

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 22 April 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Richard Gell (Chairman)
Peter MacGovern

Robin Underwood

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Richard Gell be appointed Chairman for this Hearing.

2. DECLARATION OF INTERESTS

No interests were declared.

3. APPLICATION FOR A PREMISES LICENCE FOR THE SHUCKBURGH ARMS, SOUTHWICK

The Licensing Officer reported on an application for a Premises Licence for the Shuckburgh Arms, Southwick under the Licensing Act 2003. The previous Licence had lapsed owing to the bankruptcy of the previous licensee.

The licensing activities and hours requested for the Licence were as follows: -

Plays: Monday to Sunday 08:00 to 22:00.

Live music: Monday to Sunday 12:00 to 23:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

Recorded music: Monday to Sunday 08:00 to 00:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

Performances of dance: Monday to Saturday 12:00 to 23:00; Sunday 12:00 to 22:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

Anything similar to the above: Monday to Saturday 12:00 to 23:00; Sunday 12:00 to 22:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

Dancing, facilities similar to making music and dancing: Monday to Sunday 08:00 to 23:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 – 01:00.

Late night refreshment: Monday to Sunday 23:00 to 05:00.

Sale by retail of alcohol (both on and off the premises): Monday to Sunday 10:00 to 00:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

The statutory bodies had been consulted and no representations had been received from them. However, five local residents had made representations. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 5 below).

The representations referred to possible nuisance caused by music events planned to be held in the grounds of the public house, some referred to verbal agreements made by the applicant at a meeting about hours and types of music events.

The Licensing Officer mentioned that the representations submitted by Mr and Mrs Fader had been reported as supporting the application and they had requested that this be amended to them objecting to the application. An amended map of the area (Appendix 2) was also submitted which had deleted 1 Museum Cottages as having made objections.

(a) Evidence from the applicants

Mr David Dixon, the Licensee, spoke in support of the application. He stated that he had drawn up a business plan for the premises and in order to make it a profitable and successful business, he wished to hold some events throughout the year both inside and outside the premises. By holding these events, he hoped to attract customers outside the village from the surrounding towns and villages. He stressed that he wanted to work with the local community and that the last thing he wanted to do was upset people from the village who would be his main customers. He hoped that the local community would support the pub and that he could build a bond of trust with the village. Two meetings had been held in the pub to which local people had been invited where he had explained his plans for the pub. He considered that these had been positive and productive. He emphasised that he wished to stick to the original proposals for the pub outlined in his application. However, he had no intentions to turn it into a music venue and gave an assurance that there would be no amplified music outside in the back garden during the events and that events held indoors would be go on late into the night. The events planned to be held included low key folk music with Morris Dancing in the afternoon and early evening and would be limited to approximately fifty people. They would be monitored by him to ensure that no problems with noise occurred. He requested that the Panel should consider his original application as submitted and grant him a Licence with suitable conditions.

(b) Evidence from the objectors

Professor Robert Harris, a local resident who had submitted representations, spoke objecting to the application. He welcomed the reopening of the pub and wanted it to succeed, especially in the current economic climate. However, he also wanted a balanced approach to ensure that there were sufficient safeguards in place to protect nearby residents from any potential noise nuisance, especially loud music from outside events. He did not consider that the pub was a suitable venue for late night entertainments and there would be potential for public order issues when customers left the premises. He suggested that all events at the pub should finish at 11pm, except on public holidays, and that there should be no outside entertainments. The Licence should not be used as an enforcement measure; he wanted the Licence to have conditions imposed to adequately control and restrict what entertainment events were allowed and when. There should also be a cap on the number of allowed events during the first two years. This would give Mr Dixon the opportunity to demonstrate to local residents that he could be trusted in running the pub without any problems. He did not object to a Licence being granted he just wanted adequate controls in place to prevent any potential public nuisance occurring.

Mrs Frances Harris, Mr Andrew Eden, Mrs Susan Eden and Mr Anthony Shortt, local residents who had also submitted representations, all spoke supporting the comments made

by Professor Harris and welcomed the reopening of the pub. However, they expressed their concerns about the granting of a Licence without adequate controls in place to prevent public nuisance occurring during the proposed entertainment events. If a Licence were granted, Mr Eden proposed that some conditions be added to cover the following issues:

- No late night refreshments be permitted
- No live amplified music be permitted outside the premises
- Special events be limited to no more than six per year
- Limits should also be placed on the number of music and dance events allowed.

The Panel asked the speakers a number of detailed questions about their submissions and then asked them to sum up their cases.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

RESOLVED:

That a Premises Licence for the Shuckburgh Arms, Southwick, be granted subject to conditions being imposed on the Licence (see below).

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

“The Licensing Panel considered the application for a Premises Licence for the Shuckburgh Arms and took into account the Licensing Officers report, representations objecting to the application and evidence presented by the Applicant. In reaching their decision, the Panel paid due consideration to the business case submitted by the applicant and also took into account the evidence put forward by the objectors who were concerned with the effect that the extended licensing activities and hours would have on the community. The Panel noted Southwick was a very small village with dwellings closely situated to the Shuckburgh Arms.

The Panel granted the Licence with the following licensable activities and hours: -

(a) Licensable Activities

Plays - Monday to Sunday 08:00 to 22:00. As per the application.

Live Music - Monday to Saturday 12:00 to 23:00. Sunday 12:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

Reason - a reduction in the hours applied for live music was imposed because the Panel considered that the proximity of the premises to residential properties meant that live music beyond those hours would not be acceptable with regard to the potential for noise nuisance and any condition to be imposed would not adequately deal with this potential problem.

Recorded Music – Monday to Saturday 08:00 to 23:30. Sunday 08:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

Reason - a reduction in the hours applied for recorded music was imposed because the Panel considered that the proximity of the premises to residential properties meant that recorded music beyond those hours would not be acceptable with regard to the potential for noise nuisance and any condition to be imposed would not adequately deal with this

potential problem.

Performance of Dance – Monday to Saturday 12:00 to 23:00. Sunday 12:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 01:00 this is as per the application.

Anything similar to the above - As per the application.

Dancing facilities similar to making music and dancing – Monday to Saturday 08:00 to 23:00. Sunday 12:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

Reason – potential for making music beyond these permitted hours did raise, in the Panel's opinion, an unacceptable risk of public nuisance to adjoining residential properties.

Late Night Refreshments – Refused

Reason - the Panel concluded that to allow the provision of late night refreshments for any period would necessarily create a realistic potential for disturbance to local neighbours caused by the activities of the patrons taking advantage of late night refreshments, having regard to the nature of the locality.

Sale by retail of alcohol - both on and off the premises Monday to Saturday 10:00 – 23:30. Sunday 10:00 to 23:00. 24 December and 31 December – 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

Reason – the Panel considered that for the supply of alcohol to continue beyond these hours, the potential for disturbance to local residents was significant.

(b) Additional Conditions

1. Licensable activities, shall only take place outside (in the rear garden) on bank holidays, (Friday to Mondays of those bank holiday weekends) Christmas Eve and New Years Eve and on no more than 2 additional days in any calendar month.

Reason - Prevention of Public Nuisance.

The Panel considered that the close proximity of the premises to the adjoining residential properties meant that the likelihood of the public nuisance problem arising was significant in the absence of this condition being imposed.

2. All doors and windows of the premises shall remain closed when live or amplified music is being played.

3.

These two additional conditions had been imposed to meet the licensing objective of prevention of public nuisance (reference East Northamptonshire Council Licensing Policy paragraph 5.2.)

Notice of this Decision would be sent in writing to all parties within 21 days, who would also have the Right of Appeal within 21 days from receipt of the Decision Notice. This decision becomes effective 21 days after receipt of the Notice by all parties or on the date when any appeal is finally determined."

Chairman

APPLICATION FOR A PREMISES LICENCE - THE SHUCKBURGH ARMS, SOUTHWICK

The representations received had been analysed by the Licensing Officer and extracts placed under the relevant licensing objective: -

Licensing Objective - Public Nuisance

Summary of the representations received from five Local Residents:

The representations from the public (local residents) all refer to possible nuisance caused by music events planned to be held in the grounds of the public house. A few of the representations refer to verbal agreements made by the applicant at a meeting about hours and types of music events.

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 13 May 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood
Peter MacGovern (Chairman)

Brian Northall

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Peter MacGovern be appointed Chairman for this Hearing.

2. MINUTES

The minutes of the meeting of the Licensing (Taxi and Miscellaneous) Panel held on 12 January 2010 were approved and signed by the Chairman.

3. DECLARATIONS OF INTEREST

No interests were declared.

4. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under Paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972, may be disclosed.

5. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a new Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.

The Panel was informed that the applicant was not present for the Hearing. He had informed Officers that he had been unable to attend because of work commitments. After receiving advice from the Solicitor, the Panel agreed that it should consider the application in the

applicant's absence.

The Criminal Records Bureau (CRB) disclosure revealed that the applicant had been convicted of the following offences on 2 June 1998:

- (a) driving a motor vehicle with excess alcohol on 20 December 1997. He was disqualified from driving for 12 months and was fined £300 with £40 costs;
- (b) a minor traffic offence. He was fined £100 and his DVLA Licence was endorsed; and
- (c) a minor road traffic offence with no separate penalty. His DVLA Licence was endorsed.

Reference was made to Sections 4.1 and 4.2 of the Council's Hackney Carriage and Private Hire Driver's Criminal Records Policy.

The Panel noted that the applicant had:

- been fined for speeding offences in April 2002 and March 2004 and had had his DVLA Licence endorsed
- previously held a Hackney Carriage and Private Hire Driver's Licence issued by this Council from 13 September 2002 to 13 September 2006.

In the absence of the applicant, the Licensing Officer read out a statement which had been sent to the Council in support of his application, which explained the circumstances of the offences. This stated that he had been breathalysed by the Police on the morning of 20 December 1997 and found to be over the legal limit after going out the evening before drinking with some friends. He emphasised that had not offended since this incident and that he took the issue of drink driving very seriously.

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

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

The Chairman read out the following statement giving the reasons why the Panel had granted the Licence with standard conditions: -

"The Panel had reference to the Government Guidance and East Northamptonshire Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy when making its decision and the reasons for granting the application were as follows:-

The Panel:

1. Noted the conviction for driving a motor vehicle with excess alcohol in June 1998. Whilst serious, the Panel considered that the offence was sufficiently dated not to carry significant weight in its decision making.
2. Also noted the speeding offences in 2002 and 2004 whilst the applicant had held a Driver's Licence issued by East Northamptonshire Council. The Panel wished to stress the importance it placed on individuals who drove members of the public for a living being fully compliant at all times with all aspects of the law."

The Chairman mentioned that the Panel's decision would be sent in writing to the applicant within 21 days and that he had a right of appeal to the Magistrates Court if he was aggrieved with the decision.

6. REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported that a notification had been received on 30 April 2010 from Northamptonshire Police under the Notifiable Occupation Scheme for a caution issued to a driver licensed with this Council for the offence of battery on 24 April 2010.

The Panel was informed that the applicant was not present for the Hearing. He had been informed that his case was being considered by the Panel today but had chosen not to attend. After receiving advice from the Solicitor, the Panel agreed that there was enough evidence to consider the review in the driver's absence.

A complaint about the driver involved in the incident had been received on 4 May 2010 from a shop keeper in Irthlingborough. The Licensing Officer read out a statement which had been submitted by the complainant explaining the circumstance of the incident.

The Panel noted that the driver's Licence had been suspended until a decision was taken at this Hearing; that the driver had been arrested after the incident and had been cautioned; and also took account of the driver's medical history.

Reference was made to Sections 4.1 and 4.4 of the Council's Hackney Carriage and Private Hire Driver's Criminal Records Policy.

After considering the Officer's report and representations made by the complainant, including advice from the Solicitor, the Panel retired to consider the report and evidence presented at the Hearing, and it was

RESOLVED:

That the driver's Hackney Carriage and Private Hire Driver's Licence be revoked.

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

"The Applicant had been invited to attend the Hearing but chose not to attend and the Panel agreed to review the Licence in his absence. The Panel had reference to the Government Guidance and East Northamptonshire Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy when making its decision and the reasons for revoking the Licence were as follows:-

1. Based on the Police evidence and the victim's statement of complaint to East Northamptonshire Council, the Panel came to the conclusion that an assault had taken place. Violent and abusive behaviour at any time was unacceptable and the Policy made it clear that a firm line must be taken by the Panel when dealing with incidents of that kind. The same Policy directed the Panel to consider more seriously any violent and abusive behaviour undertaken whilst on duty as a taxi driver.
2. The evidence presented to the Panel indicated that the taxi was parked with its wheels on the pavement and over double yellow lines, causing an obstruction to both pedestrians and highway traffic. The Panel considered that this action demonstrated

a total disregard of parking restrictions, the law, and care and concern for other highway users.

3. Government Guidance, East Northamptonshire Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy and the Department for Transport Best Practice Guidance all stated the aim of local authority licensing of taxis was to "protect the public". With that in mind, the Panel was very concerned about this violent and abusive behaviour. The Policy also stated that a firm line should be taken with those who had convictions for violent or abusive offences, and when violent or abusive offences had occurred when the assailant was on duty as a taxi driver, the Panel were obliged to consider the actions in a more serious light.
4. The Policy stated that at least five years free of violent and abusive behaviour convictions would normally be necessary before any application was reconsidered. Therefore, the Panel gave delegated authority to the Council's Licensing Officer to consider any application from this person for a Hackney Carriage and Private Hire Driver's Licence for the next five years.

As a result of the above, the Panel found the respondent in this matter not to be a "fit and proper person" to hold a Hackney Carriage and Private Hire Driver's Licence."

The Chairman mentioned that the Panel's decision would be sent in writing to the driver within 21 days and that he had a right of appeal to the Magistrates Court if he was aggrieved with the decision.

Chairman

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 8 June 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Richard Gell
Peter MacGovern

Brian Northall (Chairman)

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Northall be appointed Chairman for this Hearing.

2. MINUTES

The minutes of the meetings of the Licensing (Taxi and Miscellaneous) Panel held on 17 November 2009, 19 April and 13 May 2010 were approved and signed by the Chairman.

3. DECLARATIONS OF INTEREST

Councillor Gell declared a personal and prejudicial interest because he knew the applicant. (See Minute 5 below).

4. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under Paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972, may be disclosed.

5. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.

The Panel was informed that the applicant would not be present at the Hearing because of work commitments. The Licensing Officer read out a statement from the applicant. After receiving advice from the Solicitor, the Panel agreed that it could consider the application in the applicant's absence.

During consideration of the application and because the applicant was not present, Councillor Gell realised that he knew the applicant well, but under a different surname which was not the one used by the applicant on his application form. He then declared a personal and prejudicial interest and it was agreed that he could not consider the application, which should be deferred to another Hearing.

The Panel considered it important that the applicant should attend a future Hearing in person.

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver's Licence be deferred and be reconsidered at another Panel meeting.

Chairman

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 29 June 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)
Peter MacGovern

Brian Northall

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. MINUTES

The minutes of the meeting of the Licensing (Taxi and Miscellaneous) Panel held on 8 June 2010 were approved and signed by the Chairman.

3. DECLARATIONS OF INTEREST

No interests were declared.

4. ITEM BROUGHT FORWARD

The Panel agreed to bring forward the application for a Hackney Carriage and Private Hire Driver's Licence item on the agenda because the applicant was in attendance.

5. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under Paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972, may be disclosed.

6. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

Further to Minute 5 of the Panel meeting held on 8 June 2010, the Licensing Officer reported on an application for a Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.

The Criminal Records Bureau disclosure revealed that the applicant had been convicted of three counts of criminal damage on 7 April 1986. He was given a conditional discharge of 12 months and had to pay compensation of £50, £6 and £40 respectively.

Members noted that the applicant had not provided any information about his conviction under question 8 of the application form.

The applicant spoke in support of his application and explained the circumstances of the offences to the Panel and apologised for not putting them on the application form. The convictions had been for an incident outside a pub on Christmas Eve in 1985, which had occurred twenty five years ago and he had not offended since then. He also mentioned that he had worked for the same company for twenty three years and intended to work part time as a taxi driver.

After considering the Officer's report and representations made by the applicant, 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 Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

The Chairman read out the following statement giving the reasons why the Panel had granted the Licence with standard conditions: -

"The Panel had reference to the Government Guidance and East Northamptonshire Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy when making its decision and noted:

1. The convictions for criminal damage in April 1986, however, it considered that the convictions were sufficiently dated not to carry any significant weight in their decision making.
2. Various omissions in the information that should have been provided in the application form. Whilst it was satisfied with the applicant's candid responses to questions, the Panel reminded him of the importance taxi and private hire vehicle drivers should pay to providing full and accurate information to the Licensing Authority at all times."

The Chairman mentioned that the Panel's decision would be sent in writing to the applicant within 21 days and that he had a right of appeal to the Magistrates Court if he was aggrieved with the decision.

7. RE-ADMISSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be re-admitted into the meeting during consideration of the following item of business because no exempt information, as defined under Paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972, would be disclosed.

8. APPLICATION FOR A HOUSE TO HOUSE COLLECTION LICENCE

The Panel considered an application for a House to House Collection Licence made under the House to House Collections Act 1939, from Mr Collins for East London Textiles Limited; a textiles recycling company and exporter of used clothing, to hold house to house collections throughout the district during 2010. The application was dated 6 May 2010.

The applicant was not present at the Hearing but the Panel agreed that it should consider the application in his absence. The Panel was informed that the applicant had failed to respond to requests from Officers for further information and to confirm if he would be attending the Hearing.

The application stated that an amount from the proceeds of the collections would be donated to "Little Treasures Children Trust" a UK Registered Charity based in Romford. However, it did not show what had been collected or donated in previous collections within East Northamptonshire Council's area or nationally. A low percentage donation to the nominated charity appeared likely from the donation shown in a letter from the applicant dated 6 May 2010, and it was not clear how much profit the company would be making from the collections.

The Licensing Officer reported that Reigate and Banstead Borough Council and Kettering Borough Council had refused to grant Licences on 3 March and 26 May 2010 respectively. The Panel noted that the applicant had failed to mention the refusal from Reigate and Banstead Borough Council on his application form which was dated 6 May 2010.

The Panel noted that two Officers had recently received collection bags at their properties from the applicant's company on behalf of the Little Treasures Children Trust for collections in the District which had not been licensed.

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 from Mr D Collins on behalf of East London Textiles Limited for a House to House Collections Licence be refused.

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

"The Panel had reference 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), when it reached the following decision:

1. The Applicant chose not attend the Hearing and did not responded to letters and telephone calls requesting additional and relevant information. Therefore, the Panel was not given the opportunity to ask relevant questions.

Without that information the Panel believed 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 the decision to refuse the Licence, 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. In the Panel's view, the single page letter submitted by the applicant to support the application, dated 6 May 2010, provided a too simplistic explanation for the breakdown of the amounts involved.

Additional Comments and Observations made by the Panel (not material to the decision to refuse):

1. 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 advised the Panel that the following authorities had refused applications from the applicant:

- (i) 3 March 2010 – Reigate and Banstead Borough Council
- (ii) 26 May 2010 – Kettering Borough Council

The application had been submitted on 6 May 2010 and therefore the Reigate and Banstead refusal should have been declared under question 15 on the application.

2. The Panel was very concerned that two members of Council staff had reported that East London Textiles Little Treasures Children's Trust collection bags had been delivered to properties in the District.

That contravened Section 1(2) of the Act which stated that it was an offence to promote and make a house to house collection for a charitable purpose without a Licence authorising you to do so in that location from the licensing authority.

The Panel considered that this demonstrated an unacceptable disregard for the process of licensing and the Act itself."

The Chairman mentioned that the applicant would be advised that, if he was aggrieved with the decision, he had the right to appeal to the Secretary of State within 14 days from the date on which the Notice was given.

Chairman