

Licensing Sub-Committee 3 – 6th May 2014

Report of the Director of Corporate Resources

Application for House to House Collections Licence

Margaret Green Animal Rescue / Kids Out / Childrens Hearts / Woodlands Cancer Care – Audosta Ltd

Purpose of Report

1. To consider the application for the grant of House to House Collection Licences in respect of Audosta Ltd on behalf of the charities known as Margaret Green Animal Rescue, Kids Out, Childrens Hearts and Woodlands Cancer Care.

Background

2. On the 7th January 2014 Mr Audrius Stasiulevicius of Audosta Ltd made applications for House to House Collection Licences in respect of the charities known as Margaret Green Animal Rescue, Kids Out, Childrens Hearts and Woodlands Cancer Care. Copies of these applications along with the relevant accounts have been forwarded to Committee Members and interested parties.
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. Copies of those accounts have been circulated to Committee Members and interested parties.
5. Copies of the applications have been circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways).
6. None of the agencies raised objections to the application.

7. Mr Stasiulevicus of Audosta Ltd has previously made applications for the grant of House to House collection licences in respect of the charities known as Childrens Hearts and Cancer Research Genetics UK.
8. These applications were considered by the Licensing Sub Committee on the 13th March 2012 where the Committee resolved that the applications be refused on the grounds that further account information contained in Section 2 (f) of the House to House Collections Act, 1939 had not been provided as requested.
9. On the 1st April 2012 Mr Stasiulevicus of Audosta Ltd made application for the grant of a House to House Collections Licence in respect of Childrens Hearts this matter was considered by the Licensing Sub-Committee on the 31st July 2012 however the application was withdrawn at the request of the applicant.
10. A number of previous applications have been received from Audosta Limited which have not been processed due to incomplete or incorrectly completed applications.
11. This matter was due to be considered by the Licensing Sub-Committee on the 11th February 2014, the Committee resolved that due to the non-attendance of the applicant Mr Stasiulevicus that the matter be deferred to a future hearing.
12. The licensing office contacted the applicant Mr Stasiulevicus requesting confirmation as to whether or not he wished to proceed with the application and also confirmation as to when he would be available to attend Committee.
13. On the 24th March 2014, Mr Barry Tanner (Admin Assistant) on behalf of Audosta Ltd confirmed on behalf of Mr Stasiulevicus that they wished to proceed with the application and also requested a hearing date in May 2014.
14. This application falls within the Council's recent responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

15. There are no financial implications.

Law

16. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
17. 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.

18 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

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

Recommendation

- 21. That the Committee consider the applications for House to House Collection Licences in respect of Audosta Ltd.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers