

Licensing Sub-Committee 2 – 25th January 2011

Report of the Director of Corporate Resources

Application for House to House Collections Licence

Ragbags – Daycare Trust

Purpose of Report

1. To consider the application for the grant of a House to House Collections Licence in respect of Daycare Trust (Ragbags).

Background

2. On the 29th April 2010, Mr Nigel John Pugh of Ragbags made application for a House to House Collections Licence in respect of Daycare Trust. A copy of that application is attached to this report as Appendix 1.
3. 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.
4. In recent years applications for House to House Collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore in November 2009 the Council introduced a further policy that all applicants for House to House Collection Licences be required to submit with the application income and expenditure accounts for the previous financial year of the charity for which the collection is being made and also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purposes.
5. A copy of the accounts of behalf of Daycare Trust are attached to this report as Appendix 2.
6. A copy of accounts on behalf of Ragbags are also attached to this report as Appendix 3.

7. Copies of the application were circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways). These agencies raised no objections to the application.
8. This matter was considered by the Licensing Sub-Committee on the 29th June 2010. At that hearing Mr Pugh confirmed that the donations were based on a £75.00 per ton figure and that each charity received a minimum of £750.00 per month. Further discussions took place with regard to the administration costs involved in the process of collecting donations and it was resolved that the matter be deferred to a future hearing pending further detailed accounts to be submitted. Mr Pugh confirmed at that hearing that he would be able to provide detailed accounts within 2-3 weeks.
9. The Licensing Officer wrote to Mr Pugh on the 30th June 2010, 17th September 2010 and 15th October 2010. To date the Licensing Office have not received a reply from Mr Pugh or a copy of the accounts as requested.
10. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

Finance

11. There are no financial implications.

Law

12. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
13. 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.

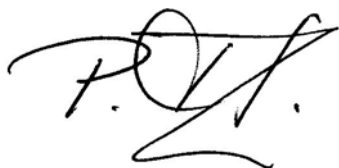
- (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to 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.
14. 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

- 15. This report takes into account the Council's policy on equal opportunities.
- 16. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

- 17. That the Committee consider the applications for House to House Collections Licence in respect of Daycare Trust (Ragbags).



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers