

**Licensing Sub-Committee 5 - 4<sup>th</sup> December 2007**

**Report of the Director of Law and Property**

**Betel of Britain**

**Purpose of Report**

- 1 To consider the application made by Nathan Marriott for the grant of a house-to-house collections permit on behalf of Betel of Britain.

**Background**

2. On the 1<sup>st</sup> October 2007, Mr Marriott made application for the grant of a house-to-house collections permit, a copy of the application form is attached to this report as Appendix 1.
3. This application was circulated to the West Midlands Police and the Directorate of the Urban Environment.
4. In January, 1999, the Licensing Committee, in accordance with the Neighbouring Authorities Working Group, introduced a policy requiring all house-to-house applicants to submit income and expenditure accounts for the previous financial year. The accounts submitted are attached to this report as Appendix 2.
5. On the 13<sup>th</sup> November 2007 objections were received from the West Midlands Police. A copy of the Police report is attached as Appendix 3.
6. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

**Finance**

7. There are no financial implications for the Council.

**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 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 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 certificates of authority being obtained by persons other than persons so authorised.
- (f) 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 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.

*John Poyles*

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DIRECTOR OF LAW AND PROPERTY

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## **List of Background Papers**