



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,  
ELY, CAMBRIDGESHIRE CB7 4EE  
Telephone: 01353 665555

MEETING: **LICENSING COMMITTEE**  
TIME: 9:30am  
DATE: Wednesday 20<sup>th</sup> June 2018  
VENUE: **Committee Room 2**, The Grange, Nutholt Lane, Ely  
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes  
DIRECT DIAL: (01353) 665555 EMAIL: [adrian.scaites-stokes@eastcambbs.gov.uk](mailto:adrian.scaites-stokes@eastcambbs.gov.uk)

## Membership:

### Conservative Members

Cllr Elaine Griffin-Singh (Chairman)  
Cllr Chris Morris (Vice Chairman)  
Cllr Michael Allan  
Cllr Mike Bradley  
Cllr Paul Cox

Cllr Neil Hitchin  
Cllr Julia Huffer  
Cllr Carol Sennitt  
Cllr Alan Sharp  
Cllr Stuart Smith

### Liberal Democrat Member

Cllr Sue Austen  
(Spokesperson)

### Lead Officer:

Liz Knox, Environmental Services Manager

**Quorum:** 5 Members

## A G E N D A

1. **Apologies**
2. **Declarations of Interest**  
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
3. **Minutes**  
To receive and confirm as a correct record the Minutes of the Licensing Committee Meetings held on (a) 11<sup>th</sup> April 2018 and (b) 24<sup>th</sup> May 2018
4. **Chairman's Announcements**
5. **Hackney Carriage Fares – Consideration of request from Trade to Increase Fares**
6. **Charity Street Collection Permits**

7. **Licensing Officers Update**

8. **Forward Agenda Plan**

<b>NOTES:</b>	
1.	All interested parties attending this Licensing Sub-Committee Hearing will be collected from the Reception area at The Grange, Ely just prior to the commencement time for the meeting.
2.	The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 60.
3.	Fire instructions for meetings: <ul style="list-style-type: none"><li>▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.</li><li>▪ The fire assembly point is in the front staff car park by the exit barrier.</li><li>▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.</li><li>▪ The Committee Officer will sweep the area to ensure that everyone is out of this area.</li></ul>
4.	Reports are attached for each agenda item unless marked "oral".
5.	If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: <a href="mailto:translate@eastcambs.gov.uk">translate@eastcambs.gov.uk</a>
6.	If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:  "That the press and public be excluded during the consideration of the remaining items no. because 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 item there would be disclosure to them of exempt information of Categories XX Part I Schedule 12A of the Local Government Act 1972 (as Amended)."



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## **LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 11<sup>th</sup> April 2018 at 9.35am.

### **PRESENT**

Councillor Elaine Griffin-Singh (Chairman)  
Councillor Mike Bradley  
Councillor Paul Cox  
Councillor Neil Hitchin  
Councillor Julia Huffer  
Councillor Carol Sennitt  
Councillor Alan Sharp  
Councillor Stuart Smith

### **OFFICERS**

Stewart Broome – Senior Licensing Officer  
Maggie Camp – Legal Services Manager and Monitoring Officer  
Liz Knox – Environmental Services Manager  
Adrian Scaites-Stokes – Democratic Services Officer

#### 34. **APOLOGIES**

Apologies for absence were received from Councillors Michael Allan, Sue Austen, and Chris Morris

#### 35. **DECLARATIONS OF INTEREST**

There were no interests declared.

#### 36. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 10<sup>th</sup> January 2018 be confirmed as a correct record and be signed by the Chairman:

#### 37. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that the Licensing Department had replaced the previous set of stickers, which had to be adhered to private hire vehicles, with a new version. Previously three sets of stickers had been provided for each front door of a vehicle, which was a long-winded process and caused delays of up to 10 days. A generic sticker would now be provided instead.

Councillor Neil Hitchin questioned the insurance aspects, as the new stickers stated that 'not insured if not pre-booked'. The Senior Licensing Officer explained that the drivers had to get their own private hire and public hire insurance. Some insurance companies would not provide cover if private hire drivers accepted non-booked work, as they considered it unlawful. This Council erred on the side of caution and encouraged advanced bookings, as there was a better chance of claiming if required. It also checked that the right type of insurance was in place before licences were issued.

38. **GAMBLING ACT 2005 LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, S281 previously circulated, that set out the draft revised version of the Council's Gambling Act 2005 – Statement of Principles for Licensing.

The Senior Licensing Officer advised the Committee that Section 349 of the Gambling Act required a Licensing Authority to publish its Statement of Principles every three years. The previous set of Principles had been examined to check to see if anything needed to be incorporated. There had been nothing new to add but a minor change to reflect changes in the legislation. The local area profiles had been completed the last time the Principles were considered. So approval was now sought to send the revisions draft out to consultation. Any comments would be brought back to this Committee and thence onto to full Council for adoption. The new Principles would be published by 31<sup>st</sup> January 2019.

Councillor Mike Bradley queried why an 8 week consultation period had been chosen, instead of the usual 12 weeks. How would the Principles impact on clubs who held one-night events? The Committee was informed that as there were only a small number of minor amendments a full 12-week consultation was not needed, as 8 weeks left plenty of time to respond. The Principles governed everything holistically and included for small events. Some gambling events could happen without requiring permission but this would depend on the details of the event. If certain thresholds were surpassed then permission would be needed. The vast majority of small events did not need that permission, unless the stakes were over certain limits. The Licensing Department could offer some advice but would have to know the specific details before doing so, as there were so many different parameters to consider and these were constantly changing.

Councillor Paul Cox wanted to know if there were draconian limits on 'one-armed bandits' and asked if there was any legislation imminent from the Government about those types of machines. The Senior Licensing Officer acknowledged that there were different categories of machines with category C machines usually found in public houses. Category B machines needed club licences or other requirements. Betting shops used Category B machines, which could have higher stakes and pay outs, but they were limited to 4 terminals per shop. The Government were looking at these machines, as they could be very addictive, and consulting about the spending limits but no decisions had yet come forth. It was not expected that any Government

changes would radically affect the Council's Policy, as it was anticipated that they would only affect the limits of stakes/pay outs.

Councillor Alan Sharp noted that, as a shop had limits on its stakes, this had encouraged a proliferation of such establishments elsewhere. The Committee was told that some other local authorities had considered introducing a 'saturation policy' to limit the numbers of such places. As this Council had already introduced the requirement for new operators to consider the local area profile, and provide a local risk assessment with any new application, it was satisfied that the current controls were sufficient. The current level of betting shops, there being 5 in the whole of the district, was not considered excessive, and there is no expectation of any more applications being received based on the growth seen over the past 11 years.

It was resolved:

- (i) That the draft version of the Council's Gambling Act 2005 – Statement of Principles for Licensing at Appendix 1 be approved;
- (ii) That a statutory public consultation takes place on the draft Statement of Principles for Licensing from 1 May 2018 to 30 June 2018 in accordance with the Gambling Act 2005.

39. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – POST IMPLEMENTATION REVIEW OF STREET TRADING POLICY 2016**

The Committee considered a report, S282 previously circulated, that reviewed minor amendments to the Council's 2016 Street Trading Policy.

The Senior Licensing Officer advised the Committee that the report was a review of the Street Trading Policy introduced by the Council, which designated all streets within the district as Consent Streets, excepting some trunk roads, from 1<sup>st</sup> April 2016. The previous regime had been very restrictive, resulting in no new applications being received. Since the adoption of the Consent Streets there had been an increase in the number of applications received, as shown under paragraph 4.4 of the report. Although the number of Event Consents had dropped, this was not considered a concern due to these type of events being susceptible to change. As a result of more applications the fee income had also increased so the level of fees would be monitored.

So far the new scheme had proved a success and allowed more control over those trading. However, a few minor amendments to the Policy were suggested to clarify matters and make the application process easier. These were set out in paragraph 4.10 of the report and included removing the requirement to have passport photographs endorsed, as this had caused delays and was considered an excessive requirement, and flexibility to take any objections to the Licensing Sub-Committee instead of the full Committee where appropriate. The amendments should help clear up any confusion and allow for a consistent approach.

Councillor Elaine Griffin-Singh thought all the processes and administration made sense. When the scheme was first introduced the fee levels were high due to there only being a few traders and it anticipated that more traders would mean reduced fees. So, what was the cost recovery position? Concern was

also expressed about the drop in Event Consent numbers and why 10 had been lost?

The Senior Licensing Officer explained that the fees had been looked at in October 2017, with it being suggested that costs would be recovered. Currently the fees did not need adjusting but they would be monitored. They would be looked at again to compare cost versus income. If too much money was made, through a growth in street trading, then the fees could be reduced. The traders had received the new scheme well and were allowed to pay the fees quarterly if they wished, which helped them. Some of the Event Consents related to one-off events which would not occur again. There had been no reports that the application processes had been too onerous for applicants, as it was now quick and easy. The Environmental Services Manager added that the Safety Advisory Group kept a list of community events and there had been no drop off on their numbers.

Councillor Mike Bradley congratulated the officer on the Policy, as it clearly worked and was proving cost neutral. He supported the suggested amendments in principle but queried who were involved with the Event Consents. He questioned whether the number of events in 2016/17 was just a 'spike' in the numbers and only related to that year. It was revealed to the Committee that the City of Ely Council promoted these type of events and a number involved local voluntary organisations, so it was a mixture. Temporary event notices were around 330 per year and these had also seen a slight reduction. If there had been a dramatic downturn of event numbers this would have been a concern.

Councillor Carol Sennitt declared that her sister had a trading licence for a site on the A142. She questioned whether the street traders had responsibility for their own rubbish. The Senior Licensing Officer disclosed that there was a standard condition that they were responsible for their own rubbish.

The Legal Services Manager suggested that an additional recommendation be considered, to allow delegated authority to the Monitoring Officer to make any relevant amendments to the Council's Constitution. This was approved by the Committee. Therefore,

It was resolved:

- (i) That the report be noted and the minor amendments contained in paragraphs 4.10(i) to (v) be approved for immediate implementation;
- (ii) That the Monitoring Officer be given delegated authority to make any relevant amendments to the Council's Constitution.

#### 40. **LICENSING OFFICER'S UPDATE**

The Committee considered a report, S283 previously circulated, that provided an update on the work of Officers in the Licensing Department.

The Senior Licensing Officer advised the Committee that there was good news, in that the taxi rank improvements in Market Street Ely had been completed.

Due to a delay in obtaining new signage the Council had moved some of the existing signs to indicate the new arrangements. The taxi trade had made no complaints about the new scheme. At the suggestion of Councillor Elaine Griffin-Singh, the Officer would see about getting a press release issued on that subject.

The Department of the Environment, Food and Rural Affairs had presented the new animal welfare Regulations, which would be subject to Parliamentary scrutiny. It was expected they would come into force in October 2018.

Councillor Mike Bradley noted that there were very few suspensions and wondered whether this was due to the new enforcement regime and whether there was a good relationship with the trade. The Committee was informed that the new regime had helped ensure vehicles met the requirements. Generally the taxi fleet was well maintained and the trade were very complaint. There had been some issues, but with the support of the trade these had been resolved. The way the Department now operated garnered good results. This was aided by an amicable relationship with the trade, as it had realised that enforcement included protecting the trade's reputation.

Councillor Elaine Griffin-Singh asked whether any penalty points had been issued using the new suspension system and that this could be included in future officer reports. The Senior Licensing Officer stated that there had been a few, with one case given 3 points and a couple given 1 point. Each case was looked at individually and the person involved had the right to appeal.

The Committee noted the report.

41. **FORWARD AGENDA PLAN**

The Committee considered its forward agenda plan.

The Democratic Services Officer advised the Committee that an item on Charity Collections would be presented at its May meeting. A report on Street Trading could also be presented at that meeting but might have to be deferred until the following June meeting. In reference to the June meeting, the Committee was forewarned that it would be using Committee Room 2, as the Chamber had been purloined for a Local Plan Hearing.

The meeting closed at 10.43am.



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## **LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Thursday, 24 May 2018 at 6:40pm.

### **P R E S E N T**

Cllr Mike Bradley  
Cllr Paul Cox  
Cllr Elaine Griffin-Singh  
Cllr Julia Huffer  
Cllr Chris Morris  
Cllr Carol Sennitt  
Cllr Alan Sharp  
Cllr Stuart Smith

### **APOLOGIES**

Cllr Michael Allan  
Cllr Sue Austen  
Cllr Neil Hitchin

### **OFFICERS**

John Hill – Chief Executive  
Maggie Camp – Legal Services Manager and Monitoring Officer  
Jo Brooks – Director Operations  
Emma Grima – Director Commercial  
Adrian Scaites-Stokes – Democratic Services Officer

#### **1. ELECTION OF CHAIRMAN**

Councillor Elaine Griffin-Singh was nominated by Councillor Julia Huffer and seconded by Councillor Carol Sennitt. There being no other nominations:

It was resolved:

That Councillor Elaine Griffin-Singh be elected as Chairman of the Licensing Committee for the ensuing municipal year.

#### **2. APPOINTMENT OF VICE-CHAIRMAN**

Councillor Chris Morris was nominated by Councillor Elaine Griffin-Singh and seconded by Councillor Mike Bradley. There being no other nominations:

It was resolved:

That Councillor Chris Morris be appointed as Vice-Chairman of the Licensing Committee for the ensuing municipal year.



3. **LICENSING SUB-COMMITTEE**

It was resolved:

That the following Members be appointed to the Licensing Sub-Committee for 2018/19:

**Conservative Members (4)**

Cllr Michael Allan

Cllr Julia Huffer

Cllr Carol Sennitt

Cllr Alan Sharp

**Liberal Democrat Member (1)**

Cllr Sue Austen

The meeting concluded at 6:43pm.

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**TITLE: HACKNEY CARRIAGE FARES - CONSIDERATION OF REQUEST FROM TRADE TO INCREASE FARES**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 20 JUNE 2018**

**AUTHOR: SENIOR LICENSING OFFICER**

[T33]

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1.0 ISSUE

1.1 To consider increasing the fares payable by members of the public to use an East Cambridgeshire District Council taxi following a formal request from members of the taxi trade.

2.0 RECOMMENDATION(S)

2.1 That Members consider the report, and authorise Officers to run the necessary consultation process using the proposed table of fares contained in **Table 7** of this report, and implement the recommended changes (subject to their being no comments received).

3.0 BACKGROUND

3.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) gives the Council power to set fares within the district for the time and distance travelled and all other charges in connection with the hire of hackney carriages. Such fares are specified in a “table of fares” which may be varied from time to time.

3.2 Hackney Carriage Drivers are at liberty to charge fares lower than the specified table of fares, but are not permitted to charge higher fares for journeys taking place wholly within the district. Journeys commencing outside of the district (due to the driver undertaking a pre-booked journey) do not need to be charged in accordance with the approved fare chart. However, journeys commencing within the district and ending outside of the district must be charged by the meter unless an agreement to pay more than the metered fare is made with the customer in advance of the journey commencing.

3.3 The law requires that any change to the “table of fares” must be advertised publicly in at least one local newspaper for a period of not less than 14 days before the proposed change takes effect. The public notice must also be available at the Council offices for inspection free of charge at all reasonable hours during the consultation period.

3.4 If no objections are received during the consultation period then the changes outlined in the notice will come into effect on a date to be stated in the public

notice. If objections are received and not withdrawn, they must be considered by the Council and a decision made to set a date for the proposed changes to the table of fares (with or without modification having taken into account any such objections) such change to take effect not later than two months from the original effective date stated in the public notice referred to in paragraph 3.3 above.

3.5 The Council last varied its table of fares in 2013, with the current table of fares (**Appendix 1**) coming into effect on 1 November 2013.

#### 4.0 DISCUSSION

4.1 Whenever fares are discussed, it is important to balance the right of the trade to earn a living, whilst at the same time reflecting that any upwards movement will have an impact on the very people the trade rely on to make their living.

4.2 With this in mind it is important to take into account as much information as possible when arriving at a decision. The following paragraphs attempt to provide the necessary facts for Members to make an informed decision.

#### **Fuel**

4.3 Tables 1 and 2 below illustrate the fluctuations in the petrol and diesel prices between January 2013 and April 2018. Overall these tables show a steady fall in petrol prices between the summer 2013 high of £1.37 and £1.42 (the point at which the last fares increase took place) and the winter 2016 low of £1.02 and £1.01, and then shows prices steadily rising again throughout 2016, 2017 and early 2018.

**Table 1 - Petrol**

Month	2013	2014	2015	2016	2017	2018
January	132.9	130.1	108.2	102.3	115.2	121.7
February	137.9	129.6	108.0	102.0	120.1	121.2
March	138.9	129.6	111.7	103.0	119.2	119.8
April	136.7	129.7	113.8	107.2	118.3	121.5
May	133.8	130.0	116.2	109.3	116.7	
June	134.4	130.6	116.9	111.6	115.9	
July	135.8	131.3	116.9	111.9	114.7	
August	137.4	129.5	114.7	110.5	116.6	
September	137.3	129.0	110.7	111.9	119.3	
October	132.1	126.4	108.9	114.9	118.1	
November	130.4	123.0	107.7	115.6	120.2	
December	130.8	117.1	104.6	115.5	120.8	

**Table 2 - Diesel**

Month	2013	2014	2015	2016	2017	2018
January	140.5	137.7	115.4	102.8	121.7	124.4
February	144.3	137.0	114.8	101.1	122.3	123.9

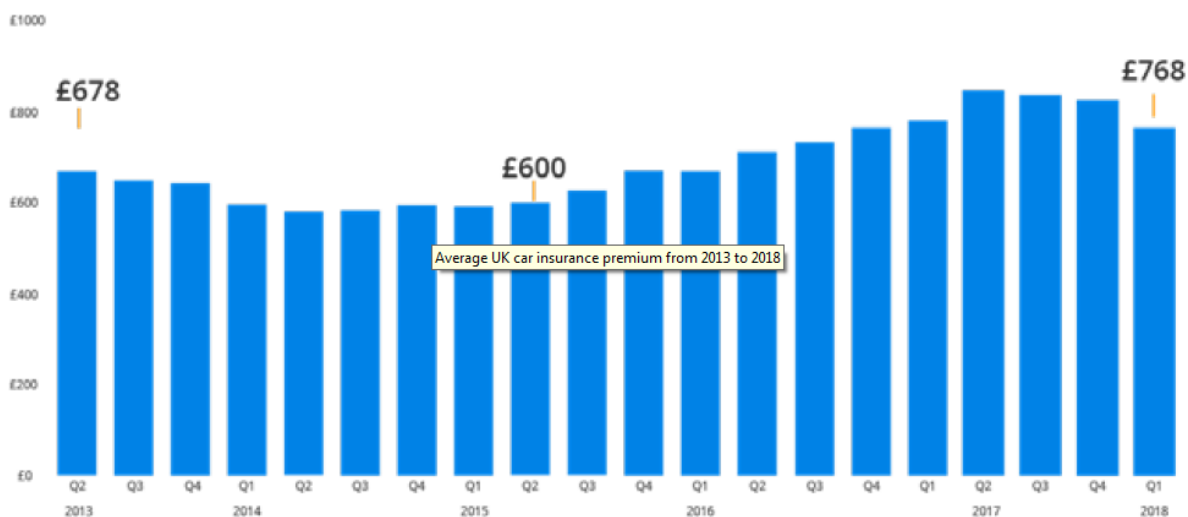
March	145.5	136.7	117.9	103.2	121.2	122.6
April	141.6	136.2	119.0	106.8	120.1	124.2
May	138.5	136.2	120.5	109.3	118.0	
June	139.1	136.0	120.8	111.8	116.8	
July	140.2	135.8	118.5	112.4	115.4	
August	141.7	133.8	112.5	111.6	117.4	
September	142.1	133.2	110.1	113.1	120.0	
October	139.0	130.6	110.4	116.5	120.3	
November	137.8	127.5	110.0	117.6	122.6	
December	138.3	122.7	107.7	118.0	123.3	

4.4 In real terms this means that it was costing an average taxi driver with a standard people carrier type vehicle running on diesel £99.40 to fill their tank in the summer of 2013, £70.70 in the winter of 2016, and is currently costing £86.80.

4.5 A quick check of our database suggests an average taxi driver drives approximately 35,000 a year.

### Insurance

4.6 It is not possible to obtain specific taxi insurance price information over the 2013 to 2018 period, however, the following table obtained from a web-based comparison website shows that standard vehicle insurance premiums have followed a similar trend to petrol prices over this period.



4.7 Whilst this is not scientific, this trend does appear to reflect the impact of Insurance Premium Tax rate increases which have increased from 6% in 2013 to 12% in 2017 and the impact of Government reforms to deal with compensation claims which have seen premiums drop in late 2017 and early 2018.

4.8 As taxi insurance premiums are significantly higher than standard insurance policies, it is estimated that an average driver would have paid £1,500 per annum in 2013 for their insurance, and will now be paying in the region of £1,800 per annum.

### **Vehicle maintenance**

4.9 The cost of a compliance test in 2013 varied from garage to garage as it does now, but was approximately £55.00 every 6 months for vehicles over 3 years of age, and every 12 months for vehicles under 3 years of age, or on the change of a vehicle.

4.10 The current cost again varies but is around £50 to £60 per test, and the testing is now every 6 months for vehicles over 6 years, and every 12 months for vehicles under 6 years of age. This increase in time before a second test is required has benefitted some but not all vehicle proprietors.

4.11 A general phone around a number of our approved garages suggested that due to there being a very competitive market for vehicle servicing and maintenance they have not increased their hourly rates, or compliance fees since before 2013. Other general running costs like brakes, tyres and oil have also remained static throughout this period.

### **Licence fees**

4.12 In 2015 a decision was made to increase all discretionary fees to cost recovery levels. As a result of this, all taxi fees have been increased year on year since October 2015. Table 3 below illustrates the fees payable by a licence holder (who holds a driver licence and is the proprietor of one vehicle) from 2013 through to the current fees which came into force in December 2017:

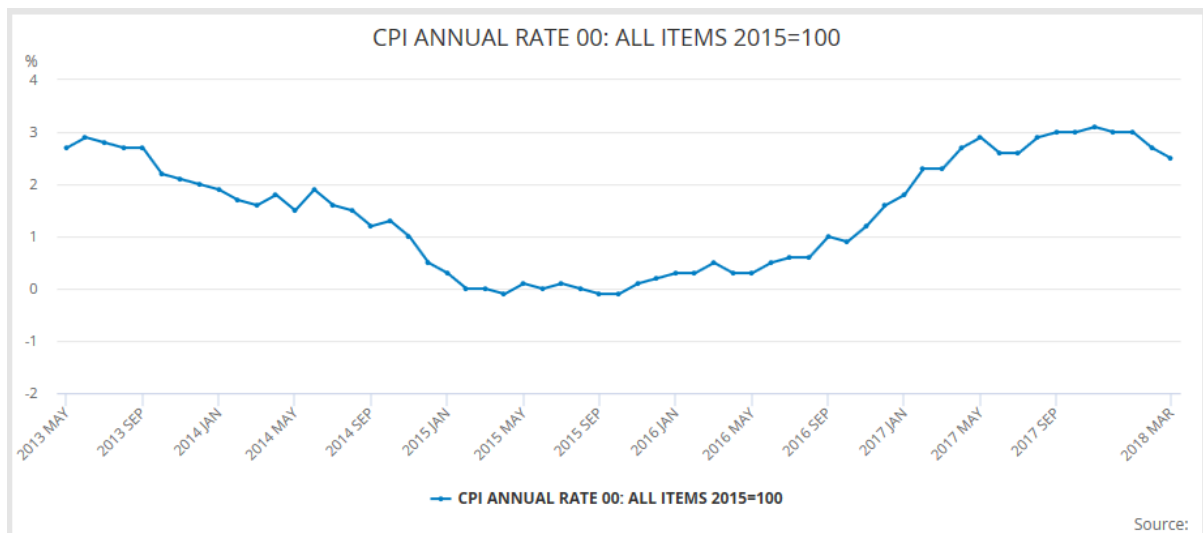
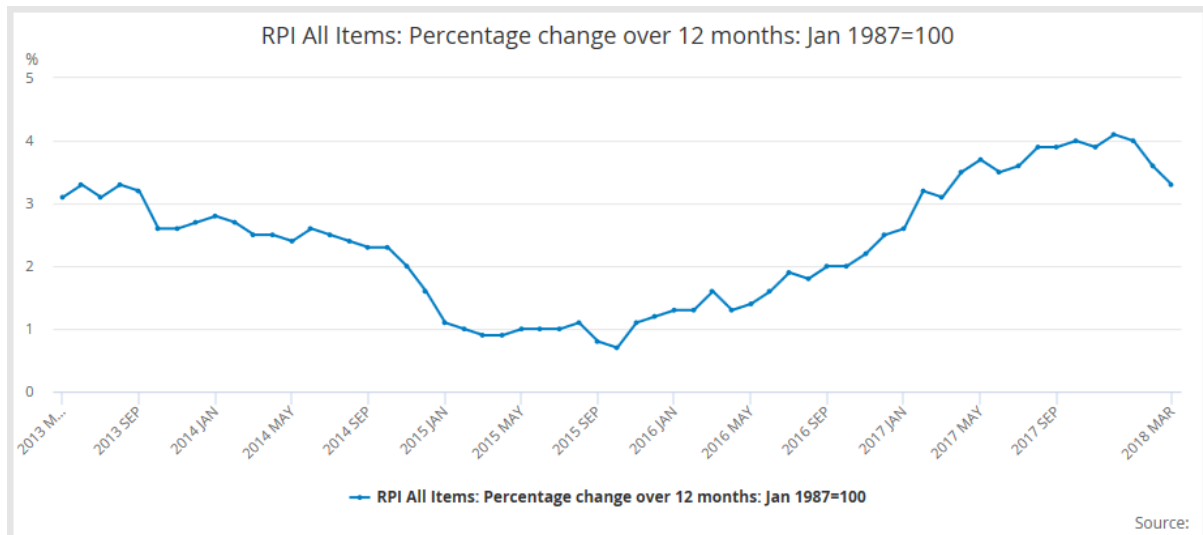
**Table 3 – Licensing fee increases**

Year	Driver licence	Vehicle licence	Total annual cost	Cost per week
2013	£60	£150	£210	£4.04
2014	£60	£150	£210	£4.04
2015	£77	£192	£269	£5.17
2016	£100	£234	£334	£6.42
2017	£150	£250	£400	£7.69
Increase	£90	£100	£190	£3.65

4.13 In addition to the licence fees, insurance and vehicle compliance testing, licence holders also have to provide a medical certificate every three years, pay for DVLA licence check annually, and subscribe to the DBS update service. It is estimated that these costs are approximately £45 to £50 per annum.

## Inflation

4.14 Given that fuel availability and pricing is a major influencing factor over inflation, it is perhaps not surprising that the RPI and CPI inflation charts below mirror the fuel price fluctuations over the same period. These indicators suggest real world costs have risen over the past 5 years but not excessively so. The indicators suggest an average annual increase of 1.36% year on year since 2013 meaning £1000 in 2013 would be worth approximately £933.82 in 2018.



4.15 It is difficult to estimate how much of an impact this has had on the trade's overall income, as there are so many variances with working practices. Table 4 below attempts to calculate an average income using the Department for Transport's 2017 Private Hire and Taxi Statistics document, which suggests amongst other things the % of total trips by duration.

4.16 We already know from our database that an average full time taxi driver in the district covers approximately 35,000 a year, but this is total miles covered, not total chargeable miles. To provide a more accurate figure of earning potential it

is necessary to reduce this figure by 50% to take into account so called “dead miles” where a driver returns to the rank, or returns to their home with no paying passengers on board.

The mileage rate in brackets reflects the average mileage cost.

**Table 4 – Estimated inflationary impact on income**

Total chargeable mileage on Rate 1	17500
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Duration of trips	% of total trips by duration	Total mileage to be charged	Total estimated income
Under 1 mile	3	525	£1837.50 (£3.50 per trip)
1 to 2 miles	21	3675	£10,106.25 (£2.75 per mile)
2 to 5 miles	48	8400	£19,320.00 (£2.30 per mile)
5 to 9 miles	17	2975	£6426.00 (£2.16 per mile)
10 to 25 miles	9	1575	£3244.50 (£2.06 per mile)
25 or higher	2	350	£721.00 (£2.06 per mile)

Total estimated income in 2013	£41,655.25
Total equivalent income in 2018 after inflation adjustment	£38,898.68
Difference	-£2,756.57

4.17 Table 5 below shows a summary of estimated gains and losses over the past five years.

**Table 5 – Effect of savings and costs over past five years**

	Fuel (Total cost per annum based on 38mpg av.)	Associated licensing costs	Insurance	Inflation adjustment on earnings	Total
2013 costs	£5,937.00	£260.00	£1,500.00	£41,655.25	+£33,958.25
2018 costs	£5,185.16	£450.00	£1,800.00	£38,898.68	+£31,463.52
+/-	-£751.84	+£190.00	+£300.00	+£2,756.57	-£2,494.73

## 5.0 DISCUSSION

5.1 There is no evidence to suggest that car maintenance costs have increased since the last fare increase in 2013, and it is clear that the savings on the cost of fuel since the fares were last increased is still benefitting the taxi trade to this day. Furthermore, it is clear that although the costs of holding a licence have

increased throughout this period, for the majority of licence holders the increase in costs is more than covered by these fuel savings.

- 5.2 However, as Table 5 under paragraph 5.17 above suggests, taxi drivers are no less exposed to the general increases in the cost of living experienced by all members of the community, and when looked at as a whole, the figures would suggest that a taxi driver is 7.34% worse off now than they were in 2013.
- 5.3 It should be noted that when it comes to looking at inflationary factors all members of the community are affected, and so it would not be appropriate to consider increasing fares to a point where taxi drivers are the only members of the community who are ring fenced from these economic pressures. However, it would also not be appropriate to ignore this impact entirely.
- 5.4 Members of the public choose to use a service when it is reliable, and affordable, and so increasing fares can have a negative impact on a drivers take home pay. Essentially, taxi proprietors only receive an income if they receive a fare paying passenger, whether this is off the rank, the street, or a pre-booked fare. If the price is not affordable people will opt for alternative modes of transport; this may be a private hire vehicle willing to work for a lower fare, or it may see them taking a bus, bike, car share, or even choosing to walk if the journey is reasonably short.
- 5.5 With deregulation it is now much easier to obtain the services of taxis and private hire vehicles from outside the East Cambs district. The current table of fares places us 3<sup>rd</sup> on the daytime tariff amongst our neighbouring councils, but we have the lowest overall evening tariff (Rate 2) (see Table 6 below).

**Table 6 – Neighbouring authority fares comparison**

Council	2 mile fare (Rate 1)	2 mile fare (Rate 2)	Last increased	Flag rate (Rate 1) (Rate 2 in brackets)
Fenland	£5.30 (6)	£7.90 (2)	2012	£3.30 (£4.90) - 1760 yards (1 mile)
South Cambs	£6.30 (2)	£7.30 (4)	2018	£2.90 (£3.90) - 100.6 yards
Hunts	£5.60 (3)	£6.20 (6)	2011	£4.10 (£4.70) - 234.66 yards
Cambs City	£6.50 (1)	£7.50 (3)	2017	£2.90 (£3.90) - 98.43 yards
Forest Heath	£5.60 (3)	£6.80 (5)	2014	£2.60 (£3.10) - 718 yards
St. Edmundsbury	£5.40 (5)	£8.10 (1)	2015	£3.80 (£5.70) - 1760 yards (1 mile)
<b>East Cambs</b>	<b>£5.50 (4)</b>	<b>£6.00 (7)</b>	<b>2013</b>	£3.50 (£4.00) - 1760 yards (1 mile)

- 5.6 The main difference with the fare cards appears to be flag rate distance used. This is important as it is the point at which the immediate hire charge is incurred. For example, a one mile journey in East Cambs (Railway Station to Market Place) would cost £3.50 in the day, whereas the same journey in South Cambs would cost £4.55 (£2.90 (100.6yrds + 8 \* £0.20 per additional 200yrds). The point at which the “flag” is set can have a significant impact on how members



of the public perceive the overall cost of their journey, as they will see the meter almost continually clicking over. The full versions of our neighbouring authority's fare cards can be found in **Appendix 2**.

5.7 Table 6 above also provides an insight as to why the number of vehicles operating in the evenings in the district is significantly lower than those working during the day. The current night-time tariff only compensates a driver with an additional £0.50 per journey, regardless of the length of the journey, at a time when they are more likely to deal with unreasonable/unsocial behaviour.

## 6.0 CONCLUSION

6.1 The evidence suggests that the time is now right to increase the fares that can be lawfully charged by the taxi trade in order to offset some of the financial burdens that they have been subjected to over the past five years, however, it is recommended that this should also be a considered increase to reflect that all members of the community have also felt the impact of these financial constrictions on their own take home pay which is ultimately used to fund their travel.

6.2 After a number of years of wage stagnation, and austerity measures, most sectors have seen minimal 1% cost of living wage increases over the past two to three years, and the figures suggest that an adjustment in line with this could be considered justifiable.

6.3 The evidence also suggests that there is a need to consider the level of compensation provided by Rate 2 (currently 7pm until 7am), and to a lesser extent the level of compensation afforded for providing a service on Bank Holidays.

6.4 It is suggested that lowering the drop yardage from 176yards to 167.6yards, and increasing the flag rate would be able to achieve a balance between the trade and the general public, and that this combined with amending the tariff switch time to 11pm would incentivise the trade to offer a better service into the night-time economy period. Table 7 (below) illustrates how this could be achieved, and Table 8 (on the next page) shows the current fares chart:

**Table 7 – Recommended ECDC table of fares**

Rate	First mile	For each 167.6 yards or uncompleted part thereof	Waiting time per minute	Two mile cost	Five mile cost
1 (7am to 11pm)	£3.70	£0.20	£0.40	£5.80	£12.10
2 (11pm to 7am)	£5.55	£0.20	£0.40	£7.65	£13.95
3 (Bank Holidays)	£7.40	£0.30	£0.40	£10.55	£20.00
Persons carried in excess of 4 persons			£0.50 per additional person, per trip		
Soiling charge			Not to exceed to £150		

**Table 8 – Current ECDC table of fares**

Rate	First mile	For each 176 yards or uncompleted part thereof	Waiting time per minute	Two mile cost	Five mile cost
(1) 7am to 7pm Mon to Fri & 7am to 1pm Sat	£3.50	£0.20	£0.40	£5.50	£11.50
(2) 7pm to 7am Mon-Sat & 1pm Sat to 7am Mon	£4.00	£0.20	£0.40	£6.00	£12.00
(3) Bank Holidays	£5.50	£0.20	£0.40	£7.50	£13.50
(4) Christmas Day	£6.00	£0.35	£0.40	£9.50	£20.00
Luggage carried outside passenger compartment £0.25 per bag			Each passengers above one £0.25 per trip		
Bookings other than from a rank £0.50 booking fee					
Soiling charge - not to exceed to £90					

6.5 The above changes will see a nominal increase in charges to those using the service during the day, who are arguably the more vulnerable members of society using the service for essential purposes, and it would reflect the additional risks a driver may face when providing a late night service. It also has the potential to stagger the arrivals at the station, as there will no longer be a requirement to arrive prior to 7pm to avoid Rate 2 fares, although it is accepted that the existing £0.50 increase is perhaps not making a significant difference in this regard. The increase in soiling charge reflects a truer cost of having to take a vehicle out of service whilst the issue is resolved. Baggage charges have been removed as anecdotally these are rarely used, and can cause confusion as to when they can be legally charged, and when they can't. The majority of the vehicles in the fleet carry four persons, and there is no tangible cost difference incurred in carrying one passenger or four passengers in these vehicles. The amendment of the additional person charge from more than one passenger to more than four passengers reflects a more accurate way to recover the costs associated with providing a larger vehicle.

6.6 It is also recommended that the Council should move to requiring all meters to be calendar controlled so the tariffs automatically change, which removes the potential for the wrong tariff to be used accidentally or purposely.

## 7.0 FINANCIAL IMPLICATIONS

7.1 It is very difficult to analyse the exact impact of the recommendation in this report on the different parties involved due to the way in which the taxi trade works. However, it is possible to make calculated assumptions based on the core information.

- 7.2 From a customer point of view, the raising of the flag price and the shortening of the click yardage will have a nominal impact on persons using a taxi during the main working day. It is estimated an average trip would cost £0.30 more.

Commuters returning to the city prior to 11pm will see a nominal saving in equivalent terms of £0.20 per trip, but members of the community who use taxis in the night-time economy hours (11pm to 7am), and on Bank Holidays will see larger increases which reflect the additional socio-economic factors involved in providing at service at these times.

- 7.3 From a taxi proprietor's point of view, depending upon when they choose to work the recommendation will have a differing impact on their earnings. The raising of the tariff 1 rate will see an increase in their income between 7am and 7pm, but those choosing only to work the 7pm to 11pm shift will see a minor reduction in income due to tariff 2 not commencing until 11pm. However, those who choose to work between 11pm and 3am catering for those enjoying a nightout in the city or arriving back from a night out via the railway station, will see a significant increase in the income generated at this time. Table 9 below uses the same information as Table 4 above regarding percentage and length of trips, but adds a column to compare the impact of the recommendation on potential income, if adopted:

**Table 9 – Impact comparison on income if recommendation is followed**

Total chargeable miles on Rate 1	17500			
Duration of trips	% of total trips by duration	Total mileage to be charged	Total estimated income 2013	Total estimated income 2018
Under 1 mile	3	525	£1837.50 (£3.50 per trip)	£1942.5 (£3.70 per trip)
1 to 2 miles	21	3675	£10,106.25 (£2.75 per mile)	£10,657.50 (£2.90 per mile)
2 to 5 miles	48	8400	£19,320.00 (£2.30 per mile)	£20,328.00 (£2.42 per mile)
5 to 9 miles	17	2975	£6426.00 (£2.16 per mile)	£6,783.00 (£2.28 per mile)
10 to 25 miles	9	1575	£3244.50 (£2.06 per mile)	£3,402.00 (£2.16 per mile)
25 or higher	2	350	£721.00 (£2.06 per mile)	£756.00 (£2.16 per mile)
Total estimated income			£41,655.25	£43,869.00
Difference			+£2,213.75	

- 7.4 In reality most drivers will undertake trips of varying lengths, and varying times of the day, and so it is perceived that all drivers will benefit from the recommendation.

- 7.5 As mentioned in paragraph 3.3 of this report, any change made to the table of fares must be advertised and any comments received as a result of this consultation must be considered by Members at a further committee which must be held within two months of the date of commencement specified in the original notice published. Due to this, it is further recommended that the 1 August 2018 is used as the date of commencement.
- 7.6 Officer time has been required to prepare this report, and will be required to deal with the consultation exercise. Member time has been required to consider this report, and may be required if comments are received. These costs will come out of the Licensing Department's budget.
- 7.7 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.
- 8.0 APPENDICES
- 8.1 Appendix 1 Existing ECDC Table of Fares  
 Appendix 2 Full versions of neighbouring authority's taxi fare cards.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
The Local Government (Miscellaneous Provisions) Act 1976	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616477
Department for Transport's - 2017 Private Hire and Taxi Statistics		

**FARES FOR DISTANCE** 1st Nov 2013**(A) RATE 1**

For the first mile (approx. 1.6093 kilometres)	<b>£3.50</b>
For each subsequent tenth of a mile (approx. 0.16093 kilometres) or uncompleted part thereof	<b>20p</b>

**Waiting time**

For each period of one minute	<b>40p</b>
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**(B) RATE 2**

<b>For hiring begun between 19.00 and 07.00 from Monday evening to Saturday morning inclusive</b>	<b>£4.00</b>
for first mile (1.6093 km)	
<b>For hiring begun between 13.00 on a Saturday until 07.00 on a Monday</b>	<b>20p</b>
for each subsequence tenth of a mile (0.16093 km) or uncompleted part thereafter	

**Waiting time**

For each period of one minute	<b>40p</b>
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**(C) RATE 3**

<b>For hiring on public or Bank Holidays</b>	
For the first mile (approx. 1.6093 kilometres)	<b>£5.50</b>
For each subsequent tenth of mile (approx. 0.16093 kilometres)	<b>20p</b>

**Waiting time**

For each period of one minute	<b>40p</b>
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**(D) RATE 4****For hiring on Christmas Day**

For the first mile (approx. 1.6093 kilometres)	<b>£6.00</b>
For each subsequent tenth of mile (approx. 0.16093 kilometres)	<b>35p</b>

**Waiting time**

For each period of one minute	<b>40p</b>
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**(E) SUNDRY ITEMS**

For each article of luggage carried outside the passenger compartment of the carriage	<b>25p</b>
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For each passenger in excess of one (two children under 12 years old shall count as one person and children under the age of three shall not be counted). No charge shall be made where a person is carried whose illness or physical incapacity requires that he or she must be accompanied at all times when away from his or her place of residence. **25p**

Where the hirer arranges by letter, telephone or otherwise with the proprietor or driver prior to commencement of hiring, for hire of the carriage to commence from a stated place other than a hackney carriage stand. **50p**

Soiling the interior of the vehicle **Not to exceed £90.00**

Conveyance of bicycles or trunks where they have to be carried **£1.00**

Pets (excluding assistance dogs) **£1.00**

**TABLE OF FARES – NEIGHBOURING AUTHORITY COMPARISON****Cambridge City Council**

For an initial 90 metres or part thereof:

- 7am to 7pm: £2.90
- 7pm to 7am and Sundays and Bank Holidays: £3.90
- 7pm on Christmas Eve to 7am on Boxing Day, and 7pm on New Year's Eve to 7am on New Year's Day: £4.90
  
- For each subsequent 179 metres or part thereof: 20p
- For each period of 40 seconds spent motionless or travelling slower than 16.79km/h or part thereof: 20p

**Extra charges:**

1. For each journey with five or more passengers: £3.00
2. Bicycles not able to be put in the luggage compartment of the vehicle: £1.00
3. Fuel surcharge (see note below): 40p
4. If the vehicle is left unfit to continue working: £80.00

**Hunts****Fares for distance (inclusive of VAT)****Maximum fares**

Tariff 1	£
If the distance does not exceed 234.6666 yards (214.58 metres)	2.70
For each subsequent 234.6666 yards (214.58 metres) or uncompleted part thereof	0.20
Flag fall at 1760 yards (1609.34 metres)	4.10
For each subsequent 234.6666 yards (214.58 metres)	0.20
Waiting Time	
For each period of 27 seconds or uncompleted part thereof	0.10
Tariff 2	£
For hires started between 11.30pm and 7.30am and any hires started on any Bank Holiday or Sunday	2.70
If distance does not exceed 160 yards (146.3 metres)	0.20
For each subsequent 176 yards (160.93 metres) or uncompleted part thereof	0.20
Flag fall at 1760 yards (1609.34 metres)	4.70
For each subsequent 176 yards (160.93 metres) or uncompleted part thereof	0.20
Waiting Time	
For each period of 27 seconds or uncompleted part thereof	0.10
Extra Charges	
For persons soiling the taxi	50.00

**Fenland**

<b>TABLE OF FARES</b> <b>FARES FOR DISTANCE</b> (inclusive of VAT) For vehicles carrying a maximum of <b>4 Passengers</b>	
<b>Tariff 1: Between 07:00 – 23:00 hour</b> <b>Mon – Sat inclusive</b>  If the distance does not exceed 1609m (one mile) for the whole distance  If a distance exceeds 1609m (one mile), first 1609m (one mile)  For each subsequent 160.9m (1/10 mile) or part thereof	<b>Pence</b>  £3.30  £3.30  £0.20
<b>Tariff 2: Between 23:00 – 07:00 hour</b> <b>Mon – Sat inclusive &amp; all day Sundays</b>  If the distance does not exceed 1609m (one mile) for the whole distance  If a distance exceeds 1609m (one mile), first 1609m (one mile)  For each subsequent 160.9m (1/10 mile) or part thereof	£4.90  £4.90  £0.30
<b>Tariff 3: for Public Bank Holidays including Christmas, New Year Period</b>  If the distance does not exceed 1609m (one mile) for the whole distance  If a distance exceeds 1609m (one mile), first 1609m (one mile)  For each subsequent 160.9m (1/10 mile) or part thereof	£6.60  £6.60  £0.40
<b>Waiting Time</b>  For each period of 114.2 seconds or part thereof	£0.40
<b>Extra Charges: not calculated by taximeter</b>  For persons soiling the carriage resulting in cleaning of vehicle, the maximum sum of	£80.00

**St Edmundsbury**

<b>ST. EDMUNDSBURY BOROUGH COUNCIL FARE TARIFF MAXIMUM FARES FOR HACKNEY CARRIAGES OPERATIONAL FROM 00:00 HOURS – 25 November 2015</b>	
<b>TARIFF 1 Between the hours of 07:00 and 24:00</b>	
If distance does not exceed 1 mile (1760 yards / 1609.344 metres)	£3.80
For each subsequent 110 yards (100.584 metres) or part thereof	£0.10
Waiting time (per minute)	£0.25
<b>TARIFF 2 For any journey commenced between the hours of 00:00 and 07:00, or for any hiring on a public or bank holiday</b>	
If distance does not exceed 1 mile (1760 yards / 1609.344 metres)	£5.70
For each subsequent 110 yards (100.584 metres) or part thereof	£0.15
Waiting time (per minute)	£0.25
<b>TARIFF 3 For any hiring on Christmas Day, Boxing Day and New Year's Day Between the hours of 00:00 and 24:00</b>	
If distance does not exceed 1 mile (1760 yards / 1609.344 metres)	£7.60
For each subsequent 110 yards (100.584 metres) or part thereof	£0.20
Waiting time (per minute)	£0.25
<b>Following tariffs apply to vehicles licensed for more than 4 passengers where more than 4 passengers are carried</b>	
<b>TARIFF 4 Between the hours of 07:00 and 24:00</b>	
If distance does not exceed 1 mile (1760 yards / 1609.344 metres)	£5.70
For each subsequent 110 yards (100.584 metres) or part thereof	£0.15
Waiting time (per minute)	£0.25
<b>TARIFF 5 For any journey commenced between the hours of 00:00 and 07:00, or for any hiring on a public or bank holiday</b>	
If distance does not exceed 1 mile (1760 yards / 1609.344 metres)	£8.55
For each subsequent 110 yards (100.584 metres) or part thereof	£0.20
Waiting time (per minute)	£0.25
<b>TARIFF 6 For any hiring on Christmas Day, Boxing Day and New Year's Day Between the hours of 00:00 and 24:00</b>	
If distance does not exceed 1 mile (1760 yards / 1609.344 metres)	£11.40
For each subsequent 110 yards (100.584 metres) or part thereof	£0.30
Waiting time (per minute)	£0.25
<b>Additional Charges</b>	
<b>1) Soiling Charge</b>	
a. For vehicles licensed up to 4 passengers	£100.00
b. For vehicles licensed for more than 4 passengers	£150.00
<b>2) For carriage of animals</b>	
Not in purpose built cages (with the option to refuse)	£1.00
<b>(Excluding assistance animals which are free and must be carried)</b>	
<b>3) The equivalent amount of any congestion or toll charge incurred during a particular hiring</b>	
<b>THE ABOVE TABLE OF FARES IS INCLUSIVE OF VAT All meters are Calendar Controlled</b>	



**Forest Heath****FOREST HEATH DISTRICT COUNCIL****FARE TARIFF****MAXIMUM FARES FOR HACKNEY CARRIAGES  
OPERATIONAL FROM 00:00 HOURS – 20 February 2014****TARIFF 1****Between the hours of 6.00am and 11.00pm**

For the first 718 yards [657 mtrs] or 2 minutes 43 seconds or a combination of time and distance	£2.60
For each additional 199 yards [181 mtrs] or part thereof or 49 seconds or a combination of time and distance	£0.20

**TARIFF 2****Between the hours of 11.00pm and 6.00am and from 6.00pm on 24<sup>th</sup> December and on all public holidays**

For the first 718 yards [657 mtrs] or 2 minutes 43 seconds or a combination of time and distance	£3.10
For each additional 152 yards [138 mtrs] or part thereof or 37 seconds or a combination of time and distance	£0.20

**TARIFF 3****For each hiring on a Sunday between 6.00 am and 11.00 pm**

For the first 718 yards [657 mtrs] or 2 minutes 43 seconds or a combination of time and distance	£3.20
For each additional 199 yards [181 mtrs] or part thereof or 49 seconds or a combination of time and distance	£0.20

**TARIFF 4****For hirings between 11.00 pm on 24<sup>th</sup> December and 6.00 am on 27<sup>th</sup> December and between 6.00 pm on 31<sup>st</sup> December and 6.00 am on 1<sup>st</sup> January**

For the first 718 yards [657 mtrs] or 2 minutes 43 seconds or a combination of time and distance	£4.20
For each additional 199 yards [181 mtrs] or part thereof or 49 seconds or a combination of time and distance	£0.40

(Note: The metric equivalents given are all approximate.)

**ADDITIONAL CHARGES**

1. For each additional passenger to 4 carried in licensed MPV's	£1.50
2. For each article of luggage conveyed outside the passenger compartment of the carriage	£0.20
3. For soiling of the carriage, resulting in cleaning being required (up to a maximum of)	£60.00
4. The equivalent amount of any congestion or toll charge incurred during a particular hiring	

**THE ABOVE TABLE OF FARES IS INCLUSIVE OF VAT**

**South Cambs**

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**  
**HACKNEY CARRIAGE FARES**



**South  
 Cambridgeshire  
 District Council**

**MAXIMUM RATES OF CHARGES FROM 17<sup>th</sup> January 2018**

Fares are calculated on a combination of distance or time of parts thereof. The meter must only be switched on when you enter the vehicle. Please be aware that all journeys (or flags/hails) in Hackney Carriages within the South Cambridgeshire boundary must be charged on the meter, this is the maximum fare.

Tariff 1:	Between 0700 – 1900 hours
£2.90	(including initial distance of 92 metres or part thereof)
Tariff 2:	Between 1900 – 0700 hours and on Sundays and Bank Holidays
£3.90	(including initial distance of 92 metres or part thereof)
Tariff 3:	1900 Christmas Eve – 0700 Boxing Day
£4.90	1900 New Years Eve – 0700 New Years Day

**Each tariff includes initial distance of 92 metres or part thereof**

For each subsequent 183 metres or part thereof  
 £0.20p

**HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79 km/p/h**

For each period or part thereof 40 seconds  
 £0.20p

**EXTRA CHARGE FOR SOILING**

Vehicle unfit to continue working  
 £80.00

For each journey with 5 or more passengers  
 £3.00

Surcharge for payment by credit or debit card  
 5%

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**TITLE: CHARITY STREET COLLECTION PERMITS**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 20 JUNE 2018**

**AUTHOR: SENIOR LICENSING OFFICER**

[T34]

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1.0 ISSUE

1.1 To approve amendments to the charity street collection policy.

2.0 RECOMMENDATION(S)

2.1 That Members consider the information in this report and resolve to:

(i) adopt the amended policy with immediate effect.

3.0 BACKGROUND

3.1 East Cambridgeshire District Council, as the Licensing Authority, is empowered under Section 5 of the Police, Factories, & c. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, to make regulations which govern collections made in 'any street or public place' for 'charitable or other purposes' within the Council's district boundary.

3.2 The Council in its role as regulator issues permits to those wishing to collect within the district. To collect without permission is an offence, unless the collection falls outside of the scope of the regulations.

3.3 There is no legal requirement for the Council to adopt a policy on how it proposes to carry out its functions under this legislation, 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. To this end, the Council adopted a Charity Street Collection policy in November 2012, and this came into force on 1 January 2013 (**Appendix 1**).

4.0 SUMMARY

4.1 The existing policy mentioned above has now been in place just over five years, and although it has proved itself to be a very useful tool during this time, it has also become apparent that there are areas where improvements can be made.

4.2 **Appendix 2** to this report contains the amended policy in full. The following paragraphs explain the proposed changes.

4.3 The existing policy is very wordy, and quite hard to follow. Officers have stripped out all text which is of no relevance to the process of obtaining permission to run a charity collection, and changed the layout of the policy so that it is a little friendlier to read.

- 4.4 Clearer guidance regarding the minimum level of proceeds from a collection that the Council would normally expect to see benefitting the chosen charity, and clearer guidance on collecting for personal challenge type events has also been introduced.
- 4.5 It has been made clear that invalid applications will not be processed, and how Officers will deal with such applications.
- 4.6 The hours between which collections may occur has been changed from “10am to 6pm” to “9am to 8pm” to reflect the fact that most street collections occur during shop trading hours.
- 4.7 The restriction of not allowing applications to be submitted for collections more than six months in advance has been amended to “the current and following calendar year” to allow more time for charities to organise collection volunteers knowing they’ve already secured permission.
- 4.8 The number of applications to be permitted from each charitable organisation has been increased from “four” per calendar year, per area to “five”. This limit does not affect applications supported by written permission given by the Market’s team, or for collections taking place on private land where permission has been given by the landowner, as per the current policy.
- 4.9 Clarification has been provided regarding the exemption for collecting “at a meeting in the open air” which is contained in the regulations. This exemption is widely misinterpreted, and it is hoped that this clarification will reduce the number of applications received where no permission is actually required.
- 5.0 CONCLUSION
- 5.1 The proposed changes will continue to enable legitimate charitable collections to occur within the district, and will result in a more concise document.
- 5.2 The additional clarification provided will hopefully reduce unnecessary paperwork and time wasting for all parties.
- 5.3 Officers believe the small increase in the number of collections permitted, and the number of hours per day that a collection may be held will help charities to raise vital funds, whilst still ensuring a balance exists to ensure that undue nuisance is avoided, and that all charities have a fair chance to collect in the district.
- 5.4 Allowing applicants to apply further in advance of their proposed collection will reduce the pressure on them to get everything in place to hold a successful collection (once they have successfully obtained permission to hold the collection).
- 5.5 Adding the section regarding how invalid applications will be dealt with will remove the current situation where officers spend a great deal of time chasing applicants for additional information due to them not following the correct procedure.

5.6 Officers believe the proposed amendments will result in a clearer policy that will benefit legitimate collectors, and reduce the amount of administration currently experienced in this area of licensing.

6.0 FINANCIAL IMPLICATIONS

6.1 There is no fee for these types of applications, and so the amendments will have no financial impact on those applying. A cost will be incurred if a consultation is required.

6.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

7.0 APPENDICES

7.1 Appendix 1 – Existing Charity Street Collection Policy  
Appendix 2 – Proposed Charity Street Collection Policy

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**Background Documents**

**Location**

**Contact Officer**

Police, Factories, & c.  
(Miscellaneous Provisions) Act  
1916

Room SF208  
The Grange,  
Ely

Stewart Broome  
Senior Licensing Officer  
(01353) 616477



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL STREET COLLECTION LICENSING POLICY

## 1.0 Introduction

- 1.1 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'.
- 1.2 It is unlawful in the United Kingdom 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 such as East Cambridgeshire District Council.
- 1.3 'Street' is defined as including any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not.
- 1.4 A 'public place' is defined as a 'place where the public has access'. The public place need not be in public ownership and includes shopping centres and malls and the entrances to shops.
- 1.5 Charitable collections that take place inside a shop, store, supermarket or other business at the discretion of the manager or relevant individual do not require a Street Collection Permit provided that collectors remain inside the premises and do not collect outside on the premises frontage or in the premises car park, even if the outside area is in private ownership.
- 1.6 Where a charitable collection takes place outside the premises on the premises frontage or in the premises car park, even if the outside area is in private ownership, a Street Collection Permit would be required together with the consent of the store manager.
- 1.7 Street collection permits holders are not restricted to the collection of money only, as a Street Collection Permit also covers the sale of charitable items in a public place, which is exempt from the requirement of a Street Traders' Licence under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.8 If the sale of charitable items in a street or public place requires the use of a stall or table, written permission to erect the stall or table must be obtained from Cambridgeshire County Council's Highways Department or the owner of the land prior to a Street Collection Permit being issued by the Licensing Authority.
- 1.9 A street collection or sale of charitable items held in conjunction with a Pedlar's Licence will not be permitted in the East Cambridgeshire district without an appropriate Street Collection Permit having been issued by the Licensing Authority.
- 1.10 A street collection or sale of charitable items held in conjunction with busking activities will not be permitted in the East Cambridgeshire district without an appropriate Street Collection Permit having been issued by the Licensing Authority. Buskers collecting or purporting to collect for a charitable or benevolent purpose must be able to provide evidence to confirm this, such as a letter from the charity confirming that the busker is acting on their behalf.

- 1.11 Regulations to the Act state that moving collections such as carnival processions and other similar events involving the collection of donations from the public along a route will require a Street Collection Permit (unless the Licensing Authority has waived this requirement pursuant to Regulation 12 with regard to street collections).
- 1.12 Although there is no statutory charge for the issue of a Street Collection Permit, a nominal charge will be levied for replacement permits due to loss of or damage to of the original permit.

## **2.0 Policy aims**

2.1 The aims of the Licensing Authority are to:

- safeguard the interests of both public donors and beneficiaries;
- facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met;
- prevent unlicensed collections from taking place;
- ensure money is collected in appropriate vessels only;
- ensure that collectors are properly authorised;
- ensure that the Licensing Authority receives, within the prescribed statutory timescales, a statement as regards the sums received during the collection; and
- ensure that the proceeds of the collection are properly accounted for.

## **3.0 Objectives**

3.1 To achieve its aims, the Licensing Authority will:

- ensure impartiality and fairness in determining applications;
- accommodate all eligible requests, whilst bearing in mind that certain days and locations are especially sought after;
- provide equality of opportunity for would-be collectors;
- avoid causing undue nuisance to the public;
- set fair maximum limits for each applicant;
- achieve a fair balance between local and national causes.

3.2 The licensing authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at [www.institute-of-fundraising.org.uk](http://www.institute-of-fundraising.org.uk)

## **4.0 Collection areas and collection times**

4.1 Applications to carry out street collections may be made for Ely City Centre

and Littleport and Soham Town Centres and any of the villages within the East Cambridgeshire district.

- 4.2 In the three major city and town centres collectors will only be permitted to carry out collections in the areas stated below:

Ely City Centre: Forehill, High Street, Lynn Road, Market Place, Market Street, Newnham Street, Palace Green, St Mary's Street, The Gallery and the Cloisters Shopping Mall (in a designated collection area to be previously agreed between the Council and the Cloisters managing agency).

Littleport Town Centre: Crown Lane, Ely Road, Globe Lane, Granby Street, High Street, Main Street, Station Road, Victoria Street, Wellington Street and Wisbech Road.

Soham Town Centre: Clay Street, Churchgate Street, Fountain Lane, High Street, Pratt Street, Red Lion Square and Sand Street.

- 4.3 Applications for street collections may be made for any of the out-of-town stores or supermarkets as specified in paragraphs 1.4 to 1.6 above.

- 4.4 Applications may be made to sell charitable items and collect money donations at the allocated Ely Market Place charity stall.

- 4.5 Only one street collection will be permitted per day in each of the city and town centres and any of the villages within the East Cambridgeshire district. However, exceptions may be made:

- where the charitable collection is part of a larger national/countywide event and the collectors are merely passing through the area;
- where the collection is part of a carnival procession or other similar event involving the collection of donations from the public along a route;
- for small-scale collections in a limited area;
- for small local charities to collect on specific defined days during the pre-Christmas period;
- for organised one-day charitable events;
- for the charity stall in Ely Market Place.

- 4.6 Street Collection Permits will be limited to a maximum of two consecutive days only, with the exception of permits issued for the Royal British Legion 'Poppy Appeal' and emergency collections for national and international disasters.

- 4.7 Street collections will ordinarily be expected to take place between hours of 10:00 and 18:00.

- 4.8 The use of animals in conjunction with street collections is discouraged. However, consideration will be given to the use of some animals, such as guide dogs, on



request.

- 4.9 The Licensing Authority will not require any charity collection or sale of charitable items made in the open air at events, such as boot sales, school and village fetes, dog shows, etc., to be issued with a Street Collection Permit. Collectors must seek permission from the event organiser and after the collection/sale has taken place, advise the organiser of the amounts raised and the amounts provided for charitable purposes.
- 4.10 The Licensing Authority requires organisers of large public events such as Christmas late night shopping events or city and town centre festivals to apply for an 'umbrella' Street Collection Permit for the event. The organiser will provide the Licensing Authority with a list of the participating charities and be responsible for ensuring each organisation completes a returns form and all returns forms are returned to the Licensing Authority within the statutory timescale.

## **5.0 Regulations**

- 5.1 Charities must be registered with the Charity Commission or be a charitable organisation based in or around the East Cambridgeshire district. Priority will be given to local charitable organisations.
- 5.2 Where a statement of return has been 'NIL' or there has been a failure to return the statement of return to the Licensing Authority within the statutory timescale, subsequent applications for a two-year period will be refused.
- 5.3 Where a street collection permit has been issued and the collection is cancelled by the organisation, the permit must be returned to the Licensing Authority at least seven days before the collection is due to take place. Failure to do so will result in subsequent applications for a two-year period being refused.
- 5.4 Deductions for travel expenses to and from the place of collection will not be permitted.
- 5.5 All street collections will be conducted in strict adherence to the Regulations made by East Cambridgeshire District Council with regard to the grant of a Street Collection Permit.

## **6.0 Application procedure**

- 6.1 Applications must be made on the Council's prescribed application form.
- 6.2 Charitable organisations will be limited to a maximum of four street collections per annum in each of the major city and towns in the East Cambridgeshire district – Ely, Littleport and Soham. This limit does not include a permit to use the Council's charity market stall or charitable collections at boot sales, school and village fetes, dog shows, etc.
- 6.3 Applications for a street collection permit cannot be made more than six months in advance.
- 6.4 Applications for a Street Collection Permit will be dealt with on a case-by-case basis.
- 6.5 There must be a minimum of 28 days notice given between the application and the proposed date of collection. This requirement may be waived in

exceptional circumstances at the discretion of the Licensing Officer.

6.6 Exceptional circumstances would be:

- street collections required in times of national and international disasters;
- street collections of national importance, such as Children in Need and Red Nose Day where the public are encouraged to carry out 'spontaneous' collections.

6.7 A copy of the contract between the street collection organiser and the benefiting charity must be provided with the application. This will not be required if you are an approved branch co-ordinator for the named charity.

6.8 Where the proposed collection is for outside a store or supermarket, written permission from the store manager must be provided with the application.

6.9 Where the proposed collection is to sell charitable items and collect money at the Ely Market charitable stall, written permission from the Council's Market Supervisor must be provided with the application.

6.10 Where the proposed collection is to sell charitable items in a street or public place using of a stall or table, written permission to erect the stall or table from either Cambridgeshire County Council's Highways Department or the owner of the land must be provided with the application.

6.11 Proof of public liability insurance cover of £5,000,000 must be provided with the street collection application for all proposed street collections in the East Cambridgeshire district, including where permission is sought for a charity stall.

6.12 Where permission is sought for an animal to be used during a street collection, proof of public liability insurance cover of £5,000,000, specifically including the use of animals and a health and safety risk assessment to cover the use of the animals at the proposed location and date, must be provided with the application.

## **7.0 Allocation of permits**

7.1 When deciding whether to grant a Street Collection Permit, consideration will be given to:

- if the collection is linked to specific events within the district;
- if the collection is linked to a nationwide campaign, for example, Children in Need, Comic Relief, Remembrance Day;
- if the collection will benefit local good causes, local hospices, community fund raising, etc;
- if the collection is on behalf of a national charity, is there likely to be some benefit for the residents of East Cambridgeshire;
- if the collection is applied for in connection with an outdoor challenge sponsorship event;
- what proportion of the funds collected will be applied for charitable purposes;
- has a permit been previously refused by East Cambridgeshire District

Council or any other local authority.

- 7.2 Applications for street collection permits relating to outdoor challenge sponsorship events will be considered on a case-by-case basis to assess whether the proportion of funds collected to be applied towards the activity costs comply with the statutory requirement that no payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of the collection.
- 7.3 Applications for street collection permits relating to emergency disasters will be considered on a case-by-case basis, even if they do not fall within any of the considerations listed above.

## **8.0 Sale of small society lottery tickets**

- 8.1 The sale of small society lottery tickets under the authorisation of a street collection permit is forbidden unless:
- separate permission to do so has been granted by the Licensing Authority;
  - the organisation holds a valid small society lottery registration under the Gambling Act 2005;
  - the lottery tickets have been properly printed in accordance with the legislation;
  - the sale of the tickets will only take place from behind a counter or stall;
  - proof of public liability insurance of £5,000,000 has been provided with the application;
  - the sale of the lottery tickets will be in strict accordance with the Gambling Commission codes of practice.

## **9.0 Face-to-face activity**

- 9.1 Face-to-Face activity incorporates traditional face-to-face fundraising (soliciting direct debit donations) and what is commonly termed 'prospecting'. Prospecting is where members of the public are asked to sign-up to a cause which may or may not be followed by a fundraising ask at a later date.
- 9.2 Face-to-face activity can occur on the street or on public and private property such as shopping malls and railway stations.
- 9.3 Different governing bodies have statutory and non-statutory requirements throughout the UK. In most cases the local authority and/or the police will be the relevant statutory authority.
- 9.4 Before embarking on a face-to-face campaign in a public place in the East Cambridgeshire district, potential fundraisers must check the access management requirements and make an application for a street collection permit with East Cambridgeshire District Council.
- 9.5 No face-to-face activity in a public place will be permitted within the East Cambridgeshire district without a Street Collection Permit having first been granted by East Cambridgeshire District Council.

## **10.0 Regulations pertaining to street collections**

- 10.1 East Cambridgeshire District Council has adopted regulations governing how street collections should be undertaken and the funds raised be accounted for and these are set out in the Council's Street Collection Regulations at Appendix 1 of this Policy.
- 10.2 In preparing the Street Collections Licensing Policy, Licensing Officers had regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the international market.
- 10.3 The EU Directive relates to a number of licensing regimes, including the issuing of street collection permits.
- 10.4 In accordance with the EU Directive, the Council has examined existing procedures and formalities relating to street collection permit applications and, where possible, has simplified application procedures, including making provision for on-line applications, and removed any unnecessary conditions or barriers to the grant of a street collection permit.
- 10.5 The EU Directive refers to 'overriding reasons relating to the public interest', which allows for specific application procedures to be introduced and specific conditions to be attached to a street collection permit to uphold such issues as public safety, public security, protection of consumers, combating fraud and the protection of the environment and animals.
- 10.6 Matters contained within the Street Collection Licensing Policy seek to uphold the issues stated in paragraph 10.5, to ensure that all street collections are carried out in a professional and responsible manner and that the general public can be assured that all necessary checks have been undertaken to combat fraud and all monies collected are properly accounted for.

## **11.0 Enforcement**

- 11.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible street collection permit holders.
- 11.2 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Statement of Enforcement Policy and Practice.
- 11.3 The responsibility for the overall supervision of Street Collections lies with the Head of Environmental Services.

## **12.0 Departure from policy**

- 12.1 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.
- 12.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 12.3 Where it is necessary for the Council to depart substantially from this Policy, clear

and compelling reasons for doing so must be given. The Head of Environmental Services may authorise a departure from the Policy in accordance with this section if it is considered necessary to do so in the specific circumstances.

# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

## Regulations made by East Cambridgeshire District Council with regard to Street Collections

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

1. In these Regulations, unless the context otherwise requires:

‘collection’ means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word ‘collector’ shall be construed accordingly;

‘promoter’ means a person who causes others to act as collectors;

‘permit’ means a permit for collection;

‘contributor’ means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

‘collection box’ means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the administrative area of East Cambridgeshire District Council unless a promoter shall have obtained from East Cambridgeshire District Council a permit.
3. Application for a permit shall be made in writing no later than one month before the date on which it is proposed to make the collection (provided that East Cambridgeshire District Council may reduce the period of one month if satisfied that there are special reasons for so doing).
4. Application for a permit cannot be made more than six months in advance.
5. There will be no more than four collections allowed in each calendar year.
6. No collection shall be made except upon the day and between the hours stated in the permit.
7. East Cambridgeshire District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
8. (1) No person may assist or take part in any collection without the written authority of a promoter.  
(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of East Cambridgeshire District Council or by any constable.

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

Provided that East Cambridgeshire District Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

10. Collections shall not be made in a manner likely to inconvenience or annoy any person.

11. No collectors shall importune any person to the annoyance of such person.

12. While collecting:

- (1) a collector shall remain stationary; and
- (2) a collector or two collectors together shall not be nearer to another collector than 25 metres;
- (3) only one collector or two collectors together will be allowed to stand inside or at any entrance to the Cloisters shopping mall, or if a collector or collectors are inside the Cloisters shopping mall then they should stand no closer than 10 metres from any entrance.

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

13. No promoter, collector or person who is otherwise connected with a collection shall allow a person under the age of sixteen years to act as a collector.

14. (1) Every collector shall carry a collecting box.

- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

- (4) All money received by a collector from contributors shall immediately be placed in a collecting box.

- (5) Every collector shall deliver, unopened, all collecting boxes in that collector's possession to a promoter.

15. A collector shall not carry or use any collecting box, receptacle or tray that does not bear displayed prominently thereon, the name of the charity or fund that is to benefit or any collecting box that is not duly numbered and/or sealed.

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

- (2) Where a collecting box is delivered, unopened, to a bank, an official of the bank may open it.

- (3) As soon as a collecting box has been opened, the person opening it shall count the

contents and shall enter the amount with the number of the collecting box on a list that shall be certified by that person.

17. (1) No payment shall be made to any collector.

(2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by East Cambridgeshire District Council.

18. (1) Within one month after the date of any collection the person to whom a permit has been granted shall send to East Cambridgeshire District Council:

(a) a statement on the form enclosed with the issued street collection permit, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to East Cambridgeshire District Council;

(b) a list of the collectors;

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

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

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant or independent responsible person has given the certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as East Cambridgeshire District Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

(3) East Cambridgeshire District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this Regulation 'a qualified accountant' means a member of one or more of the following bodies:

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland.

19. These Regulations shall not apply:

(1) in respect of a collection taken at a meeting in the open air; or

(2) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

20. By virtue of Sections 38 and 46 of the Criminal Justice Act 1982, Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale as the fine for infringement of these regulations.





**EAST CAMBRIDGESHIRE  
DISTRICT COUNCIL**

**STREET COLLECTION  
LICENSING POLICY**

Effective: TBC

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## **1.0 Introduction**

### **1.1 The Policy**

1.1.1 This document states East Cambridgeshire District Council's policy on Street Collections, as defined by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and as amended by the Local Government Act 1972.

### **1.2 Policy Aims**

1.2.1 The aims of the Licensing Authority are to:

- safeguard the interests of both public donors and beneficiaries;
- facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met;
- prevent unlicensed collections from taking place;
- ensure money is collected in appropriate vessels only;
- ensure that collectors are properly authorised;
- ensure that the Licensing Authority receives, within the prescribed statutory timescales, a statement as regards the sums received during the collection; and

### **1.3 Policy Objectives**

1.3.1 To achieve its aims, the Licensing Authority will:

- ensure impartiality and fairness in determining applications;
- accommodate all eligible requests, whilst bearing in mind that certain days and locations are especially sought after;
- provide equality of opportunity for would-be collectors;
- avoid causing undue nuisance to the public;
- set fair maximum limits for each applicant;
- achieve a fair balance between local and national causes.

### **1.4 The Law**

1.4.1 It is unlawful in the United Kingdom to hold, for the benefit of charitable or other philanthropic purposes, a street collection on any street or public place without first obtaining a Street Collection Permit from a local authority who is responsible for the area where you wish to collect.

- A street is defined as "any highway, and any public bridge, road, lane, footway, square court, alley or passageway whether a thoroughfare or not".
- A 'public place' is defined as a 'place where the public has access' although this need not be in public ownership (for example a shopping centre ,or shop doorway) and can include indoor spaces.

1.4.2 Permit holders are not restricted to the collection of money - they can also sell articles.

- 1.4.3 Local Authorities issue Street Collection permits under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972. There is no application fee, but a small fee may be charged if a replacement permit is requested.
- 1.4.4 Charitable collections that take place inside a shop, store, supermarket or other business at the discretion of the manager or relevant individual do not require a Street Collection Permit provided that collectors remain inside the premises and do not collect outside on the premises frontage or in the premises car park, even if the outside area is in private ownership.
- 1.4.5 Where a charitable collection takes place outside the premises on the premises frontage or in the premises car park, even if the outside area is in private ownership, a Street Collection Permit would be required together with the consent of the store manager.
- 1.4.6 If the sale of charitable items in a street or public place requires the use of a stall or table, written permission to erect the stall or table must be obtained from Cambridgeshire County Council's Highways Department or the owner of the land prior to a Street Collection Permit being issued by the Licensing Authority.
- 1.4.7 Face to face direct debit collecting/ prospecting is not permitted within any publicly owned areas of the district. Permission would be required from the owner of any privately owned land.
- 1.4.8 The licensing authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at [www.institute-of-fundraising.org.uk](http://www.institute-of-fundraising.org.uk)

## **2.0 Applications for a Street Collection Permit**

### **2.1 Applications**

- 2.1.1 All applications must be submitted on the Council's prescribed application forms which can be found at [www.eastcambbs.gov.uk](http://www.eastcambbs.gov.uk). Applicants are requested to complete an online form to assist officers to process their request quicker.
- 2.1.2 Applications must be received at least 28 days before the requested collection date. Exceptions to this may be possible, but applicants must contact the Licensing Authority for permission prior to submitting an application in such circumstances. Without permission being sought, the application will be deemed invalid and will be refused.
- 2.1.3 Applications will not be accepted where the requested collection date falls outside of the current or following calendar year.
- 2.1.4 Street collections will ordinarily be expected to take place between hours of 9:00am and 8:00pm.
- 2.1.5 Applications from persons collecting on behalf of a registered charity must be accompanied by a letter of authorisation from the charity's head office.
- 2.1.6 Applications for collections/sales taking place outside a store or supermarket must be accompanied by a letter of authorisation from the store manager.
- 2.1.7 Applications for collections/sales taking place on Market Place must be accompanied by a letter of authorisation from the Market's manager.

- 2.1.8 Where the proposed collection is to sell charitable items in a street or public place using of a stall or table, written permission to erect the stall or table from either Cambridgeshire County Council's Highways Department or the owner of the land must be provided with the application.
- 2.1.9 Proof of public liability insurance cover of £5,000,000 must be provided with the street collection application for all proposed street collections in the East Cambridgeshire district, including where permission is sought for a charity stall.
- 2.1.10 Where permission is sought for an animal to be used during a street collection, proof of public liability insurance cover of £5,000,000, specifically including the use of animals and a health and safety risk assessment to cover the use of the animals at the proposed location and date, must be provided with the application.
- 2.1.11 Each application will be considered on its own merits, however, priority will be given to local charitable organisations in cases where more than one application is in the process of being determined for the same requested date(s).

## **2.2 Processing of an application**

- 2.2.1 Upon receipt of an application, it will be checked by an Officer for compliance with this policy and associated regulations. Confirmation of receipt of a valid application or an invalid/incomplete application will be given where an email address, or contact number has been provided. Applicants will be given 14 days to resolve any issues in order to have their application validated, at which point any applications which remain invalid will be disposed of, and the applicant will need to submit a further application.
- 2.2.2 There is no right of appeal over the refusal of a collection permit.

## **2.3 Key considerations**

- 2.3.1 When considering an application, in addition to ensuring compliance with the regulations contained in Appendix 1 to this policy, the Council will take into account the following:
- (i) Applications will only be accepted from charities registered with the Charity Commission, or from charitable organisations based in the East Cambridgeshire District boundary.
  - (ii) Applications from individuals or charities where a return for a previously granted collection has not been provided will normally be refused.
  - (iii) Applications seeking to hold a collection to raise funds for personal challenge type events will normally be refused. Exceptions will be made where the applicant can prove that they can comply with this policy, and in particular paragraph (iv) below.
  - (iv) Applications must be considered charitable in nature. Although each case will be assessed on its own merits, the Licensing Authority would require convincing that the proposed collection or sale is to be held for charitable purposes where less than 80% of the proceeds of the collection were to go to the purposes for which the collection is taking place, and the application will normally be refused.
  - (v) Deductions for travel expenses to and from the place of collection are not permitted.
  - (vi) Applications may be made for Ely City Centre and Littleport and Soham Town

Centres and any of the villages within the East Cambridgeshire district.

(vii) In the three major city and town centres collectors will only be permitted to carry out collections in the areas stated below:

Ely City Centre: Forehill, High Street, Lynn Road, Market Place\*, Market Street, Newnham Street, Palace Green, St Mary's Street, The Gallery and the Cloisters Shopping Mall\*\*

Littleport Town Centre: Crown Lane, Ely Road, Globe Lane, Granby Street, High Street, Main Street, Station Road, Victoria Street, Wellington Street and Wisbech Road.

Soham Town Centre: Clay Street, Churchgate Street, Fountain Lane, High Street, Pratt Street, Red Lion Square and Sand Street.

\* Applicants wishing to collect or sell items for charitable purposes on the Market Place must first obtain permission from the Market's team at [markets@eastcambs.gov.uk](mailto:markets@eastcambs.gov.uk).

\*\* Due to the limited space available in the Cloisters Shopping Mall applicants are only permitted to collect from the designated locations as detailed in appendix ?? of this policy, and are restricted to collection vessels only, no articles may be sold.

(viii) Applications for street collections may be made for any of the out-of-town stores or supermarkets. Applicants are referred to paragraph 1.4.5 above regarding obtaining consent from the land/store owner(s) affected.

(ix) Only one street collection will be permitted per day in each of the city and town centres, and any of the villages within the East Cambridgeshire district. However, exceptions may be made:

- where the charitable collection is part of a larger national/countywide event and the collectors are merely passing through the area;
- where the collection is part of a carnival procession or other similar event involving the collection of donations from the public along a route;
- for small-scale collections in a limited area, where the collection would not cause a nuisance to members of the public, or impact on any other collection taking place on that day;
- for small local charities to collect on specific defined days during the pre-Christmas period;
- for organised one-day charitable events;
- for Ely Market Place, where the number of collections permitted will be at the discretion of the Market's manager.

(x) Street Collection Permits will be limited to a maximum of two consecutive days only, with the exception of permits issued for the Royal British Legion 'Poppy Appeal' and emergency collections for national and international disasters.

(xi) To enable a fair distribution of collections, no more than five permits will be

issued to any one charity per calendar year for any one area of the district. For the avoidance of doubt this limitation does not affect applications supported by written permission given by the Market's team, or for collections taking place on private land where permission has been given.

- (xii) The use of animals in conjunction with street collections is discouraged. However, consideration will be given to the use of some animals, such as guide dogs, on request.

## **2.4 Charitable events**

- 2.4.1 The Licensing Authority will not require any charity collection or sale of charitable items made at meetings in the open air to be issued with a Street Collection Permit, as these collections are not captured by the regulations. To fall within this exemption, the collection or sale must take at an event or gathering for a specific purpose that occurs in a non-covered location, for example collections or sales at events such as a car boot sale, a school/village fete, or a dog/car show. Collectors at such events must seek permission from the event organiser, and advise the organiser of the amounts raised and the amounts provided for charitable purposes after the collection/sale has taken place.

## **3.0 Enforcement**

- 3.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible street collection permit holders.
- 3.2 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Statement of Enforcement Policy and Practice.
- 3.3 The responsibility for the overall supervision of Street Collections lies with the Environmental Services Manager.

## **4.0 Departure from policy**

- 4.1 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.
- 4.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Environmental Services Manager may authorise a departure from the Policy in accordance with this section if it is considered necessary to do so in the specific circumstances.
- 4.4 Where the Environmental Services Manager chooses to depart substantially from the policy, Members of the Licensing Committee shall be updated at the next formal meeting of the Committee.

# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

## Regulations made by East Cambridgeshire District Council with regard to Street Collections

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

1. In these Regulations, unless the context otherwise requires:

‘collection’ means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word ‘collector’ shall be construed accordingly;

‘promoter’ means a person who causes others to act as collectors;

‘permit’ means a permit for collection;

‘contributor’ means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

‘collection box’ means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the administrative area of East Cambridgeshire District Council unless a promoter shall have obtained from East Cambridgeshire District Council a permit.
3. Application for a permit shall be made in writing no later than one month before the date on which it is proposed to make the collection (provided that East Cambridgeshire District Council may reduce the period of one month if satisfied that there are special reasons for so doing).
4. Application for a permit cannot be made more than six months in advance.
5. There will be no more than four collections allowed in each calendar year.
6. No collection shall be made except upon the day and between the hours stated in the permit.
7. East Cambridgeshire District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
8. (1) No person may assist or take part in any collection without the written authority of a promoter.  
  
(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of East Cambridgeshire District Council or by any constable.



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

Provided that East Cambridgeshire District Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

10. Collections shall not be made in a manner likely to inconvenience or annoy any person.

11. No collectors shall importune any person to the annoyance of such person.

12. While collecting:

(1) a collector shall remain stationary; and

(2) a collector or two collectors together shall not be nearer to another collector than 25 metres;

(3) only one collector or two collectors together will be allowed to stand inside or at any entrance to the Cloisters shopping mall, or if a collector or collectors are inside the Cloisters shopping mall then they should stand no closer than 10 metres from any entrance.

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

13. No promoter, collector or person who is otherwise connected with a collection shall allow a person under the age of sixteen years to act as a collector.

14. (1) Every collector shall carry a collecting box.

(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

(4) All money received by a collector from contributors shall immediately be placed in a collecting box.

(5) Every collector shall deliver, unopened, all collecting boxes in that collector's possession to a promoter.

15. A collector shall not carry or use any collecting box, receptacle or tray that does not bear displayed prominently thereon, the name of the charity or fund that is to benefit or any collecting box that is not duly numbered and/or sealed.

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

(2) Where a collecting box is delivered, unopened, to a bank, an official of the bank may open it.

(3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list that shall be certified by that person.

17. (1) No payment shall be made to any collector.

(2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or

in respect of, services connected therewith, except such payments as may have been approved by East Cambridgeshire District Council.

18. (1) Within one month after the date of any collection the person to whom a permit has been granted shall send to East Cambridgeshire District Council:

(a) a statement on the form enclosed with the issued street collection permit, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to East Cambridgeshire District Council;

(b) a list of the collectors;

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

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

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant or independent responsible person has given the certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as East Cambridgeshire District Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

(3) East Cambridgeshire District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this Regulation 'a qualified accountant' means a member of one or more of the following bodies:

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland.

19. These Regulations shall not apply:

(1) in respect of a collection taken at a meeting in the open air; or

(2) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

20. By virtue of Sections 38 and 46 of the Criminal Justice Act 1982, Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale as the fine for infringement of these regulations.

**TITLE: LICENSING OFFICERS UPDATE**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 20 JUNE 2018**

**AUTHOR: SENIOR LICENSING OFFICER**

[T35]

1.0 ISSUE

1.1 To update Members of the Licensing Committee on the work of Officers.

2.0 RECOMMENDATION(S)

2.1 For information purposes only.

3.0 SUMMARY

**Animal Licensing – Legislation updates**

3.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 have now been passed by Parliament, and will come into force on 1 October 2018.

3.2 Further to this, I have organised a working group made up of my contemporaries from all of our neighbouring Licensing Authorities. The main aim of this working group will be to look at ways to provide consistency in approach when implementing the new rules, and to look at ways to work smarter.

3.3 Secretary of State guidance referred to in the new regulations is still awaited

**Departmental Work**

3.4 The following tables illustrate the applications dealt with, the number of inspections conducted, and the number of suspension notices issued by the licensing section between 13 March 2018 and 6 June 2018 compared to the same period in 2017.

**Applications**

<b>Licence type</b>	<b>Number 2017</b>	<b>Number 2018</b>
Taxi driver	32	31
Taxi vehicle	66	59
Taxi operator	1	4
TEN's	103	114
New and varied premise licences	8	11
Animal welfare licences	1	2
Personal licences	13	9
Small lottery licences	2	2
Other	33	27

DPS and transfers of premise licences	16	17
DBS criminal record applications	16	15
<b>TOTAL</b>	<b>291</b>	<b>291</b>

### **Inspections**

<b>Inspection type</b>	<b>Number 2017</b>	<b>Number 2018</b>
Complaint	3	6
Enforcement	4	14
Routine	0	112
Re-visit	1	10
Pre-application	6	4
<b>TOTAL</b>	<b>14</b>	<b>155</b>

### **Suspensions**

<b>Suspension notice type</b>	<b>Number 16/17</b>	<b>Number 17/18</b>
DBS	3	1
Medical	0	0
Annual fee	0	3
Vehicle non-compliance	12	0
Number of notices becoming active	6	2

Taxi driver – enforcement action	0	0
Taxi vehicle – MOT failures	2	0

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 18 <sup>th</sup> July 2018 9:30am		Meeting on: 19 <sup>th</sup> September 2018 9:30am		Meeting on: 10 <sup>th</sup> October 2018 9:30am	
Deadline for reports/dispatch: 9 <sup>th</sup> July 2018		Deadline for reports/dispatch: 10 <sup>th</sup> September 2018		Deadline for reports/dispatch: 28 <sup>th</sup> September 2018	
<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul>	S Broome	<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> <li>Gambling Act 2005 – Statement of Principles of Licensing</li> </ul>	S Broome  S Broome	<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> <li>Review of Licensing Fees and Charges</li> </ul>	S Broome  S Broome

\* June meeting in Committee Room 2

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 21 <sup>st</sup> November 2018 9:30am		Meeting on: 12 <sup>th</sup> December 2018 9:30am		Meeting on: 16 <sup>th</sup> January 2019 9:30am	
Deadline for reports/dispatch: 9 <sup>th</sup> November 2018		Deadline for reports/dispatch: 3 <sup>rd</sup> December 2018		Deadline for reports/dispatch: 7 <sup>th</sup> January 2019	
<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> <li>Charity Collections</li> </ul>	S Broome	<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> <li>Private Hire and Hackney Carriage Fees (if required)</li> </ul>	S Broome S Broome	<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul>	S Broome