

## PANEL OF THE POLICY AND RESOURCES COMMITTEE

**Date:** 3 November 2009

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

Glenn Harwood (Chairman)      Anna Sauntson  
Andy Mercer

### PART A ITEMS

#### 1. APPOINTMENT OF CHAIRMAN

##### RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

#### 2. DECLARATIONS OF INTEREST

No interests were declared.

#### 3. APPLICATION FOR A HOUSE TO HOUSE COLLECTIONS LICENCE – INTERSECOND LTD

The Licensing Officer reported on an application for a House to House Collections Licence made under the House to House Collections Act 1939.

The Licensing Officer reported on an application (received on 17 September 2009) to hold a house to house collection throughout the district between 9 and 14 November 2009. The applicant was Raimondas Biguzas, representing Intersecond Ltd., a clothes and footwear wholesaler based at Tilbury, Essex.

The applicant was not present at the Hearing but the Panel agreed that it should consider the application in his absence.

The application stated that an amount of the proceeds of the collections would be given to “Do Not Delay”, a breast cancer prevention programme, which was registered as a charity in Vilnius, Lithuania, under number 124013046. The charity was not registered in the UK by the Charities Commission.

Several anonymous complaints regarding unlicensed collections in East Northamptonshire had been received from the public about “Do Not Delay” over the past year, which could not be confirmed. A letter had been sent to Intersecond Ltd. on 4 June 2009 regarding the

alleged unlicensed collections.

The application had not shown what had been collected or donated in previous collections within East Northamptonshire or nationally. A low percentage donation was shown on a bank statement submitted with the application. It was also not clear how much the private company (Intersecond Ltd) made when undertaking these collections.

The Panel noted that a further letter had been sent to the applicant requesting additional information but no reply had been received.

After considering the Officer's report, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented at the Hearing, and it was

**RESOLVED:**

That the application for a House to House Collections Licence by Intersecond Ltd be refused.

The Chairman read out the following statement giving the reasons why the Panel had refused the Licence: -

"The Applicant had chosen not to attend the Hearing and had not responded to letters requesting additional relevant information. Consequently the Panel had not been given an opportunity to ask relevant questions.

Without the required information the Panel believed that the applicant had failed to meet the requirements of Section 2(3)(f) of the House to House Collection Act 1939 which states that *"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"*

In reaching this decision, the Panel considered that it needed the following information: -

1. Evidence of the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already applied) as it could be inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
2. Directors' remuneration, in relation to total amounts raised and total amounts donated to charity.

The Panel also had concerns that the applicant had answered "no" to question 15 on the application form which asked *"has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused a licence or order under the Act, or had a licence or order revoked?"*

The Licensing Officer had advised that South Somerset and Forest Heath District Councils and Tewkesbury Borough Council had expressed doubts with similar applications from the same applicant and had subsequently refused them.

The Panel's decision would be sent in writing to the applicant within 14 days and he would be advised about his right of appeal to the Secretary of State if he was aggrieved with the Panel's decision".

**Chairman**