



East Northamptonshire Council

Licensing (Taxi and Miscellaneous) Panel - 12 January 2010

Application for a House to House Collections Licence

Summary

To consider an application for a House to House Collection Licence under Section 2 of the House to House Collection Act 1939 by Unicare Ltd.

Attachment(s)

1. Application Forms
 2. E-mail from Olena Romanyshyn
 3. Letter from Unicare Ltd dated 7 December 2009
 4. Collection bag from Unicare Ltd.
 5. Letter to Unicare Ltd.
 6. E-mail from Trading Standards
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1.0 Application Details

- 1.1 An application to hold house to house collections throughout the district on 24 to 30 March, 24 to 30 May and 10 to 16 October 2010 was received on 3 December 2009.
- 1.2 The applicant is Lenka Hruskova, representing Unicare Ltd. of Unit 8 Acorn Business Park, Killingbeck Park, Leeds, a clothes and footwear wholesaler. An amount of the proceeds of the national collections will be given to "Children our Future", a UK Registered Charity.

2.0 Concerns

- 2.1 A letter was sent to Unicare Ltd. requesting further financial information. An e-mail was received giving figures for six collection days. However, the application is for three collection periods but the e-mail lists five days which have not been applied for.
- 2.2 The applicant stated that six other authorities have been applied to for collection licences for them to collect on behalf of this charity. Should the intended donation come from only six collections the expenses may be considered to be reasonable. However, the donation of £6,000 as a set sum donation is from proceeds from all national collections from up to 70 other licensing authorities in England. The figures supplied show a percentage donation of 80% from the six collections within East Northamptonshire Council area only. It is therefore considered that the donation appears to be unacceptably low taking into account other collections. The costs as supplied are also significantly high at around 87%.
- 2.3 The collection bag states that the bag and contents belong to Retexa. It is not clear who this company is.

3.0 Considerations

- 3.1 A licensing authority may refuse to grant a licence, or, where a licence has been issued may revoke it, if it appears to the authority that:-
 - (a) 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) 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) 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) 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 the 1939 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) 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 the 1939 Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
 - (f) 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.

3.2 The application does not show what has been collected or donated in previous collections within East Northamptonshire Council's area or nationally, (see 3.1(f) above). A low percentage donation appears likely from the indicated donation so far shown in the e-mail or letter (see 3.1(a) above) and it is not clear how much the private company makes when undertaking these collections (see 3.1(b) above).

4.0 Recommendation

That the application for a House to House Collections Licence be considered to determine whether to issue or refuse a Licence.

Implications:	
Corporate Outcomes or Other Policy/Priority/Strategy	
Good Quality of Life	<input type="checkbox"/> Good Reputation <input type="checkbox"/>
Good Value for Money	<input type="checkbox"/> High Quality Service Delivery <input checked="" type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/> Strong Community Leadership <input type="checkbox"/>
Effective Management	<input type="checkbox"/> Knowledge of our Customers and Communities <input checked="" type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours	<input type="checkbox"/>
Other:	<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval <input type="checkbox"/>	
Financial	There are no financial implications at this stage <input checked="" type="checkbox"/>
	There will be financial implications – see paragraph <input type="checkbox"/>
	There is provision within existing budget <input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date <input type="checkbox"/>
	Decisions may have potential for income generation <input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score - <input type="checkbox"/>
Staff	There are no additional staffing implications <input checked="" type="checkbox"/>

	Additional staff will be required – see paragraph				<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications				<input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph				<input type="checkbox"/>
Legal	Power: House to House Collections Act 1939				
	Other considerations:				
Background Papers:					
Person Originating Report: Robert M Rowland, Commercial Health Officer					
Date: 10 December 2009					
CFO		MO		CX	

(Committee Report Normal Rev. 19)