



Licensing Panel (Taxi and Miscellaneous) – 13 December 2012

House to House Collections – Appeal against Officer Decision to Refuse Application

Purpose of report

To hear an appeal against an officer decision to refuse a house to house collection from Fox Recycling, collecting on behalf of A Smile for a Child Charity.

Attachment(s)

- Appendix 1 – Application Form
- Appendix 2 – Supporting information to application
- Appendix 3 – Revenue Breakdown
- Appendix 4 – Refusal letter
- Appendix 5 – House to House Collection Policy
- Appendix 6 – Letter requesting an appeal

1.0 Background

- 1.1 A House to House Collections Policy was approved by Policy and Resources Committee in August 2010. This was reviewed in December 2011 as a result of a year of operation and the NALEO guidance being published. As a result of this, Policy and Resources approved a revised policy in December 2011. Officers refuse applications when they do not meet the requirements set out within the policy (Appendix 5). If an applicant appeals against an officer decision this is then placed in front of a licensing panel to determine prior to final refusal.

2.0 House to House Collection

- 2.1 Mr Jeff Dowie of Fox Recycling made an application on behalf of A Smile for a Child Charity to operate house to house collections from 4 November 2012 to 5 November 2013 (Appendix 1).
- 2.2 This application was assessed by officers against the House to House collections policy and a letter was sent to the applicant explaining we were minded to refuse this application for the following reasons (Appendix 4):-
- The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
 - The applicant had refused, or had 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.
- 2.3 The main reason for the above decision was application of the 70% - 30% rule within the policy, which states that:
- Refusal of the application should be given serious consideration when less than 70% of the value of the collection at the point of donation is being given to the charity.

2.4 The financial information (Appendices 2 and 3) provided as part of the application suggests the following:-

- Fox Recycling Ltd is paid up to £1,000 per tonne. A Smile for a Child receive £110 per tonne which is 11% of the value of the goods.

2.5 A Smile for a Child feel that the application should be granted as they receive a substantial amount of the profit made by Fox Recycling Ltd, which equates to £110 per tonne when total profit is £129 per tonne.

3.0 Recommendation

3.1 It is recommended that this application be refused as it does not meet the requirements within the East Northamptonshire Council, House to House Collections Policy.

Legal	Power: House to House Collections Act 1939 and House to House Collection Regulations 1947				
	Other considerations:				
Background Papers: House to House Collection policy					
Person Originating Report: Tom Morrissey Licensing Enforcement Officer tmorrissey@east-northamptonshire.gov.uk 01832 742241					
Date: 28 November 2012					
CFO		MO		CX	

(Committee Report Normal Rev. 22)