



# East Northamptonshire Council

## Licensing (Taxi and Miscellaneous) Panel - 12 January 2010

### Application for a House to House Collections Licence

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#### Summary

To consider an application for a House to House Collection Licence under Section 2 of the House to House Collection Act 1939 has been made by SOS Clothes Ltd.

#### Attachment(s)

1. Application Forms
  2. E-mail from Liverpool City Council
  3. Letter to SOS Clothes Ltd.
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#### 1.0 Application Details

- 1.1 An application to hold house to house collections in all areas of the district for dates in January, March, April and May 2010 was received on 24 November 2009.
- 1.2 The applicant's name is Mantas Gorodnicenko, representing SOS Clothes Ltd. of 56 Humberside Road, London, E13 9NL, a clothes and footwear wholesaler. An amount of the proceeds of collections will be given to "Tree of Hope", a children's charity of 31 Delaware Road, Bexhill on Sea, Sussex, a UK Registered Charity.

#### 2.0 Concerns

- 2.1 The applicant answered No under Question 15 of the application form asking whether a Licence had ever been refused. However, applications for similar licences had been refused by Liverpool City Council in July and December 2009 because there were insufficient funds going to the charity from the collections.
- 2.2 A letter was sent to Mr Gorodnicenko on 2 December 2009 requesting further financial information but no reply had been received to date.

#### 3.0 Considerations

- 3.1 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 the 1939 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 the 1939 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.

3.2 The application does not show what has been collected or donated in previous collections within East Northamptonshire Council's area or nationally (see 3.1(f) above). A low percentage donation appears likely from the indicated donation shown on the application and it is not clear how much the private company makes when undertaking these collections (see 3.1(b) above).

#### 4.0 Recommendation

4.1 The Panel is asked to consider the information detailed above and determine whether to issue or refuse a Licence.

<b>Implications:</b>	
<b>Corporate Outcomes or Other Policy/Priority/Strategy</b>	
Good Quality of Life	<input type="checkbox"/> Good Reputation
Good Value for Money	<input checked="" type="checkbox"/> High Quality Service Delivery
Effective Partnership Working	<input type="checkbox"/> Strong Community Leadership
Effective Management	<input checked="" type="checkbox"/> Knowledge of our Customers and Communities
Employees and Members with the Right Knowledge, Skills and Behaviours	
<b>Other:</b>	
Decision(s) would be outside the budget or policy framework and require full Council approval	
<b>Financial</b>	There are no financial implications at this stage
	There will be financial implications – see paragraph
	There is provision within existing budget
	Decisions may give rise to additional expenditure at a later date
	Decisions may have potential for income generation
<b>Risk Management</b>	An assessment has been carried out and there are no material risks
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -
<b>Staff</b>	There are no additional staffing implications
	Additional staff will be required – see paragraph
<b>Equalities and Human Rights</b>	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications
	There will be an impact on equality (see categories above) or human rights implications – see paragraph
<b>Legal</b>	Power:
	Other considerations:
<b>Background Papers:</b>	
<b>Person Originating Report:</b> Robert M Rowland, Commercial Health Officer	
<b>Date:</b> 10 December 2009	

<b>CFO</b>		<b>MO</b>		<b>CX</b>	
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(Committee Report Normal Rev. 19)