

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 16 July 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 Brian Northall be appointed Chairman for this Hearing.

2. MINUTES

The minutes of the meetings of the Licensing (Taxi and Miscellaneous) Panel held on 27 November 2009 and 29 June 2010 were approved and signed by the Chairman.

3. DECLARATIONS OF INTEREST

No interests were declared.

4. 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 Benediktas Bockus representing SOS Support Ltd, Nottingham, to hold house to house collections in the District from 19 to 31 July and from 6 to 18 September 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 Children's Hearts a UK Registered Charity based in Surrey. It was not clear from the application how much money would be donated to the charity. A letter had been sent to the applicant on 22 June 2010 requesting further financial information and to date no reply had been received.

The Panel noted that:

- the application, dated 16 June 2010, had been received by the Council on 4 June 2010
- Gosport Borough Council had refused an application for a Licence from the

- applicant on 11 May 2010
- an Officer from the Council had received a leaflet at his property in Thrapston on 8 July from the applicant's company on behalf of Children's Hearts for a collection 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 B Bockus on behalf of SOS Support Limited for a House to House Collection 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).

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 had advised the Panel that Gosport Borough Council had refused an application for a Licence from the applicant on 11 May 2010.
2. The application had been submitted to the Council on 4 June 2010 but was dated 16 June 2010 by the applicant. Therefore, the Gosport Borough Council refusal should have been declared under question 15 on the application, where the applicant had answered no.

3. The Panel was very concerned that a member of the Council's staff had reported that SOS Support Limited was distributing leaflets on behalf of the Children's Hearts charity within the District.

That action 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