

Please ask for: Mr. M. Berry

Extension No: 4589

E-Mail: mattberry@cannockchasedc.gov.uk

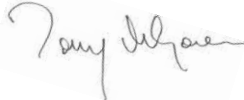
9 May, 2019

Dear Councillor,

**LICENSING AND PUBLIC PROTECTION COMMITTEE
10:00 A.M., FRIDAY 17 MAY, 2019
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,



T. McGovern
Managing Director

To: Councillors

Johnson, T.B. (Chairman)
Allen, F.W.C. (Vice-Chairman)

Cartwright, Mrs. S.M.	Snape, D.J.
Crabtree, S.K.	Todd, Mrs. D.M.
Smith, C.D.	Witton, P.T.

A G E N D A

PART 1

1. Apologies

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Minutes

To approve the Minutes of the meeting held on 4 October, 2018 (enclosed).

4. Licensing Sub-Committee Minutes

To note the Minutes of the Licensing Sub-Committee held on 5 November 2018 (enclosed).

5. Draft Charitable Collections Policy (Including House to House, Street and Direct Debit Collections)

Report of the Head of Economic Prosperity (Enclosure 5.1 – 5.21).

6. Exclusion of the Public

The Chairman to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 2, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

7. Application for a Hackney Carriage Proprietors' Licence

Not for Publication Report of the Head of Economic Prosperity (Enclosure 7.1 – 7.22).

This Report is confidential due to the inclusion of information which is likely to reveal the identity of an individual.

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON THURSDAY 4 OCTOBER 2018 AT 10:00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors

Johnson, T.B. (Chairman)
Allen, F.W.C. (Vice-Chairman)

Crabtree, S.K. Smith, C.D.
Hoare, M.W.A. Snape, D.J.
Lea, C.I.

1. Apologies

Apologies for absence were submitted for Councillors Mrs. S.M. Cartwright and Mrs. D.M. Todd.

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

3. Minutes

RESOLVED:

That the Minutes of the meeting held on 28 June, 2017 be approved as a correct record and signed.

4. Licensing Sub-Committee Minutes

RESOLVED:

That the Minutes of the Licensing Sub-Committees held on 27 July, 2017 and 16 July, 2018, be noted.

(Councillor Crabtree arrived at the meeting during the consideration of this item.)

5. Gambling Act 2005 – Statement of Principles 2019 to 2021

Consideration was given to the report of the Head of Economic Prosperity (Enclosure 5.1 – 5.49 of the Official Minutes of the Council).

The Chairman advised Members that they were being asked to note that an updated Gambling Act Statement of Principles had recently been consulted on and would be presented to full Council on 28 November, 2018 for approval and adoption.

The Food, Safety & Licensing Manager then took Members through the following sections of the report:

- Policy objectives;
- Key areas within the policy;
- Consultation responses.

A Member commented that he was pleased with the Government's position on the proposed reduction in the maximum bet to £2 for Fixed Odds Betting Terminals (FOBTs). The Senior Licensing Officer advised that no date had as yet been announced for when this change would happen, but the reduction would definitely come into force.

A Member asked for clarity on the reasoning behind the consultation response provided by Novomatic UK (paragraph 9 on report page 5.35) concerning paragraphs 17, 19 and 20 of the policy statement. The Senior Licensing Officer responded that previously the policy statement had set out different conditions and controls that may need to be applied depending on circumstances, but in response to the feedback provided, it had been updated to ensure a consistent approach for those premises mentioned in the relevant paragraphs. The Food, Safety & Licensing Manager further replied that the aim had been to remove from the policy any inconsistencies in approach.

In response to separate feedback provided by Novomatic concerning the protection of children from harm, the Senior Licensing Officer advised that this matter had been included in the policy statement from not just a gambling perspective, but from a crime prevention standpoint too.

A Member then raised concern about the issues and control of online gambling. The Senior Licensing Officer replied that there was widespread recognition about the ease of access and usage of online gambling sites, and the proliferation of the advertising of such sites, as seen with the tobacco and alcohol industries in the 1970s. There was a political will from the Government to address problems associated with the advertising and promotion of online gambling sites. The Gambling Commission had been doing more to tackle the issue, including instigating prosecutions where necessary. In contrast, 'high street' gambling venues were well controlled, regulated and inspected.

RESOLVED:

That:

(A) The Gambling Act 2005 Statement of Principles 2019-2021 be noted.

(B) It be further noted that the Statement of Principles will be submitted to Council on 28 November, 2018 for approval and adoption.

6. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Consideration was given to the report of the Head of Economic Prosperity (Enclosure 6.1 – 6.33 of the Official Minutes of the Council).

The Food, Safety & Licensing Manager advised that in respect of animal welfare licensing, local authorities had been working with legislation first adopted in the 1950s and '60s. The 2018 regulations therefore brought the legislative requirements up to date. The proposed changes provided greater structure for enforcement, but would make the process more expensive for councils to administer.

Members were then taken through the following sections of the report:

- The Regulations;
- Guidance notes for local authorities;
- How long licences last;
- Before granting a new animal activity licence;
- Suitably qualified inspectors;
- Granting a licence;
- Suspension, variation or revocation of a licence;
- Fee setting;
- Determining the length of a licence and the star rating of a business;
- Certification by a UKAS-accredited body;
- The appeals process for star ratings;
- Implications for the Council.

The new scheme for licensing relevant premises would allow for 1, 2 or 3 yearly licences to be applied for. At present, licences could only be granted on an annual basis.

The guidance for local authorities was still being updated and revised by the Government despite the associated Regulations already being in force.

The requirement to have suitably qualified inspectors would place an additional expense on the Council, as relevant Officers would need specialist training to undertake the necessary duties.

The current licence fee was £140 per year, but due to the extra workload expected under the new regime, it was likely to increase to £415 per licence. For those premises eligible for a three-year licence, this may result in a lower average annual licence cost than at present, since in some cases vets' fees would no longer apply.

A Member queried what had changed for it to be necessary to increase the fees payable. The Food, Safety & Licensing Manager replied that the old regime had a fairly superficial approach, with a short application and inspection process and no means for appealing decisions, thus placing fewer burdens on businesses and the Council. The new regime would take up more Officer time due to the prescriptive guidance that needed to be followed to process applications. As part of considering the new fee amount, it had become apparent that the current

fee charged may have been too low to fully recover any operational costs. The Senior Licensing Officer further replied that each type of boarding establishment had its own specific guidance and conditions that Officers had to follow when considering any new applications. This also had the impact of significantly increasing the time taken to carry out inspections of premises and meeting with potential applicants. Officers were also required to assess the risk rating of each establishment and then produce a final 'star rating' and accompanying report. Applicants were entitled to see these reports, so it was vital to ensure all information included was correct. Furthermore, it was no longer necessary for a vet to be present when undertaking inspections as the assessment criteria set out what animal welfare conditions should be checked, so the extra work undertaken by Officers was reflected in the higher level of fees.

Another Member then queried why the Regulations had been produced. The Senior Licensing Officer replied that the Animal Welfare Act 2006 gave the Secretary of State powers to introduce such regulations, and it was necessary to do so as the previous regulations were considerably out of date. A lot of work was being done by the current Secretary of State to try and improve animal welfare standards.

A Member queried if the licensable activity of 'provision of day care for dogs' also included walking of dogs. The Senior Licensing Officer replied that dogs being walked as a standalone activity was a separate matter and therefore not considered licensable under the regulations.

The same Member then queried how charities were impacted by the regulations. The Principal Solicitor replied that when an application was made, a 'business test' would have to be applied that looked into income, profit element etc. The onus was on the Council to look at the whole picture of a business/charity as if a particular 'score' was achieved then a licence would be required.

Another Member then queried what the position was if a dog was being looked after with no charge made for doing so. The Principal Solicitor replied that it was unlikely a licence would be needed in such circumstances as no income or profit was being received by the individual looking after the animal. The Senior Licensing Officer further replied that the regulations also set out a number of exemptions for requirement of a licence.

Another Member then queried what the rationale was for charging the same level of fee even though a range of different licensable activities was being undertaken. The Food, Safety & Licensing Manager replied that at this stage a single fee had been set as the new regime had not been fully implemented. It was hoped to have a better idea of the final fee structure in January 2019 in readiness for the 2019/20 budget process.

Another Member noted appreciation with the work being done to improve animal welfare standards, but suggested that a lower fee should be charged for those businesses with a lower level of income/profit. The Food, Safety & Licensing Manager replied that such an approach could be a possibility, but the Council had to charge what it cost to run the service. The Senior Licensing Officer further replied that support would be given to businesses to meet the new

legislative requirements, particularly small businesses as they would require the same amount of documentation on file as a large scale business.

Another Member then noted that it appeared there was an inconsistent approach in fee setting when considering that a different fee structure was introduced for the Commercial Use of the Highways Policy. The Principal Solicitor and the Food, Safety & Licensing Manager replied that each policy had differing requirements and means of assessment/inspection, therefore it was appropriate for fees to be set in different ways.

RESOLVED:

That:

- (A) The introduction of the new Animal Welfare Regulations and associated guidance to local authorities be noted.
- (B) It be further noted that a report on the Regulations will be submitted to Council on 28 November, 2018 for consideration.

The meeting closed at 11:10 a.m.

CHAIRMAN

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CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
HELD ON MONDAY 5 NOVEMBER 2018 AT 1:00PM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:

Councillors:

Cartwright, Mrs. S.M.
Johnson, T.B.
Todd, Mrs. D.M.

Applicant for Review

Mr M. Wilson (Principal Trading Standards Officer, Staffordshire County Council)

Representing the Licensing Authority:

Mr D. Prosser-Davies (Food, Safety & Licensing Manager)

Mr S. O'Meara (Senior Licensing Officer)

Premises Licence Holder and Designated Premises Supervisor

Mr S. Josotharan (Westbourne Food & Wine)

Representing the Licence Holder and Designated Premises Supervisor

Mr J. Flanagan (Portcullis Associates Ltd.)

Legal Advisor to the Sub-Committee:

Mr S. Turner (Principal Solicitor)

Secretary to the Sub-Committee:

Mr M. Berry (Senior Committee Officer)

Observer:

Mr S. Kearney (Licensing Enforcement Officer)

1. Appointment of Chairman

Councillors Mrs. S.M. Cartwright and Mrs. D.M. Todd nominated Councillor T.B. Johnson as Chairman.

RESOLVED:

That Councillor T.B. Johnson be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

No apologies were received.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No declarations of interests were received.

4. Licensing Act 2003 – Application for a Review of a Premises Licence – Westbourne Food & Wine, 1 Westbourne Avenue, Cannock, WS11 4AN

The Chairman asked all parties present to introduce themselves and to confirm their understanding of the procedure for the Hearing, which had been circulated to all parties in advance.

The Officer representing the Licensing Authority advised the Sub-Committee that the Licence Holder had provided additional evidence to Trading Standards in advance of the meeting, but this evidence had not been supplied to the Licensing Authority.

The Sub-Committee requested to be given a copy of the additional evidence, and would adjourn the meeting to allow time to review its contents.

The meeting adjourned at 1:12pm and re-convened at 1:32pm.

The Officer representing the Licensing Authority then presented the report in respect of the application for review and outlined the relevant matters for consideration (Enclosure 4.1 – 4.111 of the Official Minutes of the Council). The Applicant for Review, Licence Holder, Licence Holder's Representative and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Officer of the Licensing Authority on the report presented. No questions were asked.

The Applicant for Review then presented his case to the Sub-Committee and raised some questions for the Sub-Committee to consider in relation to the additional evidence submitted. The Legal Advisor to the Sub-Committee advised the Sub-Committee that it may be too early in the proceedings to consider what weight should be given to the additional evidence, but should keep it in mind for until all parties had presented their respective cases. The Licence Holder's representative then provided clarification to the Sub-Committee on the questions raised by the Applicant for Review. The Licence Holder, Licence Holder's Representative and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Applicant for Review on the case presented. Questions were asked by the Licence Holder's Representative only.

The Licence Holder's Representative then presented their case to the Sub-Committee. The Applicant for Review and Members of the Sub-Committee were then afforded the opportunity to ask question of the Licence Holder on the case presented. Questions were asked by Members only.

Copies of proposed additional licensing conditions submitted by the Licence Holder were then circulated to the Sub-Committee for consideration.

The Officer of the Licensing Authority, Applicant for Review, the Licence Holder and Licence Holder's Representative were then given the opportunity to sum up their respective cases. Summation was provided by all parties.

Members of the Sub-Committee then deliberated in private, accompanied by the Legal Advisor and Secretary to the Sub-Committee.

All parties then returned to the meeting and the Chairman announced the decision of the Sub-Committee and reasons for the decision, as follows:

The Licensing Sub-Committee listened carefully to the representations from the parties, and considered the evidence and supporting documents that the parties referred to.

The Sub-Committee considered the statutory guidance and the Council's Licensing Act Policy.

RESOLVED:

That:

- (A) The conditions put forward by the Licence Holder be added to the section related to 'The Protection of Children from Harm' in the Premises Licence.
- (B) The Premises Licence not be revoked or suspended, and the Designated Premises Supervisor not be removed.

Reasons for Decisions

The Sub-Committee considered that the review was properly made, and based on sound reasons and evidence.

The Sub-Committee was pleased to note the measures that the Licence Holder and Designated Premises Supervisor had taken to tighten up procedures and to promote the Licensing Objectives, in particular the additional staff training.

The Sub-Committee noted that the Designated Premises Supervisor and Licence Holder fully admitted that two underage sales of alcohol had been made from the premises.

The Sub-Committee emphasised that the sale of alcohol to children was very serious, and expected the Licence Holder to do all that he could to ensure there were no further illegal sales of alcohol.

The Sub-Committee hoped not to see this Premises Licence here for review again.

The meeting closed at 2:55 p.m.

CHAIRMAN

CANNOCK CHASE COUNCIL

LICENSING & PUBLIC PROTECTION COMMITTEE

17 MAY 2019

REPORT OF THE HEAD OF ECONOMIC PROSPERITY

DRAFT CHARITABLE COLLECTIONS POLICY

INCLUDING HOUSE TO HOUSE, STREET AND DIRECT DEBIT COLLECTIONS

1. Reason for referral

- 1.1 Members are asked to note the drafting of a new charitable collections policy which will have effect across the whole of the Cannock Chase District Council District. The main intention is to regulate the house to house collections which take place on the District but it also confirms our existing procedures in respect of cash and direct debit charitable collections within our town centres.
- 1.2 The draft policy will be consulted upon more widely once the Licensing & Public Protection Committee has taken this opportunity to comment upon it. It will then be offered to full Council for adoption after wider member, public and stakeholder consultation has been completed.
- 1.3 A copy of the draft charitable collections policy is attached as Annex 1 to this briefing note.

2. The Policy:

- 2.1 The policy aims:
- To provide clear guidance for officers and members on what matters should be taken into account when determining applications for House to House Collections. It also sets out the requirements for applicants for charitable collections of all types across the Cannock Chase District.
 - To safeguard the interests of both public donors and beneficiaries.
 - To facilitate well organised collections by bona fide charitable institutions and to ensure that high standards are met.
- 2.2 There has been an increase in the number of bogus House to House collectors in the last few years and as such it is vital that licences are only issued to legitimate applicants. This will give the public confidence that if the collection is licensed, an adequate proportion of their donations are being given to the appropriate charity.
- 2.3 This policy outlines the Council's requirements in respect of the following charitable collections:
- House to House Collections for goods ("charity bags") and/or cash within the District;
 - Cash Street collections within the District;
 - Direct Debit collections within the District.

- 2.4 The policy sets out the Council's position in respect of charitable collections and the requirement for applicants in the following areas.
- Introduction and consultation process
 - Intention of the Policy
 - Exchange of information and data protection
 - Equality and Diversity
 - Crime and Disorder Act 1998
 - House to House Collections
 - Applications
 - Applicant suitability
 - Grounds for refusal
 - Financial considerations.
 - Direct Debit Fundraising Within town centres.
 - Cash Charity Fundraising Within town centres.
 - Enforcement Principles
- 2.5 The Policy contributes to the Council's "Promoting Prosperity" priority through:
- Ensuring that local charities are given priority in respect of cash charity collections in our town centres
 - Ensuring that non compliant, mala fide or rogue collection companies are not granted a licence to collect within the Cannock Chase District
- 2.6 The Policy contributes to the Council's "Community Wellbeing" priority through:
- Preventing unlicensed collections from taking place.
 - Ensure that people who wish to donate to charity, through house to house or street collections, are able to do so in good faith knowing that the money or products they donate will directly benefit the charity.
- 2.7 The Policy separates the District into 4 distinct areas; Cannock, Hednesford, Rugeley and Norton Canes. A map of the area is provided within the draft policy which identifies these areas.
- 2.8 The Council will only allow one House to House Collection in any one area of the District at any one time. It will only permit any one organisation to collect within the District on a maximum of six occasions per calendar year.
- 2.9 The maximum duration of any collection will not exceed 4 weeks.

3. Applicant suitability

- 3.1 Before granting a licence for a house to house or street collection, the Council must be satisfied the applicant is a fit and proper person to hold a charitable collection licence. Therefore, the applicant, or the director of the collection company if different, will need to submit a Basic Disclosure from the Disclosure and Barring Service,

4. Grounds for refusal

4.1 There are a number of grounds for refusal which are highlighted in section 9 of the policy.

These include:

- The amount of money given to charity is insufficient.
- The amount of money taken by any individual or the collection company is too large.
- The granting of the licence would facilitate vagrancy.
- The applicant or his collectors are not fit and proper persons.
- Failure by the applicant to provide the licensing authority with any of the information required under the policy.

5. Financial considerations in determining applications

5.1 The draft policy states that the Council will consider refusing an application where:

- Less than 70% of the value of the collection is being donated to the charity named in the application.
or,
- the amount of money paid to collectors by charitable organisations to collect money and products on their behalf, is excessive and the amount of that remuneration is greater than 30% of the value of the collection.

6. Implications for the Council

6.1 The new policy may have an impact on the manner in which the Council administers and enforces its functions in relation to charitable house to house collections within the District. There will be no change to the way in which cash and direct debit street collections are dealt with.

6.2 There may also be a potential increase in the numbers of applications from house to house collection companies because of the reduction in the size of the area in which they are permitted to collect and the timescale in which they must do so. Collectors will only be granted a maximum of 6 house to house collection licences in any one year.

6.3 There are no fees payable for any of the charitable collection applications.

7. Legal Implications

7.1 House to House collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Licences for these collections are issued by the Council.

8. Charitable collections in the District over the past 4 years

8.1 Over the past 4 years there have been:

- 66 cash charitable street collection permits issued in 2015

- 20 cash charitable street collection permits issued in 2016
- 81 cash charitable street collection permits issued in 2017
- 20 cash charitable street collection permits issued in 2018

8.2 Over the past 4 years there have been:

- 14 charitable House to House collection licences issued in 2015
- 22 charitable House to House collection licences issued in 2016
- 16 charitable House to House collection licences issued in 2017
- 17 charitable House to House collection licences issued in 2018

8.3 All of the above licences were granted for the whole of the District and for a period of 1 year, with no limit to the number of collections. Many will have been collecting over the whole of the District at the same time.

9. Members are therefore asked to:

9.1 Note the contents of the draft policy and be prepared to make comment upon it during the Licensing & Public Protection Committee on 17 May 2019. In particular, members views are sought on the proposed timescales or percentages etc. given within paragraphs 7.7, 7.8, 7.9 and 10.2.

9.2 Note that the policy will be taken to full Council once a full consultation process has been completed.

10. Relevant Documents / Annexes

10.1 Annex 1: Draft Charitable Collections Policy

11. Further information is available from:

David Prosser-Davies

Food, Safety and Licensing Manager.

Phone 01543 464202.

Email: davidprosser-davies@cannockchasedc.gov.uk



CANNOCK CHASE DISTRICT COUNCIL

CHARITABLE COLLECTIONS POLICY

**INCLUDING HOUSE TO HOUSE COLLECTIONS, STREET
COLLECTIONS AND DIRECT DEBIT COLLECTIONS**

CONSULTATION DRAFT May 2019

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1. Introduction and consultation process

- 1.1 Cannock Chase District Council (CCDC) is situated in the County of Staffordshire which contains 8 District Councils and Stoke-on-Trent, a Unitary Authority. The Council area has a population of approximately 98,500 and covers 7,887 hectares (approximately 30 square miles).
- 1.2 The district is mainly rural, with 60% of it classified as Green Belt. There are 3 main urban areas: Cannock, Rugeley and Hednesford. A map of the District is attached to this policy which outlines the 3 main urban areas mentioned above and each ward boundary.
- 1.3 The policy consultation will take place between ????? 2019 and ????? 2019 and follow the Cabinet Office Guidance on Consultation Principles first published in July 2012 and last updated in March 2018. This document is available at:
<https://www.gov.uk/government/publications/consultation-principles-guidance>
- 1.4 The Council then intends to approve and adopt this Statement of Principles at full Council. The finalised document will be published via the Council's website at: www.cannockchasedc.gov.uk
- 1.5 Should you have any comments on this draft statement of principles, please email licensingunit@cannockchasedc.gov.uk or write to the Council's Licensing Unit address given on page 4 of this document.
- 1.6 Please tell us if you do not want details of your response to be made public or if there are any restrictions on the use of information submitted, with an explanation of why it should be kept confidential. We will take your reasons into account, but you should be aware that there may be circumstances in which we will be required to disclose this information to third parties on request.
- 1.7 This is in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations. Please note, if your computer automatically includes a confidentiality disclaimer, this will not be treated as a confidentiality request.
- 1.8 The Council consults widely upon policy statements before finalising and publishing. A list of persons and agencies consulted during this 2019 consultation exercise is provided within paragraph 1.10 below.
- 1.9 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation and/or developments affecting the local area. It will consult with stakeholders at the time it is considering any such changes. The Council must review and publish this statement of principles at least ever 3 years.

- 1.10 List of persons and agencies consulted by this authority:
- Staffordshire Police
 - Current licence holders and trade associations
 - Staffordshire County Council Trading Standards
 - Representatives of local businesses
 - Local residents and their representatives
 - Town and Parish Councils
 - Local Member of Parliament
 - National bodies representing the gambling trade
 - National charities concerned with the social impact of gambling
 - Representatives of existing licence holders
 - Community Safety Partnership
- 1.11 The Council then intends to approve and adopt this Policy at full Council. The finalised document will be published via the Council's website at: www.cannockchasedc.gov.uk

Contact details:

Licensing Unit
Civic Centre
PO Box 28
Beecroft Road
Cannock
Staffs
WS11 1BG
Phone: 01543 464244
Email: licensingunit@cannockchasedc.gov.uk

2. The intention of the policy

- 2.1 The intention of the policy is to provide clear guidance for officers and members on what matters should be taken into account when determining applications for House to House Collections. It also sets out the reasonable expectations of applicants for charitable collections of all types across the Cannock Chase District.
- 2.2 Officers have delegated powers to grant applications. The discretion of the elected members of the Licensing & Public Protections Committee will be engaged where applications are referred to them by officers who are unable to grant the application.
- 2.3 The aims of the licensing authority in adopting this policy 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, and;
 - Prevent unlicensed collections from taking place.

- 2.4 The policy is also intended to ensure that people who wish to donate to charity, through house to house or street collections, are able to do so in good faith knowing that the money or products they donate will directly benefit the charity.

3. Exchange of information and data protection

- 3.1 The Licensing Authority will exchange information with bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.

- 3.2 The information that you have provided will be used by Cannock Chase Council, who are the data controller, to allow us to carry out our statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the District. We will share your information with agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so. For further information, please see:

<https://www.cannockchasedc.gov.uk/council/about-council/data-protection/data-protection-privacy-notice>

4. Equality and Diversity

- 4.1 Through policies and service delivery, the Council's main aims for ensuring equality and diversity are to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between diverse communities

- 4.2 A link to the Council's Equalities and Diversities Policy can be found here-
<http://chaseweb.cannockchasedc.gov.uk/chief-executives-policy-and-performance/equality-and-diversity>

5. Crime and Disorder Act 1998

- 5.1 Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns about criminal activity such as fraud and money laundering.

- 5.2 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting awareness of such matters.

- 5.3 It should be noted that charitable collections and other town centre activity may be activity monitored by the Council's town centre CCTV.

6. House to House Collections

- 6.1 House to House collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.
- 6.2 There has been an increase in the number of bogus House to House collectors in the last few years and as such it is vital that licences are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.
- 6.3 House to House collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Licences for these collections are issued by Cannock Chase District Council.
- 6.4 A National Exemption Order is available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued directly to the charity by the Cabinet Office.
<https://www.gov.uk/government/publications/national-exemption-order-scheme>

7. Applications

- 7.1 Applications will be dealt with on a first come first served basis. Where more than one application is received at the same time, preference will be given to local charities.
- 7.2 Anyone wishing to conduct a house to house collection must complete the relevant application form. Applicants must supply information relating to:-
- Whether the collection is on behalf of a registered charity (if so, the registered charity number must be stated), and if so, the objectives of the charitable cause as supplied to the Charity Commission.
 - A statement as to the aims of the collecting organisation as detailed in any literature.
 - Details of the history of the collecting organisation, i.e. when formed, names of trustees, directors, organisers etc.
 - Relevant accounts and financial statements of the collecting organisation.
 - A written agreement between the charity and the collecting organisation.
 - A declaration of any previous refusals for House to House collection licences.
 - A recent Basic Disclosure from the Disclosure & Barring Service pertaining to the Director of the collecting company.

- 7.3 In addition, the following must be made clear on the completed application form:
- How much the charity will receive as part of the collection.
 - The proportion of this as a percentage of the cost of running the collection.
- 7.4 A clear set of returns must also be supplied if the organisation has previously operated house to house collections within the Cannock Chase District.
- 7.5 Applications are to be made in writing no later than **one month** before the house to house collection is due to take place. This period may be reduced if the Council are satisfied there are exceptional reasons for doing so.
- 7.6 Failure to provide all the necessary information may result in an application being delayed or refused.
- 7.7 The Council may, in granting a licence, limit the collection to such streets or areas or such parts thereof as it thinks fit and are specified on the licence. (Cannock, Hednesford, Rugeley or Norton Canes). A map of the District showing the said areas is provided at Page 18 of this Policy
- 7.8 The Council will only allow one House to House Collection in any one area of the District at any one given time and will only allow an organisation to collect on a maximum of six occasions per calendar year. Separate application forms will need to be completed.
- 7.9 The maximum duration of any collection will not exceed 4 weeks. No collection shall be made other than in accordance with time period specified on the Licence.
- 7.10 No collection shall be made in a manner likely to inconvenience or annoy any person and no collector shall pester any person to the annoyance of such a person. No collection shall take place outside the hours of 9am to 7pm and doors should not be knocked at properties which display a sticker or sign which prohibits cold calling.
- 7.11 Within one month after the date of any collection, the person to whom a licence has been granted shall forward to the Council:
- A statement in the form set out in the schedule to these regulations, or in a form to the like effect, showing the amount received and the expenses and payments and payments incurred in connection with such collection and certified by that person and a member of the receiving charity in the form of a letter headed response.
 - A list of collectors.
 - A list of the amounts collected in each collecting box.

8. Applicant suitability

- 8.1 Along with any application for a House to House Collection Licence, the applicant or the director of the collection company if different, will need to submit a Basic Disclosure from the Disclosure and Barring Service,
- 8.2 When granting a licence for a house to house collection, the Council must be satisfied the applicant is a fit and proper person to hold a House to House Collection Licence.
- 8.3 In deciding the applicants fitness and propriety, and where there are convictions/cautions, the Council will take into consideration the following:-
- Whether the conviction is relevant.
 - The seriousness of the offence.
 - In accordance with the Rehabilitation of offenders Act 1974, the length of time since the offence occurred.
 - Whether there is a pattern of offending behaviour.
 - Whether that person's circumstances have changed since the offence occurred.
 - The circumstances surrounding the offence and the explanation offered by that person.

9. Grounds for refusal

- 9.1 The Council may refuse to grant a licence or, where a licence has been granted, revoke that licence where it appears to the Council that:
- The total amount likely to be given for charitable purposes as the result of the collection (including any amount already given) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)
 - The remuneration by any person is excessive in relation to the total amount received or likely to be received
 - The grant of a licence would be likely to facilitate the commission of an offence under section three of the vagrancy act 1824, or that an offence under that section has been committed in connection with the collection
 - The applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence
 - The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and

proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised or

- The applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs

9.2 In addition, any action taken as a result of non compliance with the house to house collections regulations may also be grounds for refusal.

10. Financial considerations.

10.1 In order for the Council to be confident that the amount being given to charity is proportionate, the financial information provided on the application form and on any returns has to be detailed and accurate. Failure to provide detailed and accurate financial information may result in an application being refused or delayed.

10.2 In deciding whether the amount given to charity is proportionate the Council will use the following as a guideline:-

- The Council understands there are costs associated with organising and carrying out a house to house collection; however, the costs associated with any one collection need to be balanced against the perception of the public that all of the items or money they donate will be given to charity. **Therefore, the Council will consider refusing an application where less than 70% of the value of the collection is being donated to the charity named in the application.**
- It is also common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether it is excessive, the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The salaries received by directors and key employees should also be considered as part of this assessment. **Therefore, the Council will give consideration to refusing an application where the amount of remuneration is greater than 30% of the value of the collection**

10.3 If no previous returns have been supplied to the Council after previous licensed collections then any further applications are likely to be refused.

10.4 Any person aggrieved by the refusal to grant a licence or by the revocation of a licence already granted, may appeal against the decision within fourteen days of the date of the notice of refusal or revocation, as shown on the notice. Any appeal must be made to the relevant Secretary of State.

11. Direct Debit Charity Collections Within Town Centres.

- 11.1 The Council has a fundraising Site Management Agreement with the Institute of Fundraising (IoF). This direct debit fundraising agreement permits collectors into any of our three town centres (Cannock Hednesford or Rugeley) on any 2 days a week between Monday and Thursday. This must be with the knowledge and prior agreement of the IoF. The Council acts as the "Gatekeeper" within the Site Management Agreement.
- 11.2 The days, dates and times on which the direct debit collections can be made, as well as the numbers of collectors and the areas in which collections may be made, are all restricted within the IoF Site Management Agreement.
- 11.3 Any organisation interested in fund raising by means of direct debit within our town centres, should contact the IoF to discuss their requirements and any current availability. <https://www.institute-of-fundraising.org.uk/home/>
- 11.4 The Cannock Chase Site Management Agreement can be found at: <https://www.institute-of-fundraising.org.uk/guidance/fundraising-compliance/site-management-agreements/find-or-request-an-sma/>
- 11.5 No direct debit fundraising may take place within the Cannock Chase District without the knowledge and prior agreement of the IoF.

12. Cash Charity Collections Within Town Centres.

- 12.1 The Council permits cash street collections in any of our three town centres (Cannock, Hednesford or Rugeley) on Fridays and Saturdays only. This is intended to facilitate local charities who rely upon local street collection fundraising.
- 12.2 Additional days may be made available for nationally recognised fundraising events such as the Poppy Appeal and Children in Need. Street collections for such nationally recognised events may be permitted on any day and date agreed with the Council's Licensing Unit.
- 12.3 Only one organisation at a time will be permitted to carry out a charitable street collection in each town centre.
- 12.4 During the application process for a street collection permit, enquiries may be made with Staffordshire Police and the Charities Commission to determine whether there are any issues that would raise reasonable concerns with regard to the conduct of the organisation or collector. The applicant will also need to provide a recent Basic Disclosure from the Disclosure & Barring Service.
- 12.5 Once a charitable street collection has taken place, an audited return must be made to the Council's Licensing Unit which indicates how much

was collected and what proportion of the monies was spent on items other than the charitable organisation itself.

- 12.6 Audited accounts for the organisation are scrutinised to determine the proportion of monies collected that is used for the administration of the organisation compared to that which benefits the charitable cause.
- 12.7 Certified statements are required to be returned to the Council within one month of the collection, detailing proceeds and expenses. Such returns are examined and any anomalies investigated. Failure to make a certified return results in refusal to issue a permit in any future application.

13. **Enforcement Principles**

- 13.1 In carrying out its enforcement duties with regard to the charitable collections and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council will have regard to the Regulators' Code <https://www.gov.uk/government/publications/regulators-code>
- 13.3 The Council will aim to be:
- Proportionate:**
Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.
- Accountable:**
Regulators must be able to justify decisions, and be subject to public scrutiny.
- Consistent:**
Rules and standards must be joined up and implemented fairly.
- Transparent:**
Regulators should be open and keep regulations simple and user friendly.
- Targeted:**
Regulation should be focused on the problem and minimise side effects.
- 13.4 The Council will endeavour to avoid duplication with other regulatory regimes.
- 13.5 The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.
- 13.6 The Council's Enforcement Policy, which explains how the Council makes decisions in the event of non compliance and criminal offences can be found at: www.cannockchasedc.gov.uk/ehenforcementpolicy
- 13.7 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation, case law, statutory guidance and best practice. It will consult with stakeholders at the time it is considering any such changes.

HOUSE TO HOUSE COLLECTIONS ACT 1939**HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947 (as amended)****1. Title and extent**

- (a) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
- (b) These regulations shall not extend to Scotland.

2. Interpretation

- (1) In these regulations, unless the context otherwise requires –

‘The Act’ means the House to House Collections Act 1939;

‘chief promoter’, in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of subsection (2) or section 1 of the Act as respects that collection;

‘collecting box’ means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

‘licence’ means a licence granted by a [licensing authority]¹ under section 2 of the Act;

‘order’ means an order made by the Secretary of State under section 3 of the Act;

‘prescribed badge’ means a badge in the form set out in the Fourth Schedule to these regulations;

‘prescribed certificate of authority’ means a certificate in the form set out in the Third Schedule to these regulations;

‘receipt book’ means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

‘street collection’ means a collection or sale to which regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, apply.

- (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
- (3) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified,

to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection;

Provided that the [licensing authority] or, as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.

5. Responsibility of promoters as respects collectors

- (1) Every promoter of a collection shall exercise all due diligence –
 - (a) to secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person –
 - (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.
- (2) Every promoter of a collection shall exercise all due diligence to secure –
 - (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- (3) In the case of a collection in respect of which a licence has been granted –
 - (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
 - (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be

inserted therein or annexed thereto. in a manner approved by the [licensing authority] for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

Every collector shall –

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age limit

No person under the age of 16 years shall act or be authorised to act as a collector of money.

9. Importuning

No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collection of money

- (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

Every collector, to whom a collecting box or receipt book has been issued, shall –

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.

- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation –
 - a. every envelope used shall have a gummed flap by means of which it can be securely closed;
 - b. no collector shall receive a contribution except in an envelope which has been so closed; and
 - c. these regulations shall have effect subject to the following modifications:-
 - i. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - ii. regulation 10 shall not apply;
 - iii. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - iv. in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - v. in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- (3) In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the [licensing authority] by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one [licensing area]¹ a combined account of the collections made in all or any of those [licensing areas] may, by agreement between the chief promoter and the respective [licensing authorities] be made only to such of the respective [licensing authorities] as may be so agreed.

- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- (3) The [licensing authority] or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.

- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a [licensing authority]¹ by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, may, if the said [licensing authority]¹ agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

The account required by the preceding regulation –

- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

16. Vouching of accounts

- (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- (2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc.

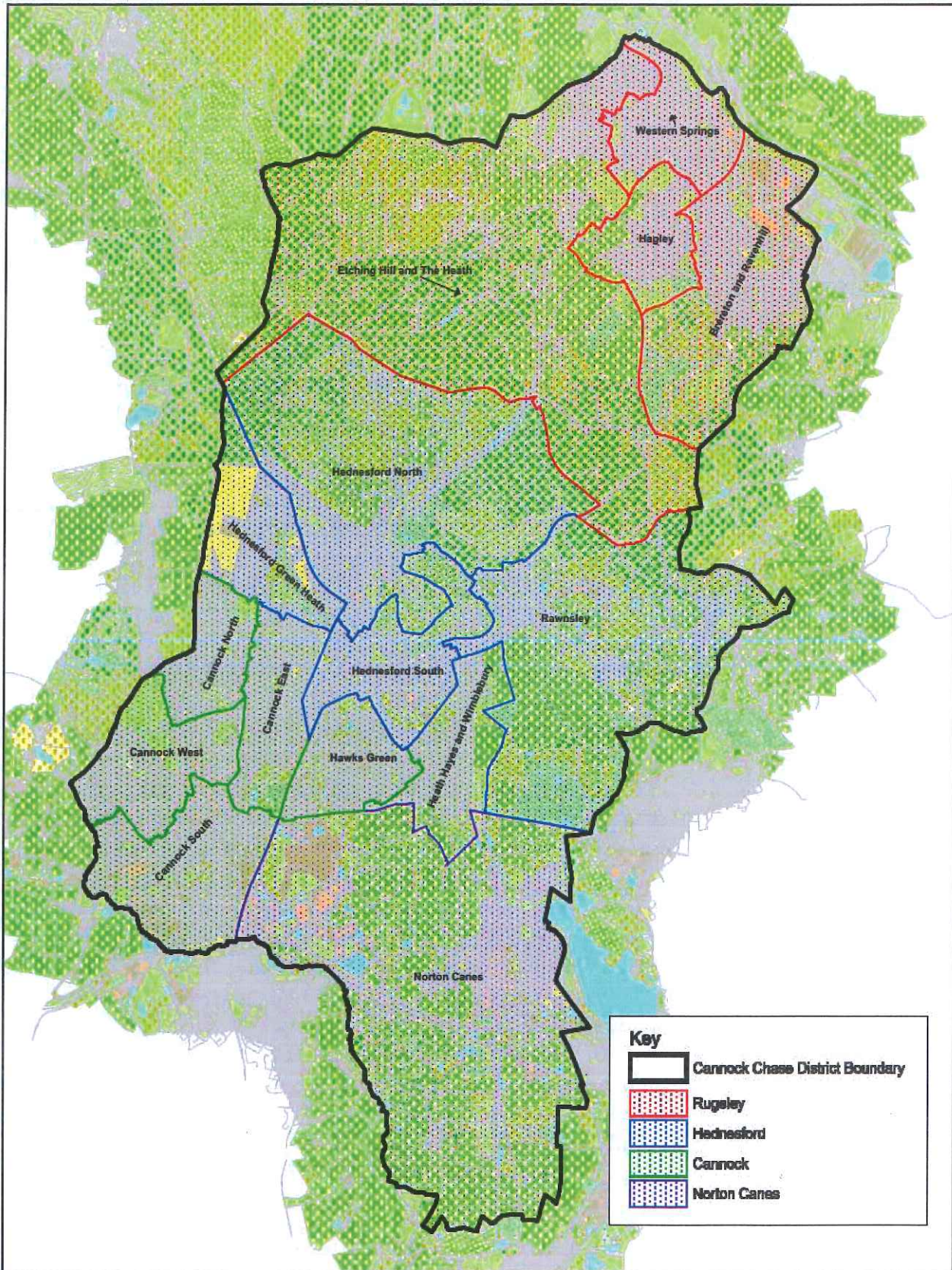
The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

¹Substituted by the Local Authorities (Miscellaneous Provisions) (No 2) Order 1974 (SI 1974 No 595).

²Amended by the House-to-House Collections Regulations 1963 (SI 1963 No 684).]



Cannock Chase District: Ward Boundaries



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