandstand on 27 May 2010. The Licensing and Regulatory Committee after deliberation RESOLVED that
 1. the Council's guidelines for the grant of street collections in Waverley be amended to permit four collections per year by any individual or organisation applying and any requests for additional collections to be decided by delegated decision by the Head of Democratic and Legal Services in consultation with the Chairman and Vice-Chairman of Licensing; and
 2. the revised guidelines and regulations, as amended above, be adopted.

5. Officers agreed that 17 and 24 May would be refused as the application was not made in time. However following the Committee's Decision in 2010 31 May, 7, 14 and 21 June would be granted.

6. The above dates are in addition to a permit previously granted for this year, 2015, that Mrs Poulter applied for. This was in relation a street collection permit to collect on behalf of Rotary Club of Godalming on 4 April 2015.

7. Officers request that the Committee considers the remaining dates for collections in July, August and September.

What the Committee must consider

8. Local authorities may reserve the right to refuse any application for a street collection. It is felt that the Committee should consider whether it would wish to approve this application for a street collection permit as requested. If it was minded to refuse this application it is suggested that it could consider doing so for the following reason:
 - (i) will usually permit four collections only per year by any individual or organisation applying.

Conclusion

9. Grant of permits would assist Go Godalming in providing free entertainment for residents and visitors at the Bandstand.

Recommendation

It is recommended that the Committee considers whether it would wish to grant extra street collection permits to GO GODALMING for 2015, as described in this report.

Background Papers

Application from the above organisation.

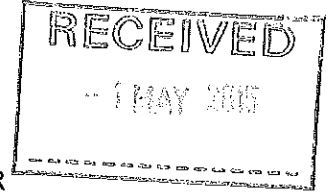
CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

Email paul.hughes@waverley.gov.uk

This page is intentionally left blank



Council Offices, The Burys, Godalming, Surrey, GU7 1HR

STREET COLLECTIONS

APPLICATION FOR PERMISSION TO HOLD A STREET COLLECTION TO COLLECT MONEY OR SELL ARTICLES IN STREETS OR PUBLIC PLACES IN THE WAVERLEY BOROUGH FOR THE BENEFIT OF CHARITABLE OR OTHER PURPOSES [Police, Factories etc (Misc Provisions) Act 1916]

[The Regulations and Waverley Guidelines governing Street Collections are attached and should be retained by the applicant.]

<p>1. Name and address of Society, Committee or body responsible for the collection or sale.</p> <p>2. Name and address of the person making the application who will be jointly responsible for the collection or sale (Chief Promoter) Daytime Telephone Number Mobile Telephone Number.</p> <p>3. Status of applicant (i.e. Local Secretary, etc). If no official status, please state if you have been authorised to collect on behalf of the benefiting charity, etc.</p> <p>4. Name of Charity or Fund which is to benefit.</p> <p>5. Objects of the Charity or Fund.</p> <p>6. The purpose to which the money collected will be put.</p> <p>7. Will the collection be used to benefit a local charity ORGANISATION?</p> <p>8. Registered Charity Number.</p> <p>9. Date and hours during which it is desired to make the collection or sale: Date: Hours:</p> <p>10. Locality within which it is desired to make the collection or sale.</p> <p>11. It is proposed to hold the collection in conjunction with a carnival, procession or other event which will require the relaxation of Regulation 9 of the attached Street Collection Regulations? If so, give a brief description of the function.</p> <p>12. By what method will the collection or sale be made? (e.g. in sealed tins or other receptacles). (See Regulation 11)</p>	<p>1. GO GODALMING ASSN.</p> <p>2. JOY Poulter MBE 27 NIGHTINGALE ROAD GODALMING GU7 2HP 01483 47051 07789728179</p> <p>3. VICE PRESIDENT.</p> <p>4. BANDSTAND CONCERTS</p> <p>5. TO ENTERTAIN THE COMMUNITY FREE OF CHARGE</p> <p>6. TO FUND THE RUNNING OF THE CONCERTS</p> <p>7. YES.</p> <p>8. NIR.</p> <p>9. SUNDAYS 3PM TO 5PM 201. 17/24/31 MAY 7/14/21/26 JUNE 19/26 JULY 9/16/23/30 AUGUST 6/13 SEPT SUNDAY 5 JULY 1-30 - Spm.</p> <p>10. GODALMING BANDSTAND</p> <p>11. NO.</p> <p>12. SEALED IN BUCKETS</p>
--	---

13. What arrangements are proposed to ensure that the money collected is handed over with the least possible delay to the person responsible for the proper application of the money?	13. MONEY BANKED ON MONDAY MORNING.
14. Disposal of the receipts:	14.
a. Is it proposed that the whole of the receipts shall be paid over for the benefit of the Charity or Fund, or will any deduction be made for expenses or for any other purpose? b. If any deduction is to be made, state for what purpose and give an estimate of the sum which will be deducted.	a. Expenses for printing advertising & marketing b. approx £200.
15. Approximately how many persons is it proposed to authorise to act as collectors?	15. 3.
16. Is application being made or has application been made for licences for collections for the same purpose in other areas?	16. No.
17. Has any application for a permit to hold a street collection on behalf of your Charity or Fund ever been refused by any Local Authority? If so please state why and by which Authority.	17. No.
18. Is it proposed to promote the collection in conjunction with a house-to-house collection? a. If so, state whether the house-to-house collection will be conducted under:- (i) a Home Office Order of Exemption; or (ii) a licence for which an application has been, or is to be made to Waverley Borough Council; b. give dates of any proposed house-to-house collection.	18. No. a. (i) (ii) b.
19. <u>History</u> a. Have you applied to Waverley previously? b. Have you ever had an application refused? c. If yes, give reasons.	19. a. YES b. NO. c.

Signature of the applicant: (Chief Promoter) J. Powell

Date: 30/4/2015

To: The Chief Executive, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR
[Telephone: Godalming (01483) 523219]



WAVERLEY BOROUGH COUNCIL

GUIDELINES FOR THE GRANT OF STREET COLLECTIONS IN WAVERLEY

The Council has delegated to its officers the authority to consider and determine applications for street collections, subject to the guidelines set out below. Any person who is dissatisfied with the outcome of an application for a street collection permit, may request that the application be considered formally by the Licensing and Regulatory Committee.

1. The Council will usually permit four collections only per year by any individual or organisation applying.
2. The Council will only issue permits to an individual or organisation which provides adequate information so that the application can be considered properly. This may include any information which might lawfully be requested by the Council in addition to that given on the application form.
3. The Council will not issue permits to an individual or organisation whose aims do not appear to be charitable or of a closely allied nature. Where there is any doubt about the aims of the collecting body, it may be asked to provide further evidence to clarify that doubt.
4. The Council will not issue further permits to an individual or organisation whose collectors are paid more than it considers to be "reasonable expenses".
5. The Council will not normally issue further permits to an individual or organisation that has cancelled a street collection in Waverley at short notice (less than one week), on more than one occasion in the last three years.
6. The Council will not normally issue permits to an individual or organisation that has held an unlawful street or house to house collection within its area, or that of another Local Authority.
7. The Council will take into account any 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.
8. The Council will not normally issue further 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.

9. 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 Borough showing that no money was received.
10. The Council will take into account information or advice supplied by the Police or other relevant body in deciding whether to grant a permit.
11. The Council's officers are not authorised to grant a permit to an individual or organisation where a previous application has been considered and refused by the Licensing/Licensing and Regulatory Committee.
12. The Council will not normally permit an application for a street collection where an application from the applicant/organisation has been refused by the Council's Licensing/Licensing and Regulatory Committee in the preceding **two** years.
13. The Council will not normally permit an application for a Street Collection where the aims and objects of the collection are unlikely to benefit local people specifically, or as the reasonably foreseeable consequences of more widespread activities.

Note: Where an applicant is dissatisfied with the proposed refusal of an application for a street collection, he/she may request that the application is brought before the Licensing and Regulatory Committee for determination

Guidelines approved by Waverley Borough Council – 13th February 2002 and amended 27 May 2010



REGULATIONS

MADE BY THE WAVERLEY DISTRICT COUNCIL WITH REGARD TO STREET & HOUSE-TO-HOUSE COLLECTIONS

By virtue of the powers conferred upon them by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, and the Charitable Collections (Transitional Provisions) Order 1974 the Waverley District Council have made 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 Waverley District to collect money or sell articles for the benefit of charitable or other purposes.

1. No collection of money or sale of any article shall be made in any street or public place within the Waverley District unless the person, society, committee or other body of persons responsible for such collection or sale shall have obtained from the Waverley District Council a permit for such collection or sale.
2. Application for a permit shall be made in writing or on line not later than one month before the date on which it is proposed to make the collection or sale.
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 street or public place.
8. No collector or vendor shall importune any person to the annoyance of such person.
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. Provided that 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 received 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 or other receptacles with the 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 other receptacle which is not duly numbered.
13. No payment or reward shall be made or given to any collector or vendor. 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 therefor shall forward to the District Secretary, Waverley District Council, 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 and proper applications 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 newspaper or 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 name of the charity or fund which is to benefit, the date of the collection or sale, the amount collected, the amount of the expenses and the amount distributed to the charity or fund.

(2) The licensing authority may if satisfied there are special reasons for so doing
 - (a) extend the period of one month referred to in paragraph (1) above;
 - (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 such agreement and 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. Any persons who acts in contravention of any of the foregoing Regulations will be liable on summary conviction to a fine not exceeding two pounds or in the case of a second or subsequent offence not exceeding five pounds.

NOTES

1. The Criminal Justice Act 1982 (Section 37) increased the penalties referred to in Regulation 16 to a fine not exceeding £50 for a first or subsequent offence.
2. By virtue of a Charter, Waverley District Council was granted Borough Status from 21st February 1984 and these Regulations remain in force in respect of the area now known as Waverley Borough.

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank