

NORTHAMPTON BOROUGH COUNCIL

Taxi & General Licensing Committee

Your attendance is requested at a meeting to be held at The Jeffrey Room, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Tuesday, 12 November 2019 at 6:00 pm.

George Candler
Chief Executive

AGENDA

1. Apologies
2. Minutes
3. Deputations/Public Addresses
4. Declarations of Interest
5. Matters of Urgency which by reason of special circumstances the Chair is of the opinion should be considered
6. House to House Application
7. Exclusion of Public and Press
The Chair to Move:
“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100I of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”
8. House to House Application - Private appendix D (3)
9. Application for a Private Hire Driver's Licence (1)
10. Application for a Hackney Carriage Vehicle Licence (1)
11. Application for a Private Hire Driver's Licence (1)

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

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NORTHAMPTON BOROUGH COUNCIL

TAXI & GENERAL LICENSING COMMITTEE

Tuesday, 10 September 2019

PRESENT: Councillor Flavell (Chair); Councillor Sargeant (Deputy Chair);
Councillors Ansell, Beardsworth, Davenport, Duffy, Haque and
Larratt

OFFICERS: Jason Toyne (Senior Licensing Enforcement Officer), Clive Tobin
(Licensing & Litigation Solicitor), Suraj Samant (Democratic Services
Officer)

1. **APOLOGIES**

Apologies were received from Councillor G Eales.

2. **MINUTES**

The minutes were noted as copy to follow.

3. **DEPUTATIONS/PUBLIC ADDRESSES**

There were none.

4. **DECLARATIONS OF INTEREST**

Councillor Haque declared a personal interest in item number 9.

5. **MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

There were none.

6. **EXCLUSION OF PUBLIC AND PRESS**

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100I of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act. Specifically the reports disclosed information relating to the identity of individuals and action taken in relation to the investigation of crime.

The Motion was carried and the public and press were excluded on the basis that information relating to an individual and information which was likely to identify an individual and investigation of crime were contained in the reports.

7. **REVIEW OF A PRIVATE HIRE DRIVER LICENCE**

The Senior Licensing Enforcement Officer outlined the circumstances as set out in the report. The Committee heard that the Licence Holder was caught plying for hire as part of an operation by Licensing Enforcement Officers working in partnership with Northamptonshire Police's Safer Roads Team.

In response to questions asked by Members of the Committee the Licence Holder stated:

- a) He had not asked the officers their names as he usually makes pick-ups near the office without having to know the person's name;
- b) He accepted and apologised for his behaviour;
- c) He had attended the Safety Awareness Course and understood that he may not be insured;
- d) The officers had already got into his vehicle before asking whether he was free;
- e) He has not plied for hire since the occasion in October and there would not be a repeat of the incidents.

Members received legal advice on the following:

- 1) That the case of McCool v Rushcliffe is relevant in determining whether the Licence Holder remains 'a fit and proper person' to hold a private hire driver's licence or whether there are grounds to suspend or revoke his licence:

"One must, as it seems to me, approach this case bearing in mind the objectives of this licencing regime which is plainly intended, among other things, to ensure so far as possible that those licenced to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest (which is the material word for the purposes of the present case), and not persons who would take advantage of their employment to abuse or assault passengers".

- 2) Plying for hire without the appropriate licences breaches the 1976 Act and the Town Police Clauses Act 1847 however, case law states that there is no need for a conviction before the powers in section 61 can be used.
- 3) That the applicant's personal circumstances are generally irrelevant to the question of whether they are fit and proper save to the extent that they explain how the offences came to be committed or demonstrate other aspects of their character which make them fit and proper. The member's role is to protect the public.
- 4) That case law states that the construction of a private hire driver's insurance policy must be considered in order to determine whether they are covered whilst plying for hire.
- 5) The options available to the Committee are set out in the report, namely to suspend or revoke the licence, take no action or, if they do not feel that they have enough information, to adjourn the hearing of this matter.

Members retired at 18:18 to make a decision.

The meeting reconvened at 18:33.

RESOLVED:

The Committee had carefully considered the information in the report, the representations made by the Licence Holder at the hearing and the responses to the questions asked of him.

The Committee made the following findings:

- A. That he had plied for hire on the night in question and had not asked the officers if they were booked as passengers. This was the second occasion on which he had been caught doing so.
- B. He had accepted he had plied for hire on that occasion and the previous occasion.
- C. He had attended the Safety Awareness Course and was aware of the risks of doing so.
- D. No other matters have occurred since however, there is the earlier matter in relation to failing to display his vehicle plate.
- E. He had apologised for his behaviour.

Accordingly, the Committee **SUSPENDS** the Licence Holder's private hire driver's licence for a period of 8 weeks. The members were concerned as to the failure to take notice of the advice offered on the Safety Awareness Course and the potential risks to passengers if he were to be involved in an accident whilst not insured. They also warned him that if he appears before them again for another such offence he could face a longer period of suspension and possibly even revocation of his licence.

8. APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE

The Chair, Councillor Flavell asked the Senior Licensing Enforcement Officer to present the report.

The Senior Licensing Enforcement Officer presented the report.

The applicant had applied for a private hire driver's licence and as part of the application process had declared previous convictions. His Disclosure and Barring Service Check revealed he had been committed of offences of Criminal Damage, Battery and Breach of a Non-molestation Order between 2014 and 2016.

The applicant stated that the Criminal Damage and Battery Convictions related to an occasion when his former partner called him as she was being threatened by a man however, when he arrived at the location his former partner was crying and said that the man hit her. The man was walking towards his car so the applicant tried to use his own car to stop him driving away. The vehicles collided causing the damage. There was then a minor scuffle which amounted to the assault. The applicant accepted that this was the wrong reaction and it would have been better for him to call the police.

In response to questions from Members of the Committee the applicant stated:

- a) He did not know the man involved in the offence in June 2014 and simply responded to his former partner's request to help him as she was scared;
- b) In relation to the incident in 2016, after separating from his partner he moved to another town and wanted nothing to do with her. She had a grudge against him and

caused trouble;

- c) The three points on his DVLA Licence were for being stationary in a yellow box at some traffic lights;
- d) His convictions led to him losing his contract to work as an interpreter with the Immigration Service and loss of a further contract with the military.

Members received legal advice on the following:

- 1) That the case of *McCool v Rushcliffe* is relevant in determining whether the applicant is 'a fit and proper person' to hold a private hire driver's licence and states:

"One must, as it seems to me, approach this case bearing in mind the objectives of this licencing regime which is plainly intended, among other things, to ensure so far as possible that those licenced to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest (which is the material word for the purposes of the present case), and not persons who would take advantage of their employment to abuse or assault passengers".

- 2) That an applicant's personal circumstances are generally irrelevant to the question of whether they are fit and proper save to the extent that they explain how the offences came to be committed or demonstrate other aspects of their character which make them fit and proper.
- 3) The member's role and the purpose of the licensing regime is to protect the public and this should be at the forefront of their minds when deciding on the application.
- 4) The options available to the Committee are set out in the report, namely to grant the licence, refuse to grant the licence or, if they do not feel that they have enough information, to adjourn the hearing of this matter.

RESOLVED:

The Committee had carefully considered the information in the report, the representations made by the applicant at the hearing and the responses to the questions asked of him.

The Committee made the following findings:

- A. There were a number of matters recorded against the applicant.
- B. These were serious and breached the Council's Guidelines on Convictions.
- C. He accepted these had occurred and explained the background to them.
- D. There has been a three year period with no further offences.
- E. It is accepted that the applicant does not present a risk to the public.

Accordingly, the Committee **GRANTS** the private hire drivers licence.

9. APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE

The Chair asked the Senior Licensing Enforcement Officer to present the report.

The Senior Licensing Enforcement Officer presented the report to the Committee.

The applicant was previously licensed as a Private Hire Driver, from 2015 and subsequently expired in 2019. On 17 May 2017 an email was received confirming that, with immediate effect, he could not undertake any NCC Duties or work involving transport of either Children or Vulnerable Adults. On 18 May 2017 a Common Law Police Disclosure from Northamptonshire Police informed the Licensing Department that the applicant was under investigation for inappropriate comments and behaviour whilst conveying a child on a school contract.

The disclosure stated that the applicant was acting in his capacity as a taxi driver when transporting a vulnerable person and made inappropriate comments to the child. The applicant also engaged in inappropriate text messages to the child.

As a result of the Police information, on 18 May 2017 the applicant's Private Hire Drivers licence was suspended with immediate effect. He subsequently returned his Private Hire Driver's badge to the Licensing Department.

A meeting of Northamptonshire's Local Safeguarding Children's Board was convened to consider the allegations against the applicant. The meeting decided he could not be used on any NCC Duties involving transport of Children or Vulnerable Adults until further notice.

On 28 November 2018 the applicant informed the Licensing Department that the Crown Prosecution Service had discontinued the case against him, providing a copy of the notice of discontinuance, also requesting that the suspension of his Private Hire Licence should be lifted. The Licensing Department pointed out that the incident was still under investigation and, once resolved he may re-apply for his licence and his application would be put before the Licensing Committee to decide his fitness and propriety to be licensed.

On 29 November 2018 a further Safeguarding meeting reviewed the investigation. The meeting concluded that the allegations against the applicant were substantiated and that he was a risk to vulnerable persons. On 3 December 2018 the Licensing Department sent a letter to the applicant outlining the review meeting on 29 November, explaining that the allegation had been recorded as substantiated and as a result would be referred to the Disclosure & Barring Services (DBS). It was also pointed out at that time that the suspension of his Private Hire Driver's licence remained in force pending further enquiries by the Council.

Members received legal advice on the following:

- 1) That the case of *McCool v Rushcliffe* is relevant in determining whether the applicant remains 'a fit and proper person' to hold a private hire driver's licence or whether there are grounds to suspend or revoke his licence:

"One must, as it seems to me, approach this case bearing in mind the objectives of this licencing regime which is plainly intended, among other things, to ensure so far as possible that those licenced to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest (which is the material word for the purposes of the present case), and not persons who would take advantage of their employment to abuse or assault passengers".

- 2) That the applicant's personal circumstances are generally irrelevant to the question of whether they are fit and proper save to the extent that they explain how the offences came to be committed or demonstrate other aspects of their character which make

them fit and proper.

- 3) The purpose of the licensing regime and the member's role is to protect the public and they should make their decision with this in mind.
- 4) That the previous licence which was suspended by officers has expired and therefore the matter before them is a new application for grant of a licence.
- 5) The options available to the Committee are set out in the report, namely to grant the licence, refuse to grant the licence or, if they do not feel that they have enough information, to adjourn the hearing of this matter.
- 6) That case law states that there is no need for a conviction for an offence and that the committee may consider on the civil standard, i.e. the balance of probabilities, whether they believe the incidents occurred.

RESOLVED:

The Committee had carefully considered the information in the report, the representations made by and on behalf of the applicant at the hearing and the responses to the questions asked of him. They were of the view however, that the allegations were substantiated and that he presented a risk to the public.

Accordingly, the Committee **REFUSES** the application for a private hire driver's licence.

The meeting concluded at 8:05 p.m.

Appendices
A = Local Policy
B = NOD
C = Application & Supporting Letter
D = Accounts
E = Copy other LA Licences
F = Email Correspondence



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

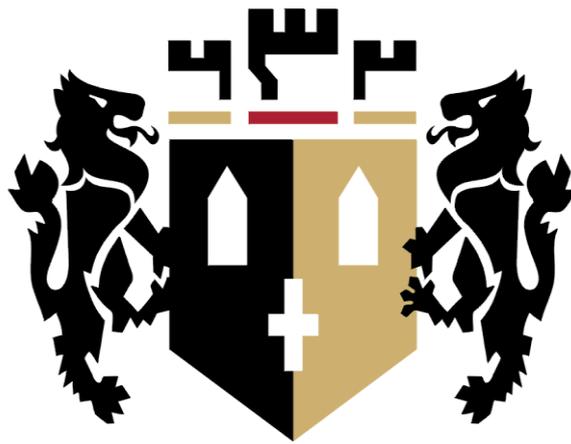
- 4.6.1 None identified

5. Background Papers

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

Louise Faulkner
Licensing Team Leader

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NORTHAMPTON
BOROUGH COUNCIL

House to House Collection Policy

Version Date: 13.02.2014

Contents

Section 1 Introduction

Section 2 Applications for House to House Permits

Section 3 Enforcement

Section 4 Departure from this Policy

Section 5 Amendments to this Policy

Section 6 Fees and Charges

Section 7 Rights of Appeal

Appendix A Regulations made by Northampton Borough Council

Appendix B Definitions

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Section 1 Introduction

1.1 The Policy

This document states Northampton Borough Council's policy on House to House Collections as defined by House to House Collections Act 1939, as amended by the House to House Regulations 1947.

The Local Government Act 1972 transferred responsibility for licensing both Street and House to House collections from the police to local authorities.

In London, however, the Metropolitan Police and the Common Council of the City of London are still responsible for licensing of collections.

1.2 The Objectives of this Policy

This policy has been adopted with view to securing the following objectives;

- To ensure that promoters and collectors are properly authorised,
- To ensure that contributions collected is done so in a secure way and the total proceeds collected are properly accounted for,
- To minimise nuisance to residents and visitors to the Northampton Borough

1.3 The Law

It is unlawful in the United Kingdom to hold, for the benefit of charitable or other philanthropic purposes, a house to house collection on any street or public place without first obtaining a House to House Permit from a local authority. A 'Public Place' is defined as a 'place where the public has access and this need not be in public ownership.

To be legal, charitable house-to-house collections must be authorised. This means the collectors must have either a collection licence issued by the local authority or a National Exemption Order issued by the Cabinet Office.

National Exemption Orders issued by the Cabinet Office are available to charities who have undertaken a high number of collections across local authority areas. Further details of Exemption Orders and a full list of those charities that have been granted this status can be viewed online at;

<https://www.gov.uk/government/publications/national-exemption-order-scheme>

The licence does not authorise the promotion of a door to door envelope collection: such collections may now be only by the permission of the Secretary of State.

There are six grounds upon which the local authority can consider the refusal of a House to House collection as follows;

- a. 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).
- b. 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.
- c. 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.
- 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 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.
- 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 person 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 reasonable required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

Summary details of the legislation is contained within Appendix A and a full copy of the legislation can be viewed online at <http://www.legislation.gov.uk>

1.4 The Charities Act 2006

The Charities Act 2006 provides for a new regulatory regime to control charitable collections in public – **this new framework is still pending enactment**. It applies to all such collections including face-to-face fundraising and where requests are made for members of the public to sign direct debit mandates. There is a new role for the Charity Commission in checking whether charities and other organisations are fit and proper to carry out public collections. The Charity Commission will be responsible for issuing Public collections Certificates, which will be valid for up to five years. This new procedure, if enacted, will mean that local authorities will no longer need to assess the suitability of individual applicant and will ensure a more uniform approach to such assessment nationally. Once a charity has a Public Collections Certificate it will be able to apply to a local authority for a permit to hold collections at certain times in

certain places within that local authority area. Local authorities will assess applications to ensure that collections do not clash and that the public are not annoyed by excessive collection activity.

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Section 2 Applications for a House to House Collection Permit

2.1 Applications

All applications must be made on the Councils prescribed postal application form, or may be made online at www.northampton.gov.uk using the prescribed online application.

Applications must be received at least 20 working days before the required collection date, unless good reason exists and late submission is agreed with the local authority.

Particular attention on the application needs to ensure that all questions are answered in full; failure to complete all sections will invalidate the application.

The local authority will require a written agreement between the applicant and the charity.

It must be clear as part of the application process how much the charity will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and must have previously submitted a clear set of returns if the organisation has operated collections before.

The local authority may request any additional supporting information that it considers relevant in determining the application in accordance with paragraph 1.3(a-f) and the relevant local policies detailed in 2.2

2.2 Key Considerations of Local Policies

A summary of the regulations is contained within **Appendix A**, the Licensing Committee for this council has also approved the following three requirements for the grant of House to House Collection Permits;

- Permits will only be issued to nationally recognised charities with a local connection
- Permits will not be issued to purely political campaigning organisations
- Applications from organisations/Individuals that have not previously been licensed for a House to House collection by this authority will be determined by the Licensing Committee.

Where applications are received from individuals or organisations collecting on behalf of Nationally Recognised Charities, supporting documentation will be required from the National Charity to demonstrate the collection is supporting their cause.

Permits can be issued for a maximum of twelve months; however this authority aims to work with organisations to avoid numerous charitable collections taking place within the same area, which can reduce the potential fundraising aims and may inadvertently cause a nuisance to households. Applications are therefore encouraged for a maximum of three months, in order to minimise the number of organisations who

might wish to work within the same area at any given time. This is a voluntary option that is encouraged and has proven to work well in the past.

Organisations collecting under a Home Office Exemption Order are not within the control of Northampton Borough Council; however these organisations usually let the local authority know that they are carrying out a collection within our area.

When considering applications the financial information given is sometimes difficult to interpret. Unless the proportion that will be donated to charity is clear and we are confident in the calculations the application will be returned requesting more detailed information.

If the proportion allocated to the charity is clear, members must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity. As a general guide we welcome applications that will give approximately 80% of the value of the collection to the charity; however each application will be determined on its individual merits.

It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive the nature of the business and the overheads can be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process, at all levels, may also be considered as part of this assessment. As a general guide we welcome applications where approximately 20% of the value of the collection is used for remuneration purposes, however each application will be determined on its individual merits.

If no previous returns have been supplied to the Council after the previous licensed collections by the same organisation or individual within the borough then the application will be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

Section 3 Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the permit holders.

In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Councils Enforcement Policy.

If you don't have the appropriate licence before starting house-to-house collections you could face imprisonment for a term up to six months and/or a fine of up to £1,000.

If you or anyone collecting on your behalf doesn't give a police officer their name, address and signature when asked to, they could be fined up to £200.

Section 4 Departure from Policy

In exercising its discretion in carrying out its regulatory functions, Northampton Borough Council will have regard to this Policy document and the principles set out therein.

Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

Where Licensing Officers consider that there is clear and compelling reasons to depart from this Policy, a report detailing the application will be placed before the Licensing Committee for a decision to be made.

Section 5 Amendments to this Policy

Any significant amendment to this Policy will only be implemented after further consultation with the Permit Holders and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution. For the purpose of this section, any significant amendment is defined as one that:

- Is likely to have a significant financial effect on permit holders, or
- Is likely to have a significant procedural effect on permit holders, or
- Is likely to have a significant effect on the community.

Any minor amendments to this Policy may be authorised by the Portfolio Holder for Customers and Communities and Public Protection and undertaken in accordance with the Council's Constitution.

Section 6 Fees and Charges

Northampton Borough Council does not make a charge for the processing of a House to House Permit.

Section 7 Appeals

Organisations can appeal within 14 days of the local authority's decision to the Minister for the Cabinet Office if a local authority refuses them a licence to hold a house-to-house collection, or if they revoke such a licence. The Cabinet Office processes these appeals.

For further information, reference should be made to the Act and Regulations which are obtainable from The Stationery Office, PO Box 29, Norwich, NR3 1GN, or through any bookseller. Telephone (General Enquiries) 0870 600 5522.

Appendix A

HOUSE TO HOUSE COLLECTIONS ACT 1939 House to House Collections Regulations 1947 (as amended)

The above Act and regulations contain important provisions for the regulation of House to House Collections for charitable purposes, and prescribe fines and/or imprisonment for offences against the Act or the Regulations.

1. Except in cases specified in paragraphs 3 and 4:-
No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.
2. Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence or, where granted, may revoke it, in circumstances specified in the Act.
There is a Right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days of the date on which notice is given of the refusal or the revocation.
3. Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part, of England and Wales, and is desirous of promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
4. Where the Chief Constable of the police areas comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of a collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions-
 - (a) every promoter of a collection must exercise all due diligence to secure that collectors are fit and proper persons and that they are authorised to act as collectors; and to secure compliance by collectors with the Regulations;
 - (b) no promoter of a collection shall permit any person to act as a collector unless he has issued to that person-
 - (i) a prescribed Certificate of Authority;
 - (ii) a prescribed Badge; and
 - (iii) if money is to be collected, a Collecting Box marked, or a Receipt Book (with receipts and counterfoils or duplicates consecutively

numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.

- (c) In the case of a collection in respect of which a Licence has been granted, every Certificate of Authority shall be given a form obtained from The Stationery Office, and every prescribed Badge shall be so obtained.
- (d) No person under the age of 16 years shall act or be authorised to act as a collector of money.
- (e) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if required to leave by the occupant thereof.
- (f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

Appendix B

TERM	DEFINITION
Authorised Officer	An officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
The Local Authority	Northampton Borough Council
Charitable Purpose	means any charitable, benevolent, or philanthropic purpose.
Collection	An appeal to the public, made by means of visits from house to house to give whether for consideration or not, money or other property.
Collector	A person who makes the appeal in the course of such visits.
Promoter	A person who causes others to act as collectors for the purposes of the collection
Permit	A permit issued by the local authority for a collection.
Contributor	A person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes.
Collecting Box	A box or other receptacle for the reception of money from contributors.
House	Includes a place of business
Proceeds	means in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal.

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NORTHAMPTON BOROUGH COUNCIL
TAXI AND GENERAL LICENSING COMMITTEE
NOTIFICATION OF DETERMINATION

Application for House to House Collection Licence in respect of Giving Support Limited of Unit 24, Foxmoor Business Park Road, Wellington, Somerset, TA21 9RF.

Meeting Date – Tuesday 9th July 2019

The Committee considered:

The report prepared by Louise Faulkner, Licensing Team Leader; and,

Mrs Faulkner's representations at the meeting.

The report related to the above named company which has applied for a house to house collections licence under the House to House Collections Act 1939 ('the 1939 Act').

The report stated that the application was first received in February 2018. Since that time there has been further correspondence with the applicant in relation to the application and they have provided some additional information regarding their processes. This included information which:

- a) showed they had been granted a licence they were granted by North Lincolnshire District Council;
- b) explained that they vetted their collectors by means of a Disclosure and Barring Service check and that they disclose the certificates to the relevant licensing authority;
- c) explained that they made daily checks with collectors in relation to the ongoing collections;
- d) explained that they analysed the information received from collectors on a weekly basis;
- e) stated that their records indicated that neither the company nor any collectors had any criminal convictions or concerns going back as far as 2014;
- f) they had extended their collection agreement with the Breast Cancer Research Aid Charity.

At the meeting Mrs. Faulkner stated that the company's representative could not attend since she was travelling on business connected to the charity.

Members asked a number of questions to clarify the information contained in the report and provided orally by Mrs. Faulkner however, they still had a number of concerns regarding the proportion of monies that are paid to the charity. For this reason they could not be satisfied that they had sufficient information on which to make a decision. Members also commented that, when they had raised concerns in relation to a similar application which was recently submitted, they had adjourned the matter to a later committee meeting to allow the applicant time to produce additional information.

Members received **legal advice** on the following:

- 1) That a licence may only be refused on the grounds set out in section 2 of the 1939 Act. Those grounds were in turn set out in Paragraph 3.3 of the report.
- 2) The members should decide whether they are satisfied that the Council has taken reasonable steps to allow the applicant to provide information in support of the application.
- 3) If members are not satisfied that they have sufficient information to determine the matters causing concern they can adjourn the matter to allow them to provide that information.

- 4) The applicant has a right of appeal if the application is refused.

Resolved:

The Committee had carefully considered the information in the report.

The Committee made the following **findings**:

- A. That whilst some information is very clear and addresses certain criteria covered by the report, it is not clear how much of the proceeds would be paid to the charity concerned.
- B. They had given another applicant a further opportunity to produce that information.
- C. They considered it appropriate to give this applicant a similar opportunity to address their concerns regarding the proportion of proceeds paid to the charity.
- D. In the circumstances it was appropriate to adjourn to let them provide this information at its meeting on 10th September.

Accordingly, the Committee **ADJOURNS** the application for a house to house collections licence to the meeting on 10 September so that they can provide the following information:

- i. the gross sum realised from the items collected by door to door collections in the last two (2) years;
- ii. the expenses deducted from that sum;
- iii. the profits retained by the company;
- iv. the net sums paid over to the charity;
- v. copies of accounts submitted to Companies House which support items i to iv.

Dated 10th July 2019

29 November 2018

Dear Sir/Madam

Please accept this letter as a recommendation to grant Giving Support Limited a licence to operate house to house clothing collections within your local authority.

We have a legal agreement with Giving Support Ltd who guarantees that £50,000 per calendar year will be donated to Breast Cancer Research Aid (BCRA-UK) registered charity number 1166674. This money will be gratefully received by us, and will be used to help fund the work of scientists at The Institute of Cancer Research (ICR) and other cancer research institutions across the country.

The programme will be explained to householders, who donate clothes and details of how their donations help will be provided.

If you would like any additional information on the project or our work with Giving Support Ltd please do not hesitate to contact us using the details above.

Many thanks for your consideration.

Yours faithfully



Lawrence Robinson

**BREAST CANCER
RESEARCH AID**
REGISTERED IN ENGLAND AND WALES
1166674 SCOTLAND SC046669

Trustee, Breast Cancer Research Aid.

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Appendix C

Application sections 1-10 (note missing sections contains private personal detail that is not relevant to this application)

Northampton Borough Council

Application for a house-to-house collection licence
House to House Collection Act 1939 and the House
to House Regulations 1947

* required information

Section 1 of 10

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

NAME OF UNIT [REDACTED]

Section 3 of 10

ORGANISATION WHICH IS RESPONSIBLE FOR THE COLLECTION

© Crown Copyright and Controller of Her Majesty's Stationery Office 2009

Continued from previous page...

* Provide a brief description of the organisation and its objectives

The company recycles clothing to benefit the charity

1. To help support the breast cancer research

* Are the proceeds of the collection to benefit this organisation?

Yes No

* Is this organisation a registered charity?

Yes No

* What are the proceeds of the collection to be used for?

To help support the breast cancer research

Section 4 of 10

CHARITY, FUND OR ORGANISATION TO BENEFIT FROM THE COLLECTION

* Is another organisation going to benefit from your collection?

Yes No

Provide details of the charity, fund or organisation which is to benefit from the collection

* Name of charity or organisation

Organisation Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Contact Details

Continued from previous page...

Secretary And Treasurer

* Provide name and contact details for the secretary and/or treasurer of the organisation (if applicable)

Lynda Causer

Further Details

* Provide a brief description of the organisation and its objectives

Breast cancer research aid supports development of cancer research programmes across the country .

* Is this organisation a registered charity?

Yes

No

* Registration number

1166674

* What are the proceeds of the collection to be used for?

Breast Cancer Reseach and provides financial support to breast cancer reseach organisations

Add another organisation

Section 5 of 10

TYPES OF COLLECTION

* What type(s) of collection will you be performing?

A street collection

A house-to-house collection

Both street and house-to-house collections

House to House Collection

Check for local guidance notes and conditions before completing this section. Some of the questions may not be relevant to local circumstances or your responses may have to provide very specific information.

Where

* In what parts of this authority's area do you intend to carry out the collection?

the whole area or as allocated by the Licensing department

When

Continued from previous page...

* Preferred dates for the collection

Alternative dates

* During what hours of the day will the collection be held?

Collectors

* How many people do you plan to authorise as collectors?

* How will the collectors be identifiable? (provide details of badge, certificate of authority etc)

What

Check for local guidance notes which may clarify what is allowable in your area and whether additional permissions or licences are required.

* Do you intend to collect money?

- Yes No

* Do you intend to collect property?

- Yes No

* What sort of property?

* What do you intend to do with the property you collect?

- Sell it
 Give it away
 Use it
 Other

* Provide details

* Do you intend to offer anything for sale during the collection?

- Yes No

Section 6 of 10

EXPENSES AND PAYMENT

Continued from previous page...

* Will 100% of the proceeds of the collection be donated to a charity or used for charitable purposes?

- Yes No

* What % of the proceeds will be donated to a charity or used for charitable purposes?

Do you intend to pay expenses or admin costs out of the proceeds of the collection?

- No Yes

* Provide full details, including all the expenses you intend to pay and at what rate

Payments

N.B. Payment cannot be made to collectors, or others, unless details are provided in this form and approved

* Do you intend to pay collectors or any other person out of the proceeds of the collection?

- No Yes

* Provide full details, including the category of people (collectors, organisers, etc) you intend to pay and at what rate

Statement Of Return

* Which of the following types of return will you submit, giving details of proceeds and deductions?

- House-to-house collection only

Section 7 of 10

PREVIOUS APPLICATIONS

* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

- No Yes - application granted and revoked
 Yes - application granted Yes - application refused

Application Granted

Continued from previous page...

Only provide details about the most recent application – unless stated otherwise in local guidance notes.

* Local authority applied to	<input type="text" value="we have licences granted"/>
* Date of licence/registration	<input type="text" value="in over 150 boroughs"/>
* Reference number	<input type="text" value="vary : Plymouth, Solihull
Sheffield, Coventry, Belfast ,
Doncaster, Eden, Exeter etc."/>
* Expiry date	<input type="text" value="vary"/>

Section 8 of 10

CONVICTIONS

* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

Yes

No

Section 9 of 10

ADDITIONAL DETAILS

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

Charity' officials will monitor the company's operations via Google Docs as they have full access to all the documentation. All information about an area of collection, vans' registration numbers, names of drivers and collectors, and figures on collected and exported goods are provided on a regular basis. The charity has the right to inspect all company's bank accounts.

Section 10 of 10

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address	
Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

I am aware that should a Licence be granted to me the collection must take place in strict compliance with the house-to-

Continued from previous page...

* house collection regulations and/or the street collection regulations as appropriate. I am aware that it is also necessary for me to submit a certified form of statement within 28 days of the collection taking place.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/house-to-house-collection-licence/ashfield/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

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HOUSE TO HOUSE COLLECTION ACT, 1939

HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947

Permit No. 04/2019

ASHFIELD DISTRICT COUNCIL

Being the Licensing Authority for the purpose of the above Act HEREBY GRANTS TO:

**Giving Support Ltd
Unit 24
Foxmoor Business Park
Wellington
Somerset
TA21 9RF**

Licence to promote a collection for the purpose of:

Breast Cancer Research Aid

within the following area:

The entire Ashfield District Council area

THIS LICENCE is granted for the period:

1st May 2019 – 30th April 2020 – One day per month

Signed: _____



for Service Director: Place & Communities

Licensing Team, Place & Communities, Ashfield District Council,
Council Offices, Urban Road, Kirkby-in-Ashfield, Nottingham, NG17 8DA

Tel: 01623 457589
Email: licensing@ashfield.gov.uk

Fax: 01623 457592
Web: www.ashfield.gov.uk/licensing

LICENCE NUMBER: 2019 - 2020

**HOUSE TO HOUSE COLLECTIONS ACT 1939
HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947**

**LICENCE TO PROMOTE A COLLECTION
FOR A CHARITABLE PURPOSE**

THE BASILDON BOROUGH COUNCIL

being the Licensing Authority for the purposes of the above act HEREBY

GRANT to IRINA MARTIN

of 4 Cedar Cottages, Oldwick Road, Lapworth, West Midlands

LICENCE to promote a collection for the purpose of

BREAST CANCER RESEARCH AID

within the area of The Basildon Borough

Being the whole area of the authority.

THIS LICENCE is granted for the period commencing on 1 September 2019 and ending on 30 August 2020

GRANTED this 30 day of July 2019

Signed:



(The officer for this purpose)

LICENCE No: **19/01054/CHACOL**

HOUSE TO HOUSE COLLECTIONS ACT 1939

House to House Collections Regulations 1947

LICENCE TO PROMOTE A COLLECTION

FOR A CHARITABLE PURPOSE

THE BASINGSTOKE AND DEANE BOROUGH COUNCIL, being the Licensing Authority
for the purposes of the above Act HEREBY GRANT to

**Ms Irina Martin
Giving Support Ltd
Unit 24
Foxmoor Business Park
Wellington
Somerset
TA21 9RF**

LICENCE to promote a collection for the purpose of

Breast Cancer Research Aid

Charity Number: 09326340

**Within the area of:
Borough of Basingstoke and Deane**

Being part of the area of authority

THIS LICENCE is granted for the period from

1 September 2019 to 30 August 2020

From within the Borough of Basingstoke and Deane

Dated: **31st July 2019**



Mr Tom Payne
For Head of Environmental Services

**HOUSE TO HOUSE COLLECTIONS ACT 1939
House to House Collections Regulations 1947**

**LICENCE TO PROMOTE A COLLECTION FOR A
CHARITABLE PURPOSE**

Blaby District Council being the Licensing Authority for the purposes of the above Act **HEREBY GRANT** to **Irina Martin of Giving Support Ltd – Unit 24, Foxmoor Business Park, Wellington, Somerset TA21 9RF**

On Behalf of: **Breast Cancer Research Aid**

A **LICENCE** to promote a collection of items for the purpose of **raising funds by reselling collected items to provide support for the development of breast cancer research programmes across the country.**

The collections will be held throughout **the District of Blaby.**

THIS LICENCE is granted for the following dates: **24th May 2019 and 30th April 2020** between the hours of **8am and 5pm.**



Authorised Officer

Dated 7th May 2019

LLicence No. 141

**HOUSE TO HOUSE COLLECTIONS ACT 1939
HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947**

L I C E N C E

To Promote a Collection for Charitable Purposes

The **BLAENAU GWENT COUNTY BOROUGH COUNCIL**, in pursuance of Section 2 of the House to House Collections Act 1939, as amended by the Local Government Act 1972 and subject to the House to House Collections Regulations 1947 (as amended) hereby grant to

Ms Irina Martin

of 4 Cedar Cottages, Old Warwick Road, Lapworth, West Midlands. B94 6AZ

a licence authorising him to promote a collection for charitable purposes in respect of

Breast Cancer Research Aid

on the following dates only :-

01/06/2019 to 30/05/2020 (last week of each month)

between the hours of **8 am to 5 pm** in the following area(s)

Blaenau Gwent

Date: 09 June 2019

Signed



**David Thompson
Public Protection Service Manager**

Licence Reference: 19/01199/HTH



LICENCE

IN PURSUANCE of the Council's statutory powers specified below and any other enabling legislation, the Braintree District Council, of Causeway House, Bocking End, Braintree, Essex, (hereinafter called the Council) HEREBY LICENSE the person(s) named below for the purposes specified below on the terms and conditions referred to below.

THIS LICENCE is issued subject to any right of the Council to revoke, suspend or vary this Licence on any of the grounds specified in the relevant legislation, and is also issued subject to any byelaws that may be applicable.

Purpose Licensed: House to House Collection
Act(s) of Parliament: House to House Collections Act 1939
Licensee: Ms Irina Martin
Of: Breast Cancer Research Aid
Area: Braintree District
Period of Licence: 1 October 2019 to 30 August 2020
Conditions: See attached

28th August 2019

Date of Issue

A handwritten signature in black ink, appearing to be "CJ", written over a horizontal line.

Corporate Director

HOUSE TO HOUSE COLLECTIONS ACT 1939

**BRIDGEND COUNTY BOROUGH
LICENCE TO PROMOTE A HOUSE TO HOUSE COLLECTION
FOR CHARITABLE PURPOSES**

The BRIDGEND COUNTY BOROUGH COUNCIL being the Licensing Authority for the purposes of the above Act HEREBY GRANT TO:

**GIVING SUPPORT LTD
UNIT 24 FOXMOOR BUS PARK
WELLINGTON
SOMERSET
TA21 9RF**

a LICENCE authorising a house to house collection for the purpose of:

BREAST CANCER RESEARCH AID

in the (whole)(part) of the area of the Licensing Authority known as:

BRIDGEND COUNTY BOROUGH

This LICENCE is granted for the following period:

15/04/2019 TO 30/03/2020

DATED 05 April 2019



SIGNED.....

Head of Legal and Regulatory Services

Licensing Unit,
Parker Lane
Burnley,
Lancashire,
BB11 2DT

Tel: (01282) 425011
e mail: licensing@burnley.gov.uk



House to House Collection Licence

HH0213

Organisation Name and Office Address

Breast Cancer Research Aid

Kemp House
152 City Road
London
EC1V 2NX

Promoter

Irina MARTIN

UK Export Trade Ltd 4 Cedar Cottages, Old Warwick Road Lapworth Solihull BG4 6AZ

Permit valid from **15 May 2019** to **30 Apr 2020**

Collection days and times

Description	Time From	Time To
Monday to Sunday		

IMPORTANT NOTES

- This licence is subject to the provisions of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, and any other relevant Acts.
- The possession of this document does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- This licence is not transferable without the consent of the Council.

Standard Conditions and any Special Conditions attached to this licence are attached or printed on the reverse.

Printed by LalPac on 24 Apr 2019 at 14:36

J. Swift

Joanne Swift
Head of Streetscene



Permit No. HH003

HOUSE TO HOUSE COLLECTIONS ACT 1939
HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947

L I C E N C E

To Promote a Collection for Charitable Purposes

The **CAERPHILLY COUNTY BOROUGH COUNCIL**, in pursuance of Section 2 of the House to House Collections Act 1939, as amended by the Local Government Act 1972 and subject to the House to House Collections Regulations 1947 (as amended) hereby grant to

Mrs Irina Martin

of **Giving Support Ltd, Unit 24 Fosmoor Business Park, Wellington, Somerset TA21 9RF**

a licence authorising her to promote a collection for charitable purposes in respect of

Breast Cancer Research Aid

on the **01/08/2019 to 30/07/2020** only between the hours of **0800** and **1700** in the following area(s) –

Whole Borough

Date: 12/07/2019

Signed

Authorised Officer

Note 1 The holder of this licence must be acquainted with and must conform to the provisions of the Act and Regulations there under, in particular the provisions of Section 2 (3) of the Act, which prescribes the conditions in which this Licence may be revoked.

Note 2 In order to prevent the indiscriminate printing of Forms of Collectors Prescribed Certificates of Authority and Prescribed Badges and the consequent danger of imposture, regulations made under the Act provide that Licence Holders must obtain such Forms from The Stationery Office (TSO). The Forms will be supplied only on receipt of an application accompanied by a Certificate from the Licensing Authority. A Form of certificate for use by the Holder of this Licence is attached.

Appendix F

From: Giving Support

Sent: 14 October 2019 17:53

To: Licensing <licensing@northampton.gov.uk>

Subject: Re: Notice of Determination - JUST GIVING SUPPORT - BREAST CANCER RESEARCH AID - REF EDRMS 71284 & 78901

Dear Louise

Thank you. Please let me know if I need me to send more documents. I attached copies of some licences we received for BCRA. Please find them in the attachment. I am also sending you the charity Trustees Report for 2018-19. Kind regards. Irina

On Mon, Oct 14, 2019 at 1:48 PM Licensing <licensing@northampton.gov.uk> wrote:

Good afternoon Irina, further to the correspondence below, I can confirm that we plan to present a report for consideration to the Licensing Committee meeting on the 12th November 2019.

This will include the application and updated details that we received in your application dated July 2019. Please confirm if you will be able to attend the meeting.

Kind Regards

Louise Faulkner
Licensing Team Leader
Northampton Borough Council
www.northampton.gov.uk/licensing

2019.10.08

From: Giving Support

Sent: 08 October 2019 11:14

To: Louise Faulkner <lfaulkner@northampton.gov.uk>;

Subject: Re: Notice of Determination - JUST GIVING SUPPORT - BREAST CANCER RESEARCH AID - REF EDRMS 71284 & 78901

Dear Louise

Please use our application of 17 July. We can give the charity up to 80% if your regulations require higher amount than 70%.

I planned to attend your meeting on 15 October. Unfortunately, I caught a very nasty virus on the last of my business travelling. I will send you copies of some licences (we have more than 200 at the moment) later in the week. I am very grateful for your assistance. Kind regards. Irina

On Sat, Sep 28, 2019 at 12:06 PM Louise Faulkner <lfaulkner@northampton.gov.uk> wrote:

Good morning Irina,

Further to your email correspondence below, I am just preparing a report to be presented to the Licensing Committee on the 15th October 2019, however I would just like to clarify the contents of your email which referred to an application that you submitted in August 2019.

The last application that we received from you was via [GOV.UK](https://www.gov.uk) on the 17th July 2019 and therefore if you can clarify that this was the last application that you are referring to? this application specifies that 70% will be going to the charity?

I intend to include the application dated the 17th July 2019 within my report and I shall also include the supporting documents that you submitted with the application and the additional documents that you sent via email.

Your clarification regarding the last application would be appreciated, if you are also able to kindly confirm if you will be able to attend on the 15th October 2019. In addition If you are able to send copies of any permits issued by other local authorities, this will be beneficial.

I am going on leave for the next two weeks, however my manager will be able to pick up any correspondence in my absence.

Kind Regards

Louise Faulkner
Licensing Team Leader
Northampton Borough Council
www.northampton.gov.uk/licensing

2019.09.04

From: Giving Support

Sent: 04 September 2019 20:17

To: Licensing <licensing@northampton.gov.uk>

Subject: Re: Notice of Determination - JUST GIVING SUPPORT - BREAST CANCER RESEARCH AID - REF EDRMS 71284

Dear Louise

I would be very grateful if you could present further our application for house to house collections for your colleagues determination on 10 September' meeting. We sent a new application in August 2019 that offers 75% to the charity. If you could use the new application it would be helpful. Our company started collections for Breast Cancer Research Aid in January 2017. The charity was not well known, however, we managed to fundraise £41,136.00 in 2017. We signed a new contract with the charity in December 2017 aiming at minimum £50,000 per calendar year. We fundraised £51,653.11 in 2018. I asked the charity Trustees to confirm these amounts. The total amount we fundraised in

2017 - £58,635
expenses £17,499
charity £41,136

2018 - £75,567.42
expenses - £23,920.31
charity - £51,653.11

I am sending you our company's accounts for 2017 and 2018 as requested.
Kind regards. Irina

2019.07.29

From: Giving Support
Sent: 29 July 2019 15:06
To: Licensing <licensing@northampton.gov.uk>
Subject: Re: JUST GIVING SUPPORT - BREAST CANCER RESEARCH AID - REF EDRMS 71284

Dear Louise

Thank you for clarification. However, I would be grateful if you can use our recent application. There are many aspects that have changed since 2018. Kind regards. Irina

2019.07.29

From: Louise Faulkner <lfaulkner@northampton.gov.uk>
To: 'Giving Support'
CC:
Sent: 29/07/2019 14:36:29
Subject: JUST GIVING SUPPORT - BREAST CANCER RESEARCH AID - REF EDRMS 71284

Attachments:

- (1) image001.jpg (26 B)
- (2) image002.jpg (26 B)

Good afternoon Irina, you don't need to reapply, any organisation or charity that has never been approved by this local authority will need in the first instance to be determined by the Licensing Committee. If they approve this first application, then all subsequent applications submitted for the same charity can be determined by licensing officers.

As we still have your first application pending a committee decision, you will need to see if this is approved in the first instance before submitting any further applications.

The Licensing Committee are entitled to ask for additional evidence to support your application and in this instance they are particularly keen to see the financial evidence detailing how much is being given to the charity in question.

I would assume that you have reconciliation records and an audit of the sums raised, that you can produce as evidence? You might have receipts for bank transfer showing the money that is given to the charity etc.? The committee are reliant upon this additional evidence to support the percentage detailed in your application and this will still be required regardless if the percentage has since increased.

This application is due to go before the Licensing Committee again on **10th September 2019** and therefore you can still provide the evidence requested and you could always provide an additional statement clarifying the percentage that is going to the charity.

I trust this helps to clarify, or I can always call you to explain in more detail.

Kind Regards

Louise Faulkner
Licensing Team Leader
Northampton Borough Council
www.northampton.gov.uk/licensing

2019.07.17

From: Giving Support
Sent: 17 July 2019 11:03
To: Licensing <licensing@northampton.gov.uk>; UXT British Recycling
Subject: Re: Notice of Determination - JUST GIVING SUPPORT - BREAST CANCER RESEARCH AID - REF EDRMS 71284

Dear Louise

I am looking through our application correspondence at the moment. I can see that the last application was sent on 1.2.2018 with 65% of the proceeds to the charity. We have reviewed our donations since that time and we give 75% now. I would be very grateful if you could confirm that you received our latest application in 2018. I believe that we have to re-apply before your meeting on 10 September. I look forward to your reply. Regards. Irina

2019.07.11

On Thu, Jul 11, 2019 at 5:57 PM Licensing <licensing@northampton.gov.uk> wrote:

Good afternoon Irina, further to the Licensing Committee meeting on the 9th July 2019, I can advise that the committee decided to adjourn a decision to give you the opportunity to present further details to the next Licensing Committee on the 10th September 2019.

The committee took into consideration all of the additional information that you had provided, however they still wanted clarification primarily regarding the finances as outlined in the attached notice of determination.

I trust this clarifies the position and that you will be able to provide some additional information for the next committee date.

Please let me know if you would like to discuss anything further and I can call you at a mutually convenient time.

Kind Regards

Louise Faulkner
Licensing Team Leader
Northampton Borough Council

2019.07.04

From: Giving Support

Sent: 04 July 2019 21:17

To: Licensing <licensing@northampton.gov.uk>; UXT British Recycling

Subject: Fwd: Fw: FW: House to House Application - Irina Martin -Giving Support Ltd - Breast Cancer Research Aid

Dear Louise

I would like to apologise for the delay with my reply. I appreciate your assistance with our licence application. Unfortunately, I cannot attend your licensing meeting due to my business travelling. Our help to the charities takes only a small part of the business.

I would be extremely grateful if you could pass my message to the committee. Our collectors are law abiding individuals and they never collect without a licence. My company signs an agreement with the collectors that they have to notify me one month prior a collection. I am sure that the Northampton Borough council is committed to promote equal opportunities for charities despite their size. Kind regards. Irina Martin

2019.07.02

Sent: Tuesday, July 02, 2019 at 4:18 PM

From: "Licensing" <licensing@northampton.gov.uk>

To:

Subject: FW: House to House Application - Irina Martin -Giving Support Ltd - Breast Cancer Research Aid

Further to my email dated 24th May 2019, I have tried to contact you by telephone to discuss the procedure regarding the above application, however unfortunately the landline is engaged and the mobile number is going to voicemail and I have left you a message.

As you did not respond to my email dated 24th May 2019, the above application will now be presented to a Licensing Committee for consideration at the date and time detailed below.

The agenda for Taxi & General Licensing Committee, Tuesday, 9 July 2019, 6:00 pm has just been published.

To see the publicly available information, follow the link: [Agenda details on public web site](#)

It would be beneficial if the applicant or a representative can attend to answer any questions that the Licensing Committee may have with regards to your application and therefore if you would kindly confirm asap if you are able to attend, this would be greatly appreciated.

Please let me know if you would like any matters clarified before the meeting.

Kind Regards

Louise Faulkner
Licensing Team Leader
Northampton Borough Council

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Agenda Item 8

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