

<b>Case D 270317</b>	<b>Determination of House to House Collection</b>
<b>Applicant:</b>	<b>Samir Gharbaoui (SOS Clothes Ltd)</b>
<b>Charitable Cause:</b>	<b>Tree of Hope</b>

## 1. Summary

This report concerns an application made for proposed House to House collection Promoters permits in or about the Borough of Rotherham. The application has been made in accordance with the House to House Collections Act 1939.

Where a person who is promoting, or proposes to promote, a collection in any locality for a charitable purpose makes an application to the authority for the area in the prescribed manner specifying the purpose of the collection and the locality within which the collection is to be made, and furnishes them with the prescribed information, the authority shall, subject to the provisions of the act, grant to them a licence authorising them to “promote” a collection within that locality for that purpose.

“Promoter” means, in relation to a collection, a person who causes others to act as collectors for the purposes of the collection.

## 1. Recommendations

- That the Sub-Committee informs the Business Regulation Manager of the decision.

## 3. Proposals and Details

The following application for a promoters permit has been received by the Licensing Office for consideration of a House to House collection:-

Charity / Charitable Purpose:	<u>Tree of Hope (Registered Charity 1149254)</u>
Permit Applicant:	Samir Gharbaoui
Collections Made By:	SOS Clothes Ltd
Permit Collection Area:	Whole of Borough
Collection Dates/times:	Variable within the 12 month period following the grant of the permit.
Further Information:	See Appendix 1 to this report.
Charity Operations Area:	Nationwide
Charitable Objectives:	As defined on the application are: To offer hope to the families of sick children in the UK who need specialist medical surgery, treatment, therapy or equipment.

Charitable Benefit for Rotherham: As defined by the applicants in the application or with supporting documentation: Tree of Hope Charity helps families all around the UK, including Rotherham.

Should the permit(s) be granted at the hearing any permit would only run from the date the Sub-Committee approves the application until the requested expiry date unless otherwise granted by the Sub-Committee.

If the dates requested by the applicant have passed then alternatives dates can be offered for the time period requested e.g. one week / one month etc.

A copy of the original application paperwork is attached as Appendix 1.

A Charity Commission search and report is also attached as Appendix 2.

## **8. Finance**

Permits for House to House collections in or about the Borough of Rotherham are provided free of charge to applicants (there is no statutory provision for charging). Any relating enforcement and other matters of application processing are financed through the authority's normal budgeting methods.

## **9. Risks and Uncertainties**

Failure to fully consider each application could lead to inappropriate collections being made within the Borough.

When a licensing authority refuse to grant a licence (or revoke a licence) which has been granted, they shall forthwith give written notice to the applicant or holder of the licence stating upon which one or more of the grounds set out in House to House Collections Act 1939 Section 2 sub section 3 (copied below in italics ) the licence has been refused (or revoked) and informing him of the right of appeal given by this section, and the applicant or holder of the licence may thereupon appeal to the Secretary of State against the refusal or revocation of the licence as the case may be and the decision of the Secretary of State shall be final. The time within which any such appeal may be brought shall be fourteen days from the date on which notice is given.

A licensing authority 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 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 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 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 persons so authorised; or
- 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 foregoing paragraphs.

## **10. Policy and Performance Agenda Implications**

The granting of House to House permits is consistent with the Corporate Plan and community strategy as it ensures the deliver under the themes of a Safer and Fairer Rotherham; also ensuring that the Council continues to maintain its statutory functions and undertakes appropriate enforcement to support the delivery of safe communities in Rotherham.

## **11. Background Papers and Consultation**

**Contact Name:** Alan Pogorzelec , Business Regulation Manager, tel (2)54955,  
*alan.pogorzelec@rotherham.gov.uk*