

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 28 JULY 2008

SUBMITTED TO THE COUNCIL – 21 OCTOBER 2008

(To be read in conjunction with the Agenda for the Meeting)

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| * Cllr Mrs G M Beel (Chairman) | * Cllr N P Holder |
| * Cllr R A Knowles (Vice-Chairman) | * Cllr J P Hubble |
| * Cllr M W Byham | * Cllr Mrs C A King |
| * Cllr Mrs E Cable | * Cllr P B Isherwood |
| Cllr V Duckett | * Cllr B J Morgan |
| * Cllr R D Frost | * Cllr J M Savage |

*Present

13. MINUTES (Agenda Item 1)

The Minutes of the Meeting held on 2 June 2008 were confirmed and signed.

14. APOLOGIES FOR ABSENCE (Agenda Item 2)

An apology for absence was received from Councillor V Duckett.

15. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this item.

PART I – RECOMMENDATIONS TO COUNCIL

There are no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers (CEx)

The background papers relating to the following items in Parts II and III are as specified in the Agenda for the meeting of the Licensing and Regulatory Committee.

PART II – Matters reported in detail for the information of the Council

16. HOUSE TO HOUSE COLLECTIONS - DIRECT DEBIT COLLECTION REQUEST (Agenda Item 6; Appendix B)

- 16.1 The Committee considered a request received by Home Fundraising, for house-to-house collection permits to organise direct debit collections normally on behalf of major charities.

16.2 The Committee was very concerned about collectors visiting homes of vulnerable and elderly persons in the borough, and the difficulty in ensuring that there would be secure measures in place to avoid identity theft and fraudulent use of the information supplied.

16.3 The Committee was strongly opposed to the application and, with reference to the House-to-House Collections Act 1939, agreed that the application should be refused for the following reason:-

1. the applicant has neglected to furnish the local authority with such information as it reasonably requires to inform itself as to the following matters:-
 - a. in view of the fact that the application was received from an organisation which would be expected to collect a fee for its work (undeclared), whether the total amount applied to charitable purposes was adequate in proportion to the value of the proceeds likely to be received;
 - b. whether remuneration retained from the proceeds of the collection will be excessive in relation to the amount collected;
 - c. whether the applicant has exercised due diligence to ensure that collectors acting for him or her would be fit and proper persons, or to ensure that regulations (such as wearing authorisation badges) would be complied with, or to ensure that authorisations would not be misappropriated; and
 - d. whether the applicant is a fit and proper person to hold a licence (principally because of a conviction for one or more specified offences such as fraud or dishonesty).

RESOLVED that the application for a house-to-house collection permit for Home Fundraising be refused, for the reason set out in paragraph 16.3.

Background Papers (CEX)

Letter, application and attachments from Home Fundraising received 16 June 2008.

PART III – Brief Summaries of other matters dealt with

17. REQUEST FOR REVIEW OF LICENSING POLICY - VEHICLE AGE POLICY (Agenda Item 5; Appendix A)

The Committee considered a request made by a private hire licensee that the vehicle age policy should be reconsidered. The policy had been set by the Council in July 2007 and the Committee had recently undertaken a request to change the policy at its last meeting in June which was declined.

RESOLVED that the original Vehicle Age Policy, as set by the Council in July 2007 and amended in October 2007, be re-affirmed.

18. MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

RESOLVED that the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 2 June 2008 be noted.

19. MINUTES OF THE MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE A

RESOLVED that the minutes of the meeting of the Licensing Act 2003 Sub-Committee A held on 2 June 2008 be noted.

There being no matters needing to be dealt with in exempt session, the Chairman declared the meeting closed.

20. EXCLUSION OF PRESS AND PUBLIC (Agenda Item 9)

At 7.54 p.m. it was

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the following paragraphs of Part I of Schedule 12A to the Local Government Act 1972, namely:-

Minute 21

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3);

Minute 22

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (paragraph 7).

21. RECOVERY OF COSTS - FARNCOMBE PROGRESSIVE CLUB (Agenda Item 10; (Exempt) Appendix E)

RESOLVED that reasonable cost effective steps should be taken to pursue recovery of these costs further and that the Deputy Chief Executive be authorised to terminate recovery action after a county court judgement has been obtained, if appropriate.

22. ACTION TAKEN SINCE LAST MEETING (Agenda Item 11 (Exempt)
Appendix F)

The action taken since the last meeting was noted.

The meeting commenced at 7.00 p.m. and concluded at 8.20 p.m.

Chairman