



East Northamptonshire Council

Licensing Panel - 3 November 2009

Application for a House to House Collections Licence

Summary

An application for a house to house collection made under Section 2 of the House to House Collection Act 1939 by Intersecond Ltd.

Attachment(s)

Application Forms; Letter from Intersecond Ltd; Collection bag from an alleged unlicensed collection; and a Letter to Intersecond Ltd.

- 1.0 An application to hold house to house collections throughout the district between 9 and 14 November 2009 was received by the Licensing Unit on 17 September 2009.
- 1.1 The applicant's name is Raimondas Biguzas who represents the commercial business Intersecond Ltd., Unit 12, Clipper Park Industrial Estate, Thurrock Park Way, Tilbury, RM18 7HG. The company is a clothes and footwear wholesaler.
- 1.2 An amount of the proceeds of the collections will be given to a charity. The charity is "Do Not Delay", a breast cancer prevention programme which is named as a registered charity in Vilnius, Lithuania under number 124013046. This charity is not registered in the UK by the Charities Commission.
- 2.0 Several anonymous complaints regarding unlicensed collections have been received about "Do Not Delay" over the past year. No collections have ever been identified. It is possible that unlicensed collections have been undertaken throughout the district during the past 12 months. The only evidence for this is the collection bags which have been handed in to the Council.
- 2.1 A letter was sent to Intersecond Ltd. on 4 June 2009 regarding unlicensed collections.
- 3.0 A licensing authority may refuse to grant a Licence, or, where a Licence has been issued may revoke it, if it appears to the authority that: -
 - (a) 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);
 - (b) 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;
 - (c) 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;
 - (d) 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 His 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;
 - (e) 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

- (f) 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.

3.1 The application does not show what has been collected or donated in previous collections within East Northamptonshire or nationally (see paragraph 3.0(f) above).

3.2 A low percentage donation appears likely from the indicated donation shown in the bank statement (see paragraph 3.0(a) above). It is not clear how much the private company makes when undertaking these collections (see paragraph 3.0(b) above).

4.0 Recommendation

4.1 That the application for a House to House Collections Licence be considered to determine whether to issue or refuse a Licence.

Implications:					
Corporate Outcomes or Other Policy/Priority/Strategy					
Good Quality of Life		<input type="checkbox"/>	Good Reputation		<input type="checkbox"/>
Good Value for Money		<input type="checkbox"/>	High Quality Service Delivery		<input checked="" type="checkbox"/>
Effective Partnership Working		<input type="checkbox"/>	Strong Community Leadership		<input type="checkbox"/>
Effective Management		<input type="checkbox"/>	Knowledge of our Customers and Communities		<input checked="" type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours		<input type="checkbox"/>			
Other:					
Decision(s) would be outside the budget or policy framework and require full Council approval		<input type="checkbox"/>			
Financial	There are no financial implications at this stage				<input checked="" type="checkbox"/>
	There will be financial implications – see paragraph				<input type="checkbox"/>
	There is provision within existing budget				<input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date				<input type="checkbox"/>
	Decisions may have potential for income generation				<input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks				<input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -				<input type="checkbox"/>
Staff	There are no additional staffing implications				<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph				<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications				<input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph				<input type="checkbox"/>
Legal	Power:				
	Other considerations:				
Background Papers:					
Person Originating Report: Robert M Rowland, Commercial Health Officer					
Date: 5 October 2009					
CFO		MO		CX	