

Licensing Sub-Committee 2 – 2ND June 2009

Report of the Interim Director of Law and Property

Grant of House to House Collection Permit – Association Ark (Stowarzyszenie “Arka”)

Purpose of Report

1. To consider the application on behalf of Mr Wojciech Kupidura for the grant of a House to House Collections Permit on behalf of Stowarzyszenie “Arka”. A copy of that application form is attached to this report as Appendix 1.

Background

2. On the 2nd April 2009 Mr Wojciech Kupidura made application for the grant of a House-to-House Collections Permit on behalf of Stowarzyszenie “Arka”.
3. That application was circulated to the West Midlands Police and the Directorate of the Urban Environment. None of the agencies raised objections.
4. In January 1999, the Licensing Section in accordance with the Neighbouring Authorities Working Group introduced a policy requiring all House to House Collection applicants to submit income and expenditure accounts for the previous financial year. The accounts were received on the 2nd April 2009 and are attached to this report as Appendix 2.
5. This matter was considered by the Sub-Committee on the 12th May 2009. The Committee resolved that the matter be deferred to the next hearing in the absence of Mr Kupidura. The Committee further resolved that if Mr Kupidura failed to attend that hearing that the matter be heard in his absence.
6. This report has a direct link to the Council’s priority for safety as the principal reason for submission is safeguarding the public.

Finance

7. There are no financial implications.

Law

8. House to House Collection Permits are governed by Section 2 of the House-to-House Collections Act 1939.
9. The Council may refuse to grant a licence or where a licence has been granted may revoke it if it appears to the Authority:-
 - (a) that 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) that 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) that the grant of a licence would be likely to facilitate the commission of any 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) 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 he has been convicted in the United Kingdom of any 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 any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.
 - (e) 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 certificate of authority being obtained by persons other than persons so authorised.
 - (f) that the applicant or holder of the licence has refused or neglected by 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 fore-going paragraphs.
10. If the Committee refuse to grant a licence or revoke a licence which has been granted. There is a right of appeal within 14 days to the Secretary of State against the refusal or revocation of licence.

Equality Impact

11. This report takes into account the Council's policy on equal opportunities.

12. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

13. That the Committee determine this application.



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INTERIM DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

Application Form