LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date:  6 November 2012
Venue:  East Northamptonshire House, Cedar Drive, Thrapston
Time:  10.00am
Present:  Councillors: -
          Gill Mercer (Chairman)  Pauline Bradberry JP
          Richard Gell

1.  APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Gill Mercer be appointed chairman for this hearing.

2.  DECLARATIONS OF INTEREST

No interests were declared.

3.  HOUSE TO HOUSE COLLECTIONS - APPEAL AGAINST AN OFFICER DECISION TO REFUSE APPLICATION

The Commercial Health Manager reported that an application to operate house to house collections on behalf of Troop Aid had been made by Mr Albert Telford Sutton, using a sub-contractor, Midlands Textiles Limited. The application had been received by ENC in September 2012.

The panel heard that the application had been assessed by officers against ENC’s House to House Collections Policy. A letter was subsequently sent to the applicant explaining that ENC were minded to refuse the application as they considered the total amount likely to be applied for charitable purposes as the result of the collection to be inadequate in proportion to the value of the proceeds likely to have been received. The main reason for that decision was the application of the 70%/30% rule within the collections policy. It was noted that the value paid to Midlands Textiles Ltd per tonne of clothes was £900, of which Troop Aid would receive £100 per tonne, or 11% of the total at the point of collection.

Members noted that the applicant had sent his apologies, and as such was absent from the meeting. The Commercial Health Manager advised the panel that accounts requested for Midlands Textiles Ltd had not been supplied, although the applicant had supplied all the relevant information required as part of his application.

The panel discussed the application at length before it was

RESOLVED:

That in their considerations of this application the Panel had regard to the House to House Collections Act 1939; together with the House to House Collection Regulations 1947 (SR&O
1947 No 2662, as amended by Statutory Instrument 1963 No 684) and East Northamptonshire Council's House to House Collections Policy revised December 2011.

The Panel reached the following decision:-

To refuse the grant of a Licence

The Applicant chose not to attend the hearing; consequently the Panel was not provided the opportunity to ask pertinent questions.

Reasons for Refusal

1. The Panel considered the amount that would go to charity and found that it was against East Northamptonshire Council’s House to House Collections Policy Section 3.2 (legal reasons for refusal A.). This section reads:

   The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)

   This also fails to comply with Section 2 (3) (a) of the House to House Collections Act 1939.

2. Members noted that our Policy states that refusal of the application should be given serious consideration when less than 70% of the value of the collection at the point of donation is being given to the charity.

The Panel had taken into account that Troop Aid valued the contribution that they received from this contract however, this notwithstanding, the Panel felt that the discrepancy with our policy was too great. The information before the Panel indicated that the charity received 11% of the collection value at the point of donation.

The Applicant is advised that if they are aggrieved with this decision they have the right to appeal, to the Secretary of State, within 14 days from the date on which Notice is given.

Chairman