1. **APPOINTMENT OF CHAIRMAN**

**RESOLVED:**

That Councillor Gill Mercer be appointed as 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 Licensing Enforcement Officer reported on an application to operate house to house collections on behalf of A Smile for a Child Charity that had been made by Mr Jeffrey Dowie of Fox Recycling Limited. The application had been received by ENC in November 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 Fox Recycling Ltd per tonne of clothes was £1000, of which A Smile for A Child would receive £110 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, although the Panel further noted the submission of an email statement from the applicant in lieu of attendance, received on 12 December. The Licensing Enforcement Officer advised the Panel that accounts for Fox Recycling Limited had not been supplied, although the applicant had supplied all other relevant information required as part of the application.

The Panel gave the application due consideration before it was
RESOLVED:

In their considerations of the 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 with the opportunity to ask pertinent questions. However the Panel acknowledge that the applicant had emailed a short statement and his apologies.

**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.*

3. Members also considered East Northamptonshire Council’s House to House Collections Policy Section 3.2 (legal reasons for refusal F.). This section reads:- *The applicant had refused, or had 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.*

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

The Panel had taken into account that A Smile for a Child 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