

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 21 February 2013

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Pauline Bradberry JP
Gill Mercer

Anna Sauntson

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Gill Mercer be appointed as Chairman for this hearing.

2. APOLOGIES

Apologies were noted as being received from the applicant. The panel considered that they had sufficient information to proceed with the appeal, and the applicant had indicated they were satisfied for the hearing to proceed in their absence.

2. DECLARATIONS OF INTEREST

No interests were declared.

4. 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 UK National Kidney Federation that had been made by Mrs Olena Romanyshyn of Unicare Limited. The application had been received by ENC in December 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 the application failed to meet the requirements of East Northamptonshire Councils, House to House Collections Policy.

The Licensing Enforcement Officer referred to the Financial Statements which had been provided by the Applicant and circulated to members of the Panel. The statements raised a number of issues and discrepancies regarding the funds to be donated to the charitable organisation. The Panel was unable to resolve these issues as a representative of Unicare Limited was not in attendance.

Members asked questions of the Licensing Enforcement Officer regarding figures supplied for remuneration of Unicare Limited company directors.

The Panel gave the application due consideration before it was

RESOLVED:

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 did not attend the hearing; consequently the Panel was not provided the opportunity to ask pertinent questions. The Applicant had agreed for the hearing to be held in their absence and sent their 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. The Panel considered the amount of remuneration was also against East Northamptonshire Council's House to House Collections Policy Section 3.2 (legal reasons for refusal B.). This section reads - *Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been retained or received out of the proceeds of the collection by any person*

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

4. 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 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.*

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

Although the applicant had offered a breakdown of the costs of goods collected the Panel did not feel that the accounts provided showed what monies were being paid to the charity. The information supplied appeared to be inconsistent.

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