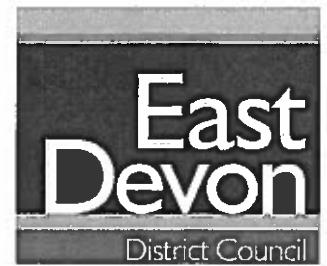


Date: 7 December 2009
Contact number: (01395) 517544
E-mail: clane@eastdevon.gov.uk
Our Reference: Chris Lane
Your Reference: -



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551
Fax: 01395 517507
www.eastdevon.gov.uk

To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: David Atkins, Graham Godbeer, Steve Hall)
Remaining members of the Licensing and Enforcement Committee
for information)

Head of Legal, Licensing & Democratic Services
Senior Licensing Officer

Dear Sir/Madam

Licensing & Enforcement Sub-Committee, Tuesday 15 December 2009 at 9.30am

The Licensing & Enforcement Sub Committee meeting will take place in the Council Chamber, Knowle, Sidmouth, to consider the matters detailed on this agenda.

Yours faithfully

MARK WILLIAMS

Chief Executive

Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

A G E N D A

- | | Page/s |
|--|--------|
| 1. To confirm the minutes of the meeting of the Licensing and Enforcement Sub Committee held on 20 October 2009. | 4 – 5 |
| 2. To receive any apologies for absence from Members of the Sub Committee. | |
| 3. To receive any declarations of interests relating to items on the agenda. | |
| 4. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances. | |

(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).

PART A

MATTERS FOR DECISION

Pages

5. To agree any items to be dealt with after the public (including the press) have been excluded. (Items which the Officers recommend should be dealt with in this way are shown under Part B of the agenda).

PART A

MATTERS FOR DECISION

6. House to house collection application Intersecond/Do not delay (Breast cancer prevention programme) Licensing Officer 6 - 28
7. The Vice Chairman of the Sub Committee to move the following:- 28
- “that under Section 100(A) (4)of the Local Government Act 1972, the public (including the press) be excluded from the meeting as exempt information of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

PART B

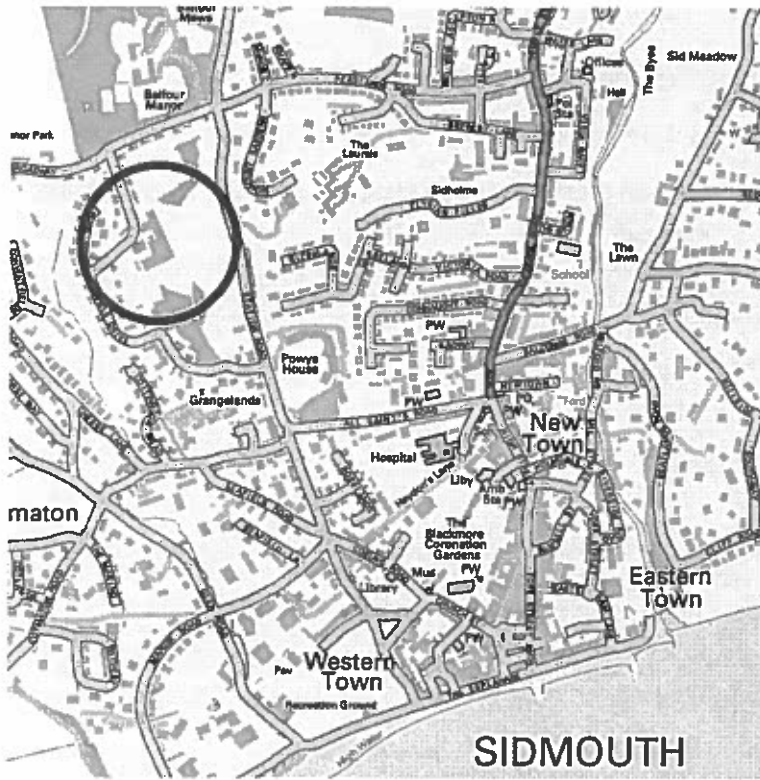
MATTERS FOR DECISION – EXEMPT INFORMATION

8. Hackney Carriage Drivers Licences Para 3, Schedule 12A Information relating to the financial or business affairs of any particular person. Licensing Officer 29 - 44

Members Remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Poppleford – 157

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).
From Exeter – 52A, 52B
From Honiton – 52B
From Seaton – 52A
From Ottery St Mary – 379, 387

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Tuesday 20 October 2009

- Present:** Councillors:
Graham Godbeer (Chairman)
Chris Gibbings
Ken Potter
- Officers:** Neil McDonald – Assistant Licensing Officer
Giles Salter – Assistant Solicitor
Chris Lane - Democratic Services Officer
- Also Present:** Councillors:
David Atkins
Marion Olive
- Apologies** Councillor:
Steve Hall

The meeting started at 9.30am and finished at 10.30am.

***13 Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee held on 6 October 2009 were confirmed and signed as a true record.

***14 Application to grant a Premises License under the Licensing Act 2003 at Tesco Express, 4 – 6 Rolle Street, Exmouth**

The Sub Committee gave consideration to the application for the grant of a Premises Licence under the Licensing Act 2003 to permit the sale of alcohol for consumption off the premises at Tesco Express, 4 – 6 Rolle Street, Exmouth.

The Chairman identified members of the Sub Committee, Officers and applicants. There were no interested parties present. The applicant was Mr Nigel Smith, Operations Manager for Tesco represented by Mr Greg Bayliss, Solicitor.

The applicant's case was that the applicant was a national retail chain with high standards of management for the sale of alcohol. The Sub Committee was pointed to the 'Think 25' policy as set out in the application.

The interested parties' case was on paper, that Tesco had an irresponsible attitude towards the promotion of cheap alcohol and they were unable to control the sales of alcohol. The town had suffered with the problem of underage drinking and the introduction of a business selling alcohol from 6.00am to 11.00pm would be of no benefit to the town. Exmouth had an adequate number of shops, pubs and clubs.

The applicant was questioned on the 'Think 25' policy, the number of staff that would be on duty at specific times, and issues which might arise from staff being threatened where an alcohol sale was refused.

*14

Application to grant a Premises License under the Licensing Act 2003 at Tesco Express, 4 – 6 Rolle Street, Exmouth (Cont)

Members considered the relevant representations that the applicant had made and the written representations of the interested party and other documentation put before the Sub Committee. They also considered the particular locality of the premises in a town centre and its physical relationship with other commercial properties in the vicinity. The Sub Committee did not accept that there was evidence of a significant risk to crime and disorder or risk to children arising from the proposed operation of the premises.

It was considered relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, which were crime and disorder and the protection of children from harm. From this Members concluded that the police did not consider that there was currently any significant problem associated with the proposed operation of the premises, or that there was likely to be if the application was granted.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. The Committee also took into account Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 in making its decision.

All parties were reminded of the closure and review powers which the Government introduced once the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

RESOLVED 1) that the Premises Licence be granted with the following conditions:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
 - (b) Permitted hours for the various licensable activities will be as set out in Appendix A.
- 2) that the conditions will now be as shown as in Appendix E, with items to be renumbered, items 14 and 15 to follow after item 4, new item 7 to read 'In addition to local training the licence holder must employ a national alcohol compliance licensing manager'.
- 3) that the Designated Premises Supervisor will be:
Greg Bartley, 39 Offley Road, Hitchin, Herts, SG5 2BB.

Chairman Date

Agenda Item 6

Licensing and Enforcement Sub Committee

15 December 2009

Report Reference



House to House Collection Application Intersecond/Do Not Delay (Breast Cancer Prevention Programme)

Summary

A house to house collection application has been made by Raimondas Biguzas of Intersecond Ltd on behalf of Do Not Delay, a cancer prevention programme registered in Lithuania. The application is for the collection to take place over the whole of the District. This report outlines the application, documents supplied and relevant legislation in order that an informed decision can be made as to whether it will be granted or refused.

Recommendation

That the house to house application by Raimondas Biguzas on behalf of Intersecond is considered and either granted or refused taking into consideration the House To House Collections Act 1939 and House to House Collections Regulations 1947 which is the relevant legislation applicable to this type of collection

a) Reasons for Recommendation

To ensure that house to house collections in the East Devon area are carried out properly and in compliance with the relevant law.

b) Alternative Options

That the house to house collection application is granted or refused

c) Risk Considerations

d) Policy and Budgetary Considerations

e) Date for Review of Decision

1. Main Body of the Report

1.1 The House-to-House Collections Act 1939 together with the House-to-House Collections Regulations 1947 as amended are the appropriate legislation covering the type of charitable collection for which permission is sought.

1.2 The legislation referred to in the previous paragraph prohibits the making of house to house collections except under a licence issued by the licensing authority of the area in which the collection is to take place. (Sec 2(3) There is also power vested in the Secretary of State to

grant orders for exemptions for house to house collections in respect of a substantial part of the country. No order has been issued in respect of this applicant. No guidance is issued as to what is a "substantial part of England".

- 1.3 The collection must be for a charitable purpose. For the purposes of the Act "charitable purpose" means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law.
- 1.4 The person promoting or proposing to promote a collection must apply to the Council for a licence. The licence can be granted for up to twelve months. However, if the Council thinks it would make life easier to have all house-to-house collection licences expiring together in the case of annual collections, or collections that take place over longer period, the Authority can grant a licence for a period shorter than twelve months or for a period of up to eighteen months.
- 1.5 Section 2(3) of the House to House Collections Act 1939 provides the Council with the ability to refuse to grant a licence or revoke it if it appears:
 1. The amount to be applied to charitable purposes is inadequate in proportion to the total likely to be collected;
 2. In relation to the total amount collected an excessive remuneration is likely to be paid to a person or persons;
 3. The grant of a licence will be likely to facilitate an offence under Section 3 of the Vagrancy Act 1924, i.e. begging;
 4. The person applying for a licence is not fit and proper because they have been convicted of offences of assault, robbery, blackmail, burglary, offences under Section 5 of the Police Factories, etc., (Miscellaneous Provisions) Act 1916 and certain offences in Scotland;
 5. The fact that the person applying for a licence or the holder of a licence has failed to exercise due diligence to ensure that all collectors were fit and proper people or failed to ensure that collectors complied with the provisions or regulations made under the Act, or failed to stop badges and certificates being obtained by unauthorised individuals;
 6. The applicant or holder of a licence has not given the Council such information as the authority reasonably required for the purpose of informing themselves of any other matters referred to in paragraphs 1 to 5.
- 1.6 A House to House collection application was made by Intersecond for dates in 2009 but was returned for more information to be provided by the applicant
- 1.7 On 30 November 2009 East Devon District Council received a revised application for a House to House collection (**Appendix A**) from a firm called Intersecond Ltd who operate from Unit 12 Clipper Park Industrial Estate, Thurrock Park Way Tilbury. The application was from a Raimondas Biguzas, to collect for "Do not delay"/"Azzara" a breast prevention programme which operates as a Public Institution Company number 124013046 in Vilnius Lithuania. The proceeds of the collections going to the **Do Not Delay** charity in Lithuania.
- 1.8 The collection dates are for various dates in 2010 commencing 11 to 15 January 2010 and is made by way of bags and leaflets being left on house doorways on a given day in the area. These are collected at a later date. The clothes are then sold or re cycled for money.
- 1.9 The company produced a copy of the agreement between themselves and Do Not delay/Azzara (**Appendix B**). Amongst other contractual obligations in the document the company Intersecond agree to pay Do Not Delay at least £3000 a month, every month during the validity of the contract.
- 1.10 They also produced an extract from a banking group called Nordea (**Appendix C**) showing that on 30 July 2009 a payment had been

made to Azzara for £3000. Research on the internet shows Nordea as a Nordic bank with a claimed 10 million customers and 1,400 branch offices.

- 1.11 A request was made by the Licensing Office for further details of how much was donated to the charity and an invoice collection summary was supplied by Intersecond (Appendix D) indicating that during the period 1 April 2008 – 31 March 2009 a total income of **£108,668.98** was collected with total expenses for collections shown as **£94,668.69**. This document also shows a charitable donation of **£12,600**. The collection summary needs to be read in full to obtain the overall picture.
- 1.12 It is not clear from the accounts extract whether the amounts collected are from local or national collections, or if the amount used for expenses, for example the **£60,867.20** (for the cost of bags) relate to national or local collections.
- 1.13 It is also appears that there is only a minimum guarantee of £3,000 per month to the Do Not Delay breast cancer prevention programme and therefore any amount can be earned by the company as long as the minimum donation is made to the programme. In an email (Appendix F) the applicant makes the point that the total income received from sales should not be regarded as the profit the company makes. The email explains that the profit the company makes is the total income minus the company's expenses. The company then donate 90% of their profit to charity. However company's expenses appear excessively high in comparison to the amount of profit shown by the company. For example in (Appendix D) the total income is shown as £108,668.97 but the expenses just for the supply of bags totals £60,867.20. Appendix D was forwarded to the Council with a letter (Appendix G) dated the 16 November. This letter attempts to further explain the company's manner of operation and tries to explain the reasons for the high company costs. This letter appears to blame high staff costs however Appendix D shows that the cost of bags is approximately 3 times the staff costs for the three months that the account sheet purports to cover.
- 1.14 Whilst preparing this report it has not been possible to find any guidance on the amount that has to be paid to the charity. Nor it appears is there any case law that is able to provide assistance. Therefore it is a matter for the Sub Committee's judgement to decide if the amount to be applied to charitable purposes is adequate or inadequate in proportion to the total likely to be collected.
- 1.15 Intersecond has also produced documentation to suggest that they have joined the Institute of Fundraising (Appendix E). The Institute has produced a code of practice to explain the mandatory requirements and advise on best practice. It is intended to address fundraising activity throughout the UK but this membership does not cover the company "Do Not Delay/Azzara. This company is from Lithuania, and does not appear to be registered with the Institute of Fundraising. Additionally the Institute appears only to be an advisory body with no regulatory powers.
- 1.16 A letter dated 25 November 2009 was received with the house to house application form stating that there were no more documents (including financial) that the company could send in support of its application. (Appendix H). As explained later in this report this was incorrect as further documentation has since be supplied.
- 1.17 On 1 December 2009 the Council again corresponded with the company to try to obtain a clearer picture of the company's accounts. An email was received in reply from them (Appendix K). Accompanying the email was the following documents:
- (i) statements of accounts from the Nordea Banking group making payments to Azzara in April 2009 for £3000.00 (Appendix L)
 - (ii) a payment to Azzara on 1 June 2009 for £3000.00 (Appendix M)
 - (iii) a repeat of a previous Nordea bank payment of £3216.18 to Azzara on 30 July 2009 (Appendix N)

The correspondence also stated that the initial contract with the Do Not Delay/Azzara scheme started in 2007 and the minimum payment has gradually increased, and as from September 2009 the payment will be £5000.00 a month.

1.18 All efforts to raise money for charity and good causes are obviously to be applauded, but they must be conducted in a manner complying with the legal frame work, in this case the House to House Act 1939 governs the house to house collections procedure. There are three areas of concern in relation to this application:

- (a) The amount to be applied to charitable purposes is thought to be inadequate in proportion to the total likely to be collected.
- (b) In relation to the total amount collected an excessive remuneration is likely to be paid to an individual.
- (c) The applicant or holder of a licence has not given the Council such information as the authority reasonably required for the purpose of informing themselves of any other matters as listed in paragraphs 1.5 items 1 - 6 above.

The company only guarantee £3000.00 (or £5000.00 as from September 2009) per month to the charity and therefore can receive any amount of money from the collection/sale of clothes, and from the limited accounts they have shown (bank statements for April June and July 2009) it appears that this is the amount that they pay to the Charity in Lithuania, but the earning potential has no ceiling, with the only obligation to pay at least £3000.00 to the charity (£5000.00 from September 2009)

This also could mean that (b) above is breached as there appears to be no top limit to the amount potentially to be collected.

In relation to (c) above the company has only produced limited bank statements as mentioned above, and a spread sheet from the Intersecond company from 1.4.09 to 31.3.09 which is only an extract. None of these statements or accounts have been certified.

1.19 There has been some research into this company by the licensing office and it appears that some authorities have issued licences whilst others have refused applications. Enquiries so far have revealed 2 authorities who have refused a licence to this company. They are:

- (a) South Somerset District Council refused at officer level without a committee hearing as the charity did not benefit local residents.
- (b) East Northamptonshire Council as there was not enough information supplied in relation to the collections.

1.20 Should the applicant be dissatisfied with the outcome of the hearing they may appeal the decision to the Secretary of State at the Home Office. They will have 14 days to do this from the date they receive the notice of the Sub Committee's decision. The decision of the Secretary of State is final with no further avenue of appeal. Should the Sub Committee be minded they can refuse this application on any of the grounds listed in **Para 1.5 items 1- 6**. If this course of action is followed the Sub Committee must give its reasons in writing along with details of the right to appeal.

1.21 Again on 1 December 2009. After a further request for information, 3 extracts from the Nordea Bank group were sent, **Appendix O, P and Q** showing that the company had paid £5000.00 to Azzura for the period September to November 2009, an accompanying e mail **Appendix R** stated that everything had been sent to us and that they had 33 licences obtained so far, and that "a quarter of the documents that you received were always enough for a Council to make a decision." The figures in relation to how many licences have been issued by other Authorities, has not been verified, it is not known how much information has been supplied to other authorities before a decision has been made as to the granting of a licence. it appears that there is not as much information supplied to other Authorities as East Devon has requested, before a decision is made.

- 1.21 Should any more information be provided by Intersecond then it will be made available on the date of the committee meeting.
-

Legal Implications

The legal implications are as outlined in the report.

Financial Implications

There is no licence fee charged for House to House Collections, therefore no income implications. There are also no identified costs involved if the applicant goes to appeal.

Background Papers

- House to House application Raimondas Biguzas on behalf of Intersecond/Do Not Delay - **Appendix A**
- Agreement copy between Intersecond and Do Not Delay - **Appendix B**
- Nordea banking group extract dated 30/7/09 **Appendix C**
- Collection Summary by Intersecond 01/04/2008 to 31/03/2009 - **Appendix D**
- Proof of membership by Intersecond of the Institute of Fundraising. - **Appendix E**
- Correspondence from Intersecond dated 19 November 2009 - **Appendix F**
- Correspondence from Intersecond dated 16 November 2009 - **Appendix G**
- Correspondence from Intersecond dated 25 November 2009 - **Appendix H**
- Correspondence to Intersecond dated 1 December 2009 - **Appendix J**
- Correspondence from Intersecond dated 1 December 2009 - **Appendix K**
- Bank statement from Nordea Bank dated 27/4/2009 - **Appendix L**
- Bank statement from Nordea Bank dated 1/6/2009 - **Appendix M**
- Bank statement from Nordea Bank dated 30/7/2009 - **Appendix N**
- Bank statement from Nordea Bank dated 29/9/2009 **Appendix O**
- Bank statement from Nordea Bank dated 3/11/2009 **Appendix P**
- Bank statement from Nordea Bank dated 30/11/2009 **Appendix Q**
- Correspondence from Intersecond dated 1/12/2009 **Appendix R**

Douglas Jackson Ext. 2611
Licensing Officer

Licensing and Enforcement Sub Committee
15 December 2009



LICENSING AUTHORITY
RECEIVED
 30 NOV 2009

ACCEPT	REJECT	REF

Application for a Licence

To (name of Licensing Authority)

In pursuance of Section 2 of the House to House Collections Act 1939, I hereby apply for a licence allowing me to promote the collection, of which particulars are given below.

Dated 24.11.2009 19..... Signed.....

PARTICULARS OF COLLECTION

<p>1. Surname of applicant (in block letters) Other names</p>	<p>1. <u>BIGUZAS</u> <u>RAIMONDAS, INTERSECOND LTD</u></p>
<p>2. Address of applicant</p>	<p>2. <u>UNIT 12 CRIPPER PARK IND. EST.</u> <u>THURROCK PARK WAY, TILBURY, RM187HO</u></p>
<p>3. Particulars of charitable purposes to which proceeds of collection are to be applied (Full particulars should be given and, where possible, the most recent account of any charity which is to benefit should be enclosed.)</p>	<p>3. <u>"DO NOT DELAY" BREAST</u> <u>CANCER PREVENTION PROGRAMME</u></p>
<p>4. Over what parts of the area is it proposed that the collection should extend?</p>	<p>4. <u>ALL COUNCIL AREAS</u></p>
<p>5. During what period of the year is it proposed that the collection should be made?</p>	<p>5. <u>11-15.01.10 17-21.05.10 20-24.09.10</u> <u>15-19.03.10 19-23.07.10 22-26.11.10</u></p>
<p>6. Is it proposed to collect money?</p>	<p>6. <u>NO</u></p>
<p>7. Is it proposed to collect other property? If so, of what nature? and is it proposed to sell such property or to give it away or to use it?</p>	<p>7. <u>YES, SECOND HAND CLOTHES</u> <u>COLLECTIONS ONLY</u> <u>ITEMS ARE TO BE SOLD</u></p>
<p>8. Approximately how many persons is it proposed to authorise to act as collectors in the area of the authority to which the application is addressed?</p>	<p>8. <u>3 PEOPLE (1 DRIVER + 2 COLLECTORS)</u></p>
<p>9. Is it proposed that remuneration should be paid out of the proceeds of the collection— (a) to collectors? (b) to other persons? If so, at what rates and to what classes of persons?</p>	<p>9. (a) <u>PART TIME MINIMUM, £476.00/MONTH</u> (b) <u>N/A</u></p>
<p>10. Is application being made for licences for collections for the same purpose in other areas? If so, to what authorities? And, approximately, how many persons in all is it proposed to authorise to act as collectors?</p>	<p>10. <u>NOT AT THE PRESENT, APPLIED TO</u> <u>EXETER CC, MID DEVON DC, SOUTH HAMS DC,</u> <u>TEIGNBRIDGE DC AND TORRIDGE DC</u></p>
<p>11. Has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused a licence or order under the Act, or had a licence or order revoked? If so, give particulars.</p>	<p>11. <u>EAST NORTHAMPTONSHIRE COUNCIL REFUSED ON 3.1</u> <u>AS DUE TO THE SHORTAGE OF OFFICE STAFF, WE W</u> <u>UNABLE TO PROVIDE THE ADDITIONAL INFORMATI</u> <u>REQUESTED BY THE COUNCIL BEFORE THE DEADLINE</u></p>
<p>12. Is it proposed to promote this collection in conjunction with a street collection? If so, is it desired that the accounts of this collection should be combined wholly or in part with the account of the street collection?</p>	<p>12. <u>NO</u></p>
<p>13. If the collection is for a War Charity, state if such charity has been registered or exempted from registration under the War Charities Act, 1940, and give name of registration authority and date of registration or exemption.</p>	<p>13. <u>N/A</u></p>

COOPERATION AGREEMENT

Vilnius

14 April 2009

Intersecond Ltd., company number 05713257, registered office at Unit 12, Clipper Park, Thurrock Park Way, Tilbury, Essex. RM18 7HG, United Kingdom, represented by the Director Raimondas Biguzas, hereinafter referred to as "Intersecond" and Public Institution "Azzara", company code 124013046, address Užupio str. 30, LT-2007 Vilnius, Lithuania, represented by Director Agnė Zuokienė, hereinafter referred to as "Azzara", hereinafter jointly referred to as the "Parties". whereas each separately as the "Party" concluded the following agreement:

1. With this agreement the parties agree to cooperate in promoting the project under implementation "Do not delay! (In Lithuania Nedelsk!)" (hereinafter – the Project) in the United Kingdom and encourage the residents to donate used clothing to support the Project.
2. Intersecond undertakes to manufacture and distribute advertising announcements in the United Kingdom (specific distribution locations will be selected at the discretion of Intersecond), the plastic bags in sealed plastic envelopes containing a brief introduction of the Project and encouragement for the residents to donate used clothing to support the Project. Intersecond will also undertake the collection of the donated clothing.
3. The Parties hereby agree that all clothing collected from the residents while implementing this agreement shall remain with Intersecond for their further sale, whereas Intersecond undertakes to pay at least 3000 (three thousand) GBP a month every month during the validity period of the Agreement irrespective of the quantity of clothing collected. The funds will be used by Azzara to fund the Project. This sum covers all Government and local authority taxes and any other expenses incurred by Azzara concerning implementing this Contract. Intersecond is not liable for any other costs.
4. Azzara grants Intersecond an exclusive right to announce information for the purpose of this Agreement in the manner set forth in this document and during the validity period

of the Agreement in the entire United Kingdom using trademark of "Nedelsk!" (in English "Do not delay!") which belongs to Azzara and use the name of the legal person in the printed materials. "Azzara" undertakes to furnish Intersecond with all information and documents necessary for implementing the Project.

5. All disputes and disagreements arising from this Agreement or associated with it shall be solved by agreement between the parties, whereas in case of failure to reach a settlement, in the manner set forth by the laws.

6. This Agreement shall come into effect from the moment of signing and shall be valid for 1 (one) year. This Agreement may be terminated by agreement of the parties or in other cases prescribed by the laws. If this agreement is not terminated by written agreement between the parties or in other cases prescribed by the laws, it shall be automatically renewed for 1 (one) year.

7. This Agreement was drawn up in two copies in Lithuanian and English languages of equal legal power, one copy for each of the parties.

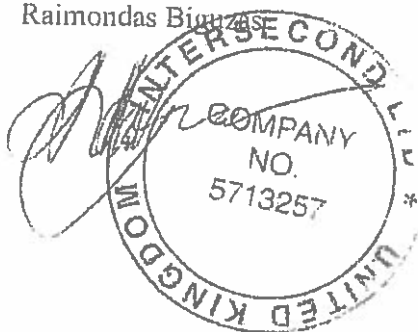
8. Signatures and requisites of representatives of the parties:

Intersecond Ltd.
Company number 05713257
Unit 12, Clipper Park,
Thurrock Park Way,
Tilbury, Essex. RM18 7 HG
United Kingdom

Public Institution "Azzara"
Company number 124013046
Užupio str. 30, LT-2007 Vilnius
Lithuania

Director

Raimondas Biunz



Director

Agnė Zuokienė





Account selection

Account:

LT822140030000411585 (3.206,02+ GBP)

Short statement of account LT822140030000411585 INTERSECOND LTD

SWIFT / BIC: NORDEALT2X

Start date: 30.07.2009

End date: 30.07.2009

Transactions to include: All transactions

Booking Date Value Date	Payment No	Debit	Credit	Beneficiary/Payer	Details	Account balance
					GBP 30.07.2009 Opening balance	6,253.60+
30.07.2009 30.07.2009		27.26-		NORDEA BANK FINLAND PLC LIETUVOS SK	Int. Outgoing Payment Fee	6,226.34+
30.07.2009 30.07.2009		3,000.00-		AZZARA VSI	Int. Outgoing Payment GBVILT2X GBP->GBP 3000.00 01.0000000 ACCORDING COOPERATION AGREEMENT 01 10 2007	3,226.34+
30.07.2009 30.07.2009		10.16-		NORDEA BANK FINLAND PLC LIETUVOS SK	Internal Transfer DB UZS.BANKO MOK.GBP22.67 UZ TARPT.PAV30.07.2009 3000.GBP MINUS LTL50	3,216.18+
30.07.2009 30.07.2009		10.16-		NORDEA BANK FINLAND PLC LIETUVOS SK	Internal Transfer DB UZS.BANKO MOK.GBP22.67 UZ TARPT.PAV30.07.2009 600.GBP MINUS LTL50	3,206.02+
					Credit turnover	0.00+ GBP
					Debit turnover	3,047.68-
					30.07.2009 Closing balance	3,206.02+ GBP

<< Previous Next >>

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Collection summary (Do Not Delay) project) by Intersecond LTD: 01.04.2008 - 31.03.2009

Extracted from the Full Accounts of Intersecond LTD for period 1 April 2008 to 31 March 2009

5	Total income from collections	108,668.97
6	Total expenses for collections	94,668.69
	Total profit from collections	14,000.28
61182	Donation for Do Not Delay!	12,600.00
	Profit after donation	1,400.28
6000 , 6001, 6002	Cost of bags	60,867.20
61101	Fuel expenses	6,536.71
61105	Communication expenses	143.98
61106	Accounting services expenses	1,982.30
61110	Rent expenses	2,139.72
61112	Inventory at low cost expenses	49.10
6113	Insurance expenses	1,587.22
6114	Salaries and Wages	19,770.24
6115	Depreciation	1,193.47
6118	Other general expenses	398.75
	Total	94,668.69



This is to certify that

Intersecond Ltd

has gained

CORPORATE MEMBERSHIP
of the Institute of Fundraising

Renewal date

Membership number

05.Oct.2010

C19131

Director of Membership

Lindsay Boswell

Chief Executive

This certificate remains the property of the Institute of Fundraising. Registered Charity No. 1079573
www.institute-of-fundraising.org.uk

Douglas Jackson

From: Yevgeniya Haughey [yevgeniya@intersecond.com]
Sent: 19 November 2009 13:17
To: Douglas Jackson
Subject: RE: House to House license

Dear Mr Jackson,

Thank you for your emails.

I will make sure the application is filled in and sent to you as soon as possible. The reason why it took us so long to reply your queries is that we do not have enough of office staff employed to cover all points fast and efficiently. However, I will deal with your queries as promptly as I can.

- The accounts in respect of the Do Not Delay! (as requested) are extracted from the full accounts of the company because Intersecond LTD runs few activities types (collections, clothes wholesales, buy to sell). So, the full accounts would reflect the full financial returns of the company, not the Do Not Delay! part only. However, please let me know if you need the abbreviated accounts of the company, I will send them over. The extracted accounts in respect of the Do Not Delay! can be certified by the Director only. Please let me know if you need it done as well.
- Regarding your comments about the percentage, there are two amounts involved: the income and the profit. The total income received from sales does not reflect the money received by the company as this is the amount before the expenses. The profit is what company receives after the expenses for collections and as you can see, we give 90% of it to the charity. As you may know the house to house collection of goods (different from monetary donations) is one of the most ineffective ways of fundraising as there are a lot of expenses involved. So, if we was to give a percentage of the total amount before expenses to a charity, then the expenses would need to be paid by someone else (who?): the charity itself which would be the same or a generous sponsor which we don't have, neither does the charity that we fundraise for. Indeed, as every business at the current economical climate we are trying to cut down the expenses and we hope to see some results at the end of this financial year.
- Also please be advised that the Do Not Delay! Project receives the guaranteed financial support every month, does not depend on our performance and can plan the activity accordingly. These are all positive aspects for the charity. And we work this way because we don't just work, we care.

Please feel free to contact me if you require any additional information.

Kind regards

Yevgeniya Haughey
 Office Administrator

From: Douglas Jackson [mailto:DJackson@eastdevon.gov.uk]
Sent: 19 November 2009 08:33
To: Yevgeniya Haughey
Subject: RE: House to House license

I have sent out yesterday a new application form, for the House to House application to the address in Clipper Park Tilbury

Please fill it in fully as quickly as possible, as I note it took you over 6 weeks to reply to the last request for information ie 29/9/09 until your reply 18/11/09 which meant one of the dates had passed.

I have received the copy of the accounts for the year.

INTERSECOND LTD

Unit 12, Clipper Park Industrial Estate
 Thurrock Park Way, Tilbury, RM18 7HG
 Tel/fax: 0044 28 30849971
 Tel/fax: 0044 1375840291
 From ROI: 0863268717
 Email: info@intersecond.com
 Company Number: 05713257

EDDC		
LICENSING AUTHORITY		
RECEIVED		
18 NOV 2009		
ACCEPT	REJECT	REF

Mr Douglas Jackson
 Licensing
 East Devon District Council
 Council Offices
 Knowle
 Sldmouth
 Devon
 EX10 8HL

Your ref: LIC/DJ

16 November 2009

Dear Mr Jackson,

Following your letter from 29 September, please find the documents enclosed as requested.

- Accounts in respect of the Do Not Delay! collections for 1.04.08-31.03.09 extracted from the Full accounts and reflecting the Income, Expenses (including wages), Donations and Profit received. Please note that our collectors are getting the monthly wages of £476.00 each and are working no more than 18 hours per week. Please note that Intersecond LTD is a commercial company, not a charity, and is paying all expenses for the collections including wages, transport, insurance, taxes, storage and other expenses related to the collections and subsequent sales.
- All collectors and Drivers employed by Intersecond LTD are fit and proper persons for the work above. We do request the references from the previous employers/ schools, all Drivers must hold a Full clean EU license with no motoring convictions or claims during the past 5 years and must be residents in the UK for the past 2 years, all our employees sign the Contract with us that obliges them to follow our internal instructions for their job role and their performance is very thoroughly controlled by the Manager; all our collectors and Drivers hold photographic IDs which they must wear during the collections. Also all company vehicles have our name and contact phone numbers on as well as the Project's name. We also take into the immediate consideration any feedback received regarding their performance (negative or positive), but I must say that complaints are very seldom.
- Intersecond LTD is glad and proud to inform you that we are now a corporate member of the Institute of Fundraising (please see the copy of the Certificate attached).

I hope this answers all your queries and you are now able to process our application.

Please do not hesitate to contact me if you need any further information.

Yours truly,



Raymondas Biguzas, Mr
 Director

Enc

INTERSECOND LTD

**Unit 12, Clipper Park Industrial Estate
Thurrock Park Way, Tilbury, RM18 7HG**

Tel/fax: 0044 28 30849971

Tel/fax: 0044 1375840291

From ROI: 0863268717

Email: info@intersecond.com

Company Number: 05713257

Mr Douglas Jackson
Licensing
East Devon District Council
Council Offices
Knowle
Sldmouth
Devon
EX10 8HL

Your ref: LIC/DJ

25 November 2009

Dear Mr Jackson,

Please find enclosed the new Application form completed as requested together with our collection bag.

We do not have any more documents to add to our previous letters and emails as we sent you the copies of all documents (including financial) that we had.

I hope you are now able to issue us with the Licence as applied.

Kind regards



Yevgeniya Haughey
Office Administrator

Enc

Douglas Jackson

From: Douglas Jackson
Sent: 01 December 2009 09:30
To: 'Yevgeniya Haughey'
Subject: Intersecond accounts

Thank you for your application and the previous account extracts in relation to the company and the Do Not Delay/Azurra.

I know you have stated that there are no more documents (including financial) to be provided, but the account statement, and other documents you provided are not clear.

1. The Nordea bank statement only shows one payment to Azzara in July 2009-

2. The collection summary is just that, an extract from the accounts

How long has the company been collecting for Do Not Delay.

Do you have any bank statements to show the complete monthly payments to the Do Not Delay for the time it has been operating.

The collection summary supplied by you appears to be an extract on a spread sheet, and I do not know who has compiled it. Do you have any certified accounts showing amounts paid in, and paid out to the charity and any other accounts/correspondenc/bills etc that reflect accurately the extract you have provided.

Thank you.

Douglas Jackson
Licensing Officer
East Devon District Council

Tel: 01395 517411 (direct Dial)

Email: djackson@eastdevon.gov.uk

Web: www.eastdevon.gov.uk

Douglas Jackson

From: Yevgeniya Haughey [yevgeniya@intersecond.com]
Sent: 01 December 2009 13:11
To: Douglas Jackson
Subject: RE: Intersecond accounts
Attachments: statement-April.pdf; Statement, June 09.tif; Statement, July 09.tif

Dear Mr Jackson,

Thank you for your email.

Please find attached the statements showing the complete monthly payments to the Do Not Delay! from April 2009 to November 2009 (they may come in few emails, due to the size of attachments). We collaborate with the Do Not Delay! since 2007. The first Cooperation Agreement was providing the charity above with £600 a month, then it was changed to £1,200, then to £3,000 (in April 2009) and it's £5,000 from September 2009. We never missed or delayed a payment.

The accounts are done by an accountant from an accountants firm and always submitted without delays for tax purposes. The extract is made from the full company's accounts, there was never any separate accounts done for Do Not Delay! as there was no need in them (the charity, as you are aware, receives the fixed amount as by the Cooperation Agreement and is not interested in running costs). The extract had been made by the Director for councils who may wish to have an idea on the operational costs of the collections.

I would appreciate if you could now process our application in the due course.

Kind regards

Yevgeniya

From: Douglas Jackson [mailto:DJackson@eastdevon.gov.uk]
Sent: 01 December 2009 09:30
To: Yevgeniya Haughey
Subject: Intersecond accounts

Thank you for your application and the previous account extracts in relation to the company and the Do Not Delay/Azurra.

I know you have stated that there are no more documents (including financial) to be provided, but the account statement, and other documents you provided are not clear.

1. The Nordea bank statement only shows one payment to Azzara in July 2009-
2. The collection summary is just that , an extract from the accounts

How long has the company been collecting for Do Not Delay.

Do you have any bank statements to show the complete monthly payments to the Do Not Delay for the time it has been operating.

The collection summary supplied by you appears to be an extract on a spread sheet, and i do not know who has compiled it, Do you have any certified accounts showing amounts paid in, and paid out to the charity and any other accounts/correspondenc/bills etc that reflect accurately the extract you have provided.

Thank you.

Douglas Jackson
 Licensing Officer
 East Devon District Council



STATEMENT OF ACCOUNT

INTERSECOND LTD
13/14 NEW BOND STREET
LONDON W1S 3SX

IBAN LT822140030000411585
Date 08.05.2009
Period 27.04.2009 - 27.04.2009

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Payment number	Invoice ID	Legal ID	Payment code	Pay code	Receiver/Payer Details	Booking Date Value Date	Account Number	Amount Credit/Debit
						27.04.2009		Opening balance 27,730.45
FT0011700977					NORDEA BANK FINLAND PLC LIETUVOS SK InL. Outgoing Payment Fee	27.04.2009 27.04.2009		-28.73
FT0011700977					AZZARA VSI InL. Outgoing Payment CBV. TX GBP. 3000.00 3000.00 0110000000 ACCORDING COOPERATION AGREEMENT 01 10 2007	27.04.2009 27.04.2009	LT26704400001204079	-3,000.00
								Credit turnover 0.00
								Debit turnover -3,028.73
						27.04.2009		Closing balance 24,701.72

In case of problems please contact Nordea Bank

End of account statement. Total page(s) 1

Nordea Bank Finland Plc Lithuania branch
Džidžioji str. 18/2, Vilnius, LT-01128, Lithuania
Company code 112025592
Company VAT code LT100001234611
SWIFT code NDEALT2X
Tel. (+370) 5 236 1361
Fax: (+370) 5 236 1362
E-mail: info@nordea.lt

Account selection

Account: **LT82214003000411585 (6,253.60+ GBP)**

Short statement of account LT82214003000411585 INTERSECOND LTD
 SWIFT / BIC: NDEALT2X

Start date: 01.06.2009
 End date: 01.06.2009

Transactions to include: All transactions

Booking Date Value Date	Payment No	Debit	Credit	Beneficiary/Payer	Details	GBP 01.06.2009 Opening balance	Account balance
01.06.2009 01.06.2009		27.66-		NORDEA BANK FINLAND PLC LIETUVOS SK	Int. Outgoing Payment Fee	28,591.23+	28,563.57+
01.06.2009 01.06.2009		3,000.00-		AZZARA VSI	Int. Outgoing Payment CBVLT2X GBP- >GBP 3000.00 01.000000 ACCORDING COOPERATION AGREEMENT 01 10 2007		25,563.57+
						Credit turnover	0.00+ GBP
						01.06.2009 Debit turnover	3,027.65- GBP
						Closing balance	25,563.57+ GBP

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Account selection

Account: **LT822140030000411585 (3.206,02+ GBP)**

Short statement of account LT822140030000411585 INTERSECOND LTD
 SWIFT / BIC: NDEALT2X

Start date: 30.07.2009
 End date: 30.07.2009

Transactions to include: All transactions

Booking Date Value Date	Payment No	Debit	Credit	Beneficiary/Payer	Details	Account balance
					GBP 30.07.2009 Opening balance	6,253.60+
30.07.2009 30.07.2009		27.26-		NORDEA BANK FINLAND PLC LIETUVOS SK	Int. Outgoing Payment Fee	6,226.34+
30.07.2009 30.07.2009		3,000.00-		AZZARA VSI	Int. Outgoing Payment GBVILT2X GBP->GBP 3000.00 01.0000000 ACCORDING COOPERATION AGREEMENT 01 10 2007	3,226.34+
30.07.2009 30.07.2009		10.16-		NORDEA BANK FINLAND PLC LIETUVOS SK	Internal Transfer DB UZS.BANKO MOK.GBP22.67 UZ TARPT.PAV30.07.2009 3000 GBP MINUS LTL50	3,216.18+
30.07.2009 30.07.2009		10.16-		NORDEA BANK FINLAND PLC LIETUVOS SK	Internal Transfer DB UZS.BANKO MOK.GBP22.67 UZ TARPT.PAV30.07.2009 500 GBP MINUS LTL50	3,206.02+
					Credit turnover	0,00+ GBP
					Debit turnover	3,047.58-
					30.07.2009 Closing balance	3,206.02+ GBP

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Account selection

Account: LT822140030000411585 (8.902.82+ GBP)

Short statement of account LT822140030000411585 INTERSECOND LTD
 SWIFT / BIC NDEALT2X

Start date: 29.09.2009
 End date: 29.09.2009

Transactions to include: Outgoing transactions

Booking Date	Payment No	Debit	Credit	Beneficiary/Payer	GBP	29.09.2009	Opening balance	15,256.03+
Value Date						Details		
29.09.2009		29.24-		NORDEA BANK FINLAND PLC LIETUVOS SK		Int. Outgoing Payment Fee		
29.09.2009		5,000.00-		AZZARA VSI		Int. Outgoing Payment CBVILT2X GBP->GBP 5000.00 01 0000000 ACCORDING COOPERATION AGREEMENT		
29.09.2009		10.84-		NORDEA BANK FINLAND PLC LIETUVOS SK		Internal Transfer DB UZS BANKO MDK GBP24 28 UZ TARPT.PAV29.09.2009 GBP 5000 MINUS LTL50		
							Credit turnover	0.00+ GBP
							Debit turnover	5,040.08- GBP
							29.09.2009 Closing balance	10,215.95+ GBP

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Account selection

Account: LT822140030000411585 (3,260.29+ GBP)

Short statement of account LT822140030000411585 INTERSECOND LTD
SWIFT / BIC: NDEALT2X

Start date: 03.11.2009
End date: 03.11.2009

Transactions to include: All transactions

Bolting Date Value Date	Payment No.	Debit	Credit	Beneficiary/Payer	GBP	03.11.2009 Details	Opening balance	21,542.82+	Account balance
03.11.2009		28.78-		NORDEA BANK FINLAND PLC		Int. Outgoing Payment Fee		21,314.06+	
03.11.2009				LIETUVOS ŠK					
03.11.2009		5,000.00-		AZZARA VSI		Int. Outgoing Payment		18,314.06+	
03.11.2009						CSVILT2X.GBP->GBP 5000.00 DI 000000 ACCORDING COOPERATION AGREEMENT			
						Credit turnover		0.00+ GBP	
						Debit turnover		5,028.78- GBP	
						Closing balance		16,314.06+ GBP	

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Account selection

Account: LT822140030000411585 (14 431,16+ GBP)

Short statement of account LT822140030000411585 INTERSECOND LTD
 SWIFT / BIC: NDEALT2X

Start date: 30.11.2009
 End date: 30.11.2009

Transactions to include: Outgoing transactions

Booking Date	Payment No	Debit	Credit	Beneficiary/Payer	GBP	30.11.2009	Opening balance	18,480.16+
Value Date						Details		
30.11.2009		29.00-		NORDEA BANK FINLAND PLC		Int. Outgoing Payment Fee		
30.11.2009				LIETUVOS SK				
30.11.2009		5,000.00-		AZZARA VSI		Int. Outgoing Payment		
30.11.2009						CBVILT2X GBP->GBP:5000.00-01.00000000 ACCORDING COOPERATION AGREEMENT		
						Credit turnover		0.00+ GBP
						Debit turnover		5,029.00- GBP
						Closing balance		14,431.16+ GBP
						30.11.2009		

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Douglas Jackson

From: Yevgeniya Haughey [yevgeniya@intersecond.com]
Sent: 01 December 2009 13:55
To: Douglas Jackson
Subject: RE: statements

Sorry, we do not have any of these documents requested in your last email. Everything we had, I already sent you by post and emails: you have a strong idea on what we make, what we spend and what we give to the charity, you understand how it all works and operates, I believe it should allow you to make the decision on the License. We have 33 licenses obtained so far and a quarter of the documents that you received was always enough for a council to make a decision on the license.

I would appreciate if you could now process our application in the due course.

Kind regards

Yevgeniya

From: Douglas Jackson [mailto:DJackson@eastdevon.gov.uk]
Sent: 01 December 2009 13:19
To: Yevgeniya Haughey
Subject: RE: statements

Yes please ,send me everything you can to show how the payments are made by Inersecond and recieved by the receiving company Do Not delay, if you could let me have the complete records please for as long as the intersecond company has been operating this agreement showing how much has been made and how much was given to Do Not Delay, as it stands I only have the £3000.00 shown as given on 30/7/09
They would be best as original documents or certified copies.

D Jackson
Licensing Officer

http://www.eastdevon.gov.uk/email_disclaimer.htm

7

Exclusion of the Public

The Vice-Chairman of the Committee to move the following:-

"that under Section 100(A)(4) of the Local Government Act 1972, the public (including the press) be excluded from the meeting as exempt information, of the description(s) set out on the agenda is likely to be disclosed".