



# Spelthorne Borough Council

Street Collections

House to House Collection

Policy Working Procedure  
and Enforcement

## **1.0 PRELIMINARIES**

### **5.1 Objective and Scope of Policy**

The scope of this policy covers the investigation and enforcement of complaints and alleged breaches of regulations in connection with street collections and house to house collections.

The administration of street collection and house to house collection permits from application through to issue is dealt with under a separate procedure held and utilised by the Customer Services Department at Spelthorne Borough Council.

This document will be reviewed in light of changing legislation, introduction of new guidance etc.

### **5.1 Adherence to Policy**

All authorised officers must abide with the guidance held within this policy and working procedure at all times.

Any departure from the Policy and working procedures must be exceptional, capable of justification and be fully considered by the Head of Environmental Health before a decision is taken.

### **5.2 Training of Staff**

All staff involved in investigating complaints associated with street and house to house collections will be trained on the content and interpretation of this Policy within 4 weeks of its distribution.

Supplementary training (when the manual is reviewed) will be carried out at training meetings.

### **5.3 Who can Investigate Complaints and take Action?**

Any fully qualified EHO; and

any officer specifically appointed to carry out inspections who by virtue of their experience and/or qualifications is deemed competent to undertake the duties required;

may investigate complaints and enforce the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972, the Charitable Collections (Transitional Provisions) Order 1974 and the House to House Collections Act 1939.

## 2.0 STREET COLLECTIONS

- 2.1 In pursuance of Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and the Charitable Collections (Transitional Provisions) Order 1974, Spelthorne Borough Council has issued regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the Borough to collect money or sell articles for the benefit of charitable or other purposes. The detail of these regulations is provided in Appendix 1

### 5.1 What is a Street Collection?

A street collection is the collection of money or sale of articles for the benefit of charitable or other purposes in any street or public place. A promoter is a person who causes others to act as collectors

### 5.2 What Requirements are there for Street Collections?

The regulations make the following requirements:-

- i) No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within Spelthorne unless a promoter shall have obtained a permit.
- ii) No collection shall be made except upon the day and between the hours stated on the permit.
- iii) Collectors must supply upon request by an authorised officer, the written authority of the promoter to take part in the collection.
- iv) No collection shall be made in the carriageway of a street which has a footway.
- v) No collection shall be made in a manner likely to inconvenience or annoy any person.
- vi) While collection a collector shall:-
  - remain stationary; and
  - not be nearer to another collector than 25 metres, and
  - not obstruct the flow of pedestrian or other traffic

(requirements can be waived in respect of a collection held in connection with a procession).
- vii) Every collector shall carry a collecting box, and the permit.
- viii) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way to prevent them being opened without the seal being broken.
- ix) All money received by a collector from contributors must be placed immediately into a collection box.
- x) All collection boxes must be delivered unopened to the promoter.
- xi) The collecting box, or receptacle must prominently display the name of the charity or fund which is to benefit.
- xii) Collecting boxes must be opened in the presence of a promoter and another responsible person. (Where a collecting box is delivered, unopened, to a bank, it may be opened by an office of the bank).
- xiii) Once the 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 which shall be certified by that person.

- xiv) No payment must be made to any collector, except for reasonable travelling expenses. The amount paid must be included on the statement of return to the licensing authority.
- xv) No payment must be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of the collection.
- xvi) The street collection permit-holder must forward to Spelthorne Borough Council within one month of the collection date the following:-
  - a) a statement detailing the amount of monies received, expenses and payments incurred in connection with the collection. The statement must be certified by a qualified accountant or an independent responsible person. (An independent responsible person may be
  - b) a list of collectors; and
  - c) a list of the amounts contained in each collecting box.
- xvii) Where the amount of money collected exceeds £150, the street collection permit-holder within one month of the collection, must publish in the newspaper the following details:-
  - a) The name(s) of the permit-holder;
  - b) The area the permit relates to;
  - c) The name of the charity/fund benefiting;
  - d) The date of the collection;
  - e) The amount collected;
  - f) The amount of expenses and payments incurred.

The newspaper(s) deemed acceptable include the Staines Informer/Leader/Heathrow Villager and Staines Guardian. Their telephone numbers are provided in Appendix 9 - List of Useful Contacts.

- xviii) Collectors who are less than 14 years of age are prohibited. Collectors who are 14-16 years of age must be accompanied by an adult.

### 5.3 Department Involvement in Street Collections

Street collections are administered via the Council's Customer Services department and therefore the Environmental Health section will only become involved where there is a complaint or there appears to have been a breach of the regulations. Examples include:-

- Notification from a member of the public that a collector does not have a valid permit.
- Notification from the Customer Services department that the permit holder has failed to forward the required post collection details to us.
- Complaints that collectors are causing annoyance or being obstructive.
- Suspicions that promoters are not disclosing true information or are overestimating travelling expenses.
- Suspicions that a collector operating in our area has been refused a permit or had a permit revoked by another authority.
- Suspicions that a collection is not taking place in order to benefit a charity.

In such instances and when a complaint is received in connection with street collections an authorised officer will make a full investigation of the matter and apply the enforcement policy which follows to determine the appropriate course of action.

## 5. HOUSE TO HOUSE COLLECTIONS

### 5.1 Legislation

The House to House Collections Act 1939 and the House to House Collections Regulations 1947 (as amended) requires that promoters of house to house collections are licensed by this authority and sets out the manner in which house to house collections may be carried out, including the conduct of promoters and collectors. A copy of the regulations and guidance associated with them is provided as Appendix 2.

### 5.2 What is a House to House Collection?

A house to house collection is the collection of money or other goods for charity by visiting people house to house {which includes places of business such as public houses and other licensed premises). Some organisations are exempt from the requirements of legislation and will hold an exemption certificate issued by the Home Office to this effect. A list of these organisations is provided as appendix 3 or can be obtained from the Home Office Tel: 0171 2178803.

### 5.3 What Requirements are there for House to House Collections?

The regulations make the following requirements:-

- i) No collection must operate without a valid licence. It is an offence to promote a house to house collection without a licence, or exemption certificate and to act as a collector without there being a valid licence or exemption certificate.
- ii) Promoters must employ collectors who are fit and proper persons.
- iii) Promoters must not allow person(s) to act as a collector unless they:-
  - have a prescribed certificate of authority from the chief promoter; and
  - have a collecting box marked clearly with the purpose of the collection and a unique reference number
- iv) promoters must maintain a list of the name and addresses of collectors who have been issued collection boxes.
- v) Promoters must ensure that every certificate of authority and collection box is returned.
- vi) Every collector must:-
  - sign the certificate of authority issued to him/her by the promoter;
  - produce the certificate on the demand of any police officer or occupant of a house visited;

- keep the certificate in his/her possession and return them to the promoter.
- vii) No person under 16 years of age shall be a house to house collector.
- viii) No collector must importune any person, create an annoyance or remain in, or at the door of, any house if requested to leave by the occupant.
- ix) Collectors must only take receipt of money as part of the collection which is placed into the box (i.e. must not take receipt of the money into their hand). Where a collection box is not used they must issue a receipt while in the presence of the contributor. The receipt must detail the date, name of contributor, amount contributed and be signed in ink and must have a corresponding counterfoil or duplicate to prove issue.
- x) Collectors must return collection boxes when full, when asked by the promoter, when he/she no longer wishes to be a collector or when the collection is complete. The box must be returned with the seal unbroken.
- xi) Returned boxes shall be examined and opened in the presence of the promoter and another responsible person (except where delivered to and opened by a bank). Once opened the contents must be counted and the total together with the number of the collection box must be entered on a list which is then certified by the person making the examination.
- xii) There are special provisions relating to envelope collections. The Secretary of State can grant permission to charities for an envelope collection to take place. Where permission is granted the following requirements apply:-
- every envelope must have a gummed flap;
  - only collections in sealed envelopes can be accepted;
  - every collector must return envelopes to the promoter when they are full, when the promoter asks for them, when the collector does not wish to continue collecting or when the collection is complete;
  - as soon as an envelope is opened its contents shall be counted and the amount entered on a list which is then certified.
- xiii) The promoter must make an application for a house to house collection no later than the first day of the month in which the collection is due to take place.
- xiv) The chief promoter must send a statement of accounts to the licensing authority within 1 month of expiry of the licence. There is a set format for the accounts set out in the legislation. The accounts must be certified by an independent responsible person and the chief promoter (person holding licence). Accounts must be accompanied by vouchers for each item of expenses.

xv) The promoter must destroy all certificates of authority when no longer required.

#### 5.4 Department Involvement in House to House Collections

House to house collections are administered via the Council's Customer Services department and therefore the Environmental Health Section will only become involved where there is a complaint or there appears to have been a breach of the regulations.

When a complaint is received in connection with a house to house collection an authorised officer will make a full investigation of the matter and apply the enforcement policy which follows to determine the appropriate course of action.



#### 4.0 INVESTIGATION PROCEDURE

##### 5.1 Extent of Investigation

Any report of a suspected breach of the requirements associated with street collections and house to house collections shall be investigated by an officer of this Authority. Such complaints may be received from members of the public or the Council's Customer Services Department which administer this licensing function.

##### 5.2 Who can Investigate Suspected Breaches

Any officer who is authorised to carry out licensing inspections can investigate breaches of street collection and house to house collection legislation.

##### 5.3 How to Investigate Complaints

The type of investigation employed by officers in connection with complaints received, will depend on the nature of the breach. Officers need to consider and utilise the following investigative skills as they feel appropriate:-

1. Interview the complainant. Identify the nature of the complaint, the charity involved, the collection number etc.
2. Obtain a witness statement from the complainant(s).
3. Confirm that the collector is licensed or holds an exemption certificate.
4. Approach the chief promoter to inform them of the existence of a complaint and/or to obtain their response to allegations or via formal interview.
5. Obtain relevant records, copy of licence, statement of accounts, list of authorised collectors etc.
6. It may be necessary to obtain photographic evidence of collectors fail to provide the relevant information on their badges/collection boxes.
7. Visit the collector while the collection is taking place wherever possible. This will confirm the existence of a collection, identify physical breaches of the legislation etc.
8. Consult with the Surrey co-ordinating group regarding problems which may have been experienced in other areas.
9. Gather information from the charity commission regarding the promoter, collector and status of charity involved.

Officers must use their discretion as to which investigation techniques are appropriate.

## 5.1 ENFORCEMENT

### 5.2 Enforcement in connection with Street Collections

It is an offence to contravene the Street Collection Regulations made by the Borough of Spelthorne in pursuance of 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. These regulations are provided in appendix 2 and are set out in section 2.2 of this policy - What Requirements are there for Street Collections?

Offences include:-

- (1) Making a collection without a valid permit.
- (2) Cover the conduct of collectors and the administrations of monies received in the course of a collection.

Penalties

It is a summary conviction therefore the time limit for investigation is 6 months. The penalty on successful conviction is a fine not exceeding level 1.

Defences

There are no defences such as due diligence, or by the act or default of another person listed in the relevant legislation.

### 5.3 Enforcement in connection with House to House collections

There are six main offences set out in the House to House collections Act 1939:-

- (1) To promote a collection for charitable purposes which is then made without holding a valid licence issued by the Borough of Spelthorne (S.1 H to H Collections Act 1939) authorising the collection, or a valid exemption certificate issued by the Secretary of State.
- (2) To act as a collector, in respect of a collection for charitable purposes unless there is in force at all times when he so acts, a valid licence issued by the Borough of Spelthorne, or a valid exemption certificate issued by the Secretary of State (S.1 H to H Collections Act 1939).
- (3) To contravene or fail to comply with the provisions of a regulation contained within the House to House Collection Regulations 1947 (S.4 H to H Collections Act 1939).
- (4) To fail to display a prescribed certificate of authority or to display a badge or certificate resembling those issued by the Borough of Spelthorne with the aim of deception (S.5 H to H Collections Act 1939).
- (5) To fail to provide a police officer with name and address details when acting as a collector (S.5 H to H Collections Act 1939).

- (6) To knowingly or recklessly make a false statement in furnishing any information for the purposes of the Act (S.8 H to H Collections Act 1939)

#### Penalties

Penalties are outlined in Volume 2 of Stone's Justice Manual and in S.8 of the House to House Collections Act 1939, as amended by S.31 of the Criminal Law Act 1977, and subsections 35, 38 and 46 of the Criminal Justice Act 1982.

In relation to the six main offences set out above, the corresponding penalties are as follows:-

- (1) The penalty on successful summary conviction is imprisonment for a term not exceeding 6 months or to a fine not exceeding level 3.
- (2) The penalty on successful summary conviction is imprisonment for a term not exceeding 3 months or to a fine not exceeding level 2.
- (3) The penalty on successful summary conviction is a fine not exceeding level 1.
- (4) The penalty on successful summary conviction, to imprisonment for a term not exceeding 6 months and/or to a fine not exceeding level 3.
- (5) The penalty on successful summary conviction is a fine not exceeding level 1.
- (6) The penalty on successful summary conviction is imprisonment for a term not exceeding six months and/or a fine not exceeding level 3.

The time limit for investigation is 6 months for all offences.

Where an offence is committed by a company and is proved to have been committed with the consent of, or to be attributable to any culpable neglect of duty on the part of any director, manager, secretary or any other company officer, the individual(s) shall be deemed guilty and as such liable to proceedings.

### 5.3 Enforcement Options

A number of options exist -

- No action
- Informal action
- Formal caution
- Prosecution
- Objection to the reissue of a licence/issue of a new licence.

#### i) **No Action**

Who can take "no action"

Any officer duly authorised to carry out licensing functions.

When will it be appropriate

This may be appropriate when a provider or collector has been visited in order to ascertain whether or not they require a licence but are found not to require a licence by virtue of holding a valid exemption certificate or when they are found to be operating fully in accordance with the legislation.

#### What do I do

Simply confirm in writing your findings.

#### ii) **Informal action**

##### Who can take "informal action"

Any officer duly authorised to carry out licensing functions.

##### When will it be appropriate

- a) In the investigation of a collection where it is clear that the person in charge was not aware that they needed a licence informal action may be appropriate in the first instance.

Where a person/corporation has been warned or other written warnings have been ignored then informal action will not be appropriate.

- b) Where requirements set out in legislation are not being complied with

In such instances a decision must be taken with regard to the likely effect of not complying with the requirements.

Where failing to comply with the requirements has resulted in public confusion, deceit or unscrupulous collection of monies then informal action should not be considered as an option.

Where there is no intentional or reckless breach of the legal requirements demonstrated the following will be considered in order to determine the suitability of an informal approach -

- past history
- attitude of offender
- offers to put right contraventions
- confidence in management

##### What is an Informal Approach

- (i) offering advice
- (ii) verbal warnings
- (iii) requests for action
- (iv) the use of letters

All informal action will always be put or confirmed in writing on EVERY occasion.

Consistency

All letters will be countersigned by the Environmental Health Manager (Commercial & Health Promotion) prior to dispatch following discussion and agreement of the use of informal action.

iii) **Formal Cautions**

A formal caution is a caution administered in accordance with the criteria set out in the National Standards (Home Office Circular 18/1994). It is formally recorded and may be cited in subsequent court proceedings. A formal caution is issued in place of prosecuting. Formal cautions must be issued in accordance with the aforementioned Home Office circular.

(a) **Who can issue cautions**

The Head of Environmental Health Services.

(b) **Factors which should determine the enforcement approach**

It is important that authorised officers consider the full range of enforcement options available to them. The Borough of Spelthorne does not use the number of formal cautions issued as an indicator of the performance of its officers.

(c) **The purpose of formal cautions**

Home Office circular 18/1994 states that formal cautions:-

- Deal quickly and simply with less serious offences
- Divert less serious offences away from the Courts
- Reduce the chances of repeat offences

(d) **When to use formal cautions**

A formal caution is a serious matter. It is recorded and can influence decisions whether or not to prosecute if the person should offend again; and it can be cited in any subsequent Court proceedings.

In deciding whether or not a formal caution is appropriate consideration must be given to the following.

\* **The Nature of the Offence**

The most serious offences, regardless of fulfilling other criteria, will not be suitable for a caution. Nor will a caution be appropriate in cases where a victim has suffered significant harm or loss. Where doubt exists the crown prosecutor can be consulted as to whether or not prosecution would be more suitable.

\* **The Likely Penalty if the Offender was Convicted by Court**

Formal cautions will be most appropriate where offences have occurred but where likely penalties will be low as the offence was not particularly serious.

\* The Offenders Age and State of Health

This will not very often be a consideration. However there is a general presumption against prosecuting juveniles, the elderly, the infirm or the mentally or severely physically impaired. Formal cautions would normally be more appropriate.

\* Past History

This is an important factor. Previous informal action or formal cautions would normally indicate the need for prosecution. First time offences or minimal informal action would normally indicate the relevance of a formal caution.

\* Attitude towards the Offence

Consideration must be given to the wilfulness with which the offence was committed and subsequent attitude. Practical demonstrations of regret such as volunteering to put matters right as far as he is able and as quickly as possible would support the use of a caution.

\* Attitude of Victim (if appropriate)

Consideration must be given to his or her views about the offence and the extent of any damage or loss. The meaning and effect of a caution should be explained. The victims consent to a caution is desirable but not essential. In cases where the court's awarding compensation is a major considering factor in taking a prosecution the fact that compensation has been paid would indicate that a formal caution might be appropriate.

### How to Proceed

Upon deciding that a formal caution is the most appropriate course of action a written report must be submitted to the cautioning officer. This will give details of the offence(s) and reasons for your decision. Evidence including officers notes, transcript of formal interview, statements etc. must be attached. Please refer to PACE procedure when interviewing all suspects.

The Cautioning Officer will discuss the report with the appropriate officer. Providing that there is sufficient evidence of the offender's guilt to give a realistic prospect of conviction if a prosecution was to be held the cautioning officer and the officer who inspected the premises will interview the offender, preferably at the council Offices. A letter should be sent inviting the offender to an interview (Appendix 4). During this interview it will be ascertained whether or not the offender admits the offence and whether or not he/she understand the significance of a caution and gives informed consent to being cautioned.

If the offender admits the offence, understands the caution and consents to it a letter is sent to the offender (Appendix 5). The letter is accompanied by two copies of the same form of caution (Appendix 6), Form A applies to individuals, if a company is involved Form B is sent.

If the offender agree(s) he signs the declaration on both copies and returns both to the Borough of Spelthorne. Upon receipt the Head of Environmental Health Services countersigns both copies, keeps 1 and serves the other on the offender.

## Records

All formal cautions will be recorded by the relevant Administrative Officer for the purposes of completing returns. Details will be forwarded by this officer to the Office of Fair Trading Central Register of Convictions, Room 206, Field House, 15-25 Bean's Buildings, London EC4A 1PR, using the return Form C in appendix 6.

### If they Refuse to Accept a Caution

Consideration must be given to other enforcement options, in line with this policy. Prosecution will normally be the result, only in exceptional circumstances would an informal written warning be appropriate.

## Consistency

Since the Head of Environmental Health Services is the only authorised cautioning officer consistency should result.

## iv) **Prosecution**

### (a) Who can prosecute?

Any officer who is authorised to undertake licensing functions.

Therefore an officer, who is not so authorised, upon discovering a collection which is likely to warrant prosecution of the proprietor or some other individual should contact a duly authorised officer as quickly as possible.

Both officers should record all findings in their respective notebooks and submit statements. Both officers may be required to give evidence in any subsequent proceedings.

### Factors which should determine the enforcement approach

It is important that authorised officers consider the full range of enforcement options available to them. The Borough of Spelthorne does not use the number of prosecutions as an indicator of the performance of its officers.

### When to prosecute

In general prosecution will be restricted to those persons who blatantly disregard the law; refuse to achieve even the basic minimum legal requirements, often following previous contact with the authority; and who put the public at serious risk. In considering the evidence due regard will be taken of the Code for Crown Prosecutors. Under the following circumstances prosecution is likely to be warranted

-

- (i) where the alleged offence involves a flagrant breach of the law such that public well being is, or has been put, at risk.

- (ii) where the alleged offence involves a failure by the suspected offender to correct an identified serious potential risk, having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer.
- (iii) where there is a history of similar offences.
- (iv) where it is in the public's interests to prosecute and where the case is important eg where it might establish a legal precedent. In line with the code for crown prosecutors - the graver the offence, the less likelihood there will be that public interest will allow anything other than a prosecution.
- (v) where there was an economic or other advantage to breaking the law.
- (vii) likelihood of offender establishing a defence.
- (viii) ability of important witnesses and their willingness to co-operate.
- (ix) willingness of the party to prevent a recurrence.

Prosecution will not be carried out –

- (i) If the above mentioned criteria are not met.
- (ii) If there is insufficient relevant, admissible, substantial and reliable evidence that an offence has been committed by an unidentifiable person or company.
- (iii) Where other enforcement action would be more appropriate.

What evidence must be collected prior to prosecution

- (i) Clearly written notes must be made in the Inspectors notebook. The name and address of the collector, promoter and charity should be included.
- (ii) Officer witness statements.
- (iii) Statements from the complainant(s) where appropriate.
- (iv) Photographs where appropriate. It may in some instances be necessary to photograph a collector working in breach of legal requirements. Such evidence could be used to prove a collection took place.
- (v) Formal interview transcript:

### How to proceed

Statements should be prepared and submitted with the evidence to the Head of Environmental Health Services for his/her considerations.

If a decision is taken not to prosecute an alternative enforcement option will be decided upon.



If a decision is taken to prosecute details will be forwarded to the Borough Solicitor without delay for their consideration and agreement. If they agree, the Director of Community Services must be briefed and agree and then a summons will be served. If they do not agree then other options will be considered.

Revisits to collection sites should be carried out prior to the hearing, where appropriate, in order to establish the current situation. Notes should be made in notebook.

## Records

Records will be kept on the computer with regard to the prosecutions taken in order to carry out statutory returns.

## Consistency

Consistency will be ensured by the joint decision making process which will always include the Head of Environmental Health Services.

### v) **Revocation**

Who can revoke a licence

Only the Licensing Committee can revoke a licence

### Grounds for revoking a licence

The legislation associated with collections identifies the grounds which justify a licence being revoked. These are:-

- a) If the licensing authority believes the amount of money collected for charitable purposes is inadequate in proportion to the total value of proceeds received.
- b) If the remuneration of expenses is excessive.
- c) If the licence would facilitate an offence under the Vagrancy Act 1824 in connection with begging.
- d) If the applicant or holder of the licence is not a fit and proper person (ie has been convicted of offences specified in the Act (refer to 5.1 and 5.2 for offences) or convicted of fraud or dishonesty).
- e) If the applicant or holder of the licence has failed to ensure that collectors are fit and proper persons.
- f) If the applicant or holder of the licence has refused or neglected to provide enough information to the licensing authority for them to be able to decide upon an application.
- g) If the charity is a war charity which is not registered under the War Charities Act 1940.

### Grounds for refusing a licence

The grounds for refusing a licence are the same as for revoking a licence and are set out in v) on the previous page.

Objections may be considered in determining whether a promoter/collector is a fit and proper person. These may come from:-

- Members of the public
- Charity Commission
- The represented charity
- Officers of this authority (Head of Environmental Health Services must authorise objection).
- Other licensing authorities
- Police Authority

### Officers of this authority

The Head of Environmental Health Service must authorise objections from this authority.

### When will this be used

The seriousness of objecting to a licence must not be trivialised, it can mean that a collection will not go ahead and a charity may suffer financial losses. However in any of the following circumstances officers may wish to object -

- Where officers have evidence which suggests that the proposed licence holder is not a fit and proper person to hold a licence (eg) the applicant has been found guilty or has accepted formal cautions in relation to licensing offences or theft/fraud offences.
- Where the person has a very poor history of compliance with street collection and house to house collection legislation.
- Where the person has partaken in or promoted collections without a licence despite informal warnings.

### Procedure

Where grounds for refusal exist, the officer(s) will present their case in writing together with evidence, to the Head of Environmental Health who will make a decision whether or not to pursue an application to Committee for refusal. Where refusal is deemed appropriate and authorised by the Head of Environmental Health Services, the charity/promoter/collector(s) involved shall be informed in writing of the decision. They should be informed of the Committee meeting. (Where refusal relates to the conviction of an offence under relevant legislation, the Committee hearing must not be arranged until after the period of appeal has expired).

- A report must be drafted for Committee.
- At Committee the Head of Environmental Health Services should present the report.

- The Applicant should be offered the chance of presenting mitigating circumstances, update the Committee on steps taken to remedy the situation etc.
- The Committee will make a decision with the Head of Legal Services offering legal advice as necessary.
- A procedure for use at Licensing Committee is attached at Appendix 8.

If the licence is refused

The decision will be confirmed in writing using a notice of refusal (Shaws form Cat. No. HH9 provided as appendix 8) and an appeals information sheet will be attached.