

Appendices

A = Local Policy

B = NOD

C = Application &
Supporting Letter

D = Accounts

E = Copy other LA Licences

F = Email Correspondence

**NORTHAMPTON**
BOROUGH COUNCIL**TAXI & GENERAL LICENSING COMMITTEE REPORT**

Report Title	House to House Application
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AGENDA STATUS: PRIVATE

Committee Meeting Date:	12 November 2019
Policy Document:	House to House Collections
Directorate:	Customers and Communities

1. Purpose

1.1 To consider the application for a House to House permit submitted by Irina Martin of Giving Support Ltd to collect on behalf of Breast Cancer Research Aid. This is the first application to be considered by Northampton Borough Council for the Breast Cancer Research Aid. The aforementioned person and organisation are not the subject of a National Exemption Order from the requirement to obtain the necessary permit.

2. Recommendations

2.1 That the application be determined in accordance with the policy criteria.

3. Issues and Choices

3.1 Report Background

3.1.1 Public charitable collections conducted by house-to-house are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. The 1947 regulations established a central licensing regime for collections.

3.1.2 The Local Government Act 1972 transferred responsibility for licensing of House to House Collections from the police to local authorities.

- 3.1.3 The Licensing Authority cannot grant a permit for a period longer than twelve months and may refuse a permit or, where granted, may revoke it, in circumstances specified in the House to House Collections Act 1939. Grounds for refusal are specified in section 2(3) paragraphs a-f of this Act, which are detailed in paragraph 3.3.4 to 3.3.9 of this report.
- 3.1.4 National Exemption Orders are available to charities, which are issued by the Cabinet Office directly.
- 3.1.5 **Policy Criteria**
- 3.1.6 The Licensing Committee agreed on the 25th February 1997 that street and house to house applications should only be issued to nationally recognised registered charities with local connections, or charitable organisations based locally. **Appendix A.**
- 3.1.7 On the 14th July 1998 the Licensing Committee granted delegated authority, allowing officers to issue permits to charitable organisations that meet the above criteria and which have already been approved by a Licensing Committee on a previous occasion.
- 3.1.8 This application was first presented at the Council's Taxi & General Licensing Committee meeting on the 9 July 2019. At that meeting members had questions regarding the accounts submitted with the application and details regarding the number of licenses issued by other Councils. As the applicant was not in attendance members decided to adjourn in order to give the applicant, or their representative, another opportunity to attend and answer some of the questions.
- 3.1.9 The applicant was issued with the notice of determination on the 15 July 2019 and invited to attend the next licensing committee meeting. A copy of the notice of determination is detailed in **Appendix B**
- 3.1.10 The applicant responded to request that a subsequent application recently submitted in August is presented with updated documents to the Licensing Committee for consideration. An online application was received by the local authority on the 17 July 2019, there is no record of an application being received in August 2019. The application and supporting documents are detailed in **Appendix C**
- 3.1.11 The applicant emailed officers again on the 4 September 2019 & 14 October 2019 with additional company documents for Giving Support Ltd including accounts and tax returns for consideration. Unfortunately, due to statutory publication dates this delayed the application being presented for consideration on the 10 September 2019. A copy of the additional supporting documents is detailed in **Appendix E & D**
- 3.1.12 The email also contained additional information with regards to the increased percentage now going to the charity and details of expenses. A copy of the email correspondence is shown in **Appendix F**

3.1.13 The applicant has not previously been granted a permit by this Licensing Committee and therefore delegated powers do not apply. The applicant states that they have been granted permission in 2018 by a number of other local authorities as outlined in the application. This information has not been verified.

3.2 Issues

3.2.1 This organisation has not previously been granted a permit for house to house collections with this local authority in accordance with 3.1.7.

3.2.2 There is a Right of Appeal to the Secretary of State against the refusal or the revocation of a permit, within fourteen days of the date on which notice is given of the refusal or the revocation.

3.2.3 The Secretary of State may by Order direct an exemption from the requirement to obtain a permit from the Licensing Authority.

3.3 Choices (Options)

3.3.1 Grant the application.

3.3.2 Refuse the application on one or more of the following grounds:

3.3.3 Grounds for Refusal

3.3.4 That the total amount likely to be applied for charitable purposes as a result of the collection (including any amount already so applied) is adequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).

3.3.5 That the 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.

3.3.6 That 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.

3.3.7 That 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 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.

3.3.8 That 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 person so authorised.

- 3.3.9 That the applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonable required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 N/A

4.2 Resources and Risk

- 4.2.1 None identified.

4.3 Legal

- 4.3.1 The Committee must have regard to the House to House Collections Act 1939, together with the House to House Collection Regulations 1947 (SI 1947 No 2662, as amended) when making their decision.

- 4.3.2 The only grounds on which a licence may be refused are set out in the 1939 Act (referred to at paragraphs 3.3.4 to 3.3.9 above). A separate regime exists under the Act for short term, local collections under which the Chief Officer of Police may grant certificates authorising collections and, if a certificate is issued, the requirement to hold a licence does not apply. It is not open to the Council to refuse to grant a licence on the basis that there is not a local connection.

4.4 Equality

- 4.4.1 None identified.

4.5 Consultees (Internal and External)

- 4.5.1 Customers & Communities, Legal.

4.6 Other Implications

- 4.6.1 None identified

5. Background Papers

- 5.1 House to House Collections Act 1939
- House to House Collections Regulations 1947 & 1963

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