



East
Northamptonshire
Council

Taxi and Miscellaneous Licensing Panel – 21 February 2013

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 Unicare Limited collecting on behalf of UK National Kidney Federation.

Attachment(s)

- Appendix 1 – Application Form
- Appendix 2 – Supporting information to application
- Appendix 3 – Refusal Letter
- Appendix 4 – Email requesting appeal
- Appendix 5 – Breakdown of costs
- Appendix 6 – House to House Collections Policy

1.0 Background

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 Committee approved a revised Policy in December 2011. Officers refuse applications when they do not meet the requirements set out within the policy (Appendix 6). 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 Mrs Olena Romanyshyn of Unicare Limited made an application on behalf of UK National Kidney Federation to operate house to house collections between 1 January 2013 and 31 December 2013 throughout East Northamptonshire (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 3):-

- 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 processed likely to be received (including any proceeds already received).
- 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.
- The applicant 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.

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. The original documents submitted with the application did show how proceeds were to be divided.

- 2.4 The appeal request included a breakdown of costs which purported to show a breakdown of costs at a split of 80% - 20%. (Appendix 5) However, none of the financial statements attached show how much is donated to the charity. Officers cannot ascertain from the financial information how this 80/20 split is achieved.

3.0 Recommendation

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:		Thomas Morrissey Licensing Enforcement Officer tmorrissey@east-northamptonshire.gov.uk			
Date: 05 February 2013					
CFO		MO		CX	

(Committee Report Normal Rev. 22)