

Appendices
1 = Email
2 = Application
3 = Additional
Company information
4 = Policy



TAXI & GENERAL LICENSING COMMITTEE REPORT

Report Title	House to House Application
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	11 th June 2019
Policy Document:	House to House Collections
Directorate:	Customers and Communities

1. Purpose

1.1 To consider the application for a House to House permit submitted by Laura Kulikauskaite of Recycle Proline Ltd to collect on behalf of the Cancer Research & Genetics UK organisation. This is the first application to be considered by Northampton Borough Council for the Cancer Research & Genetics UK organisation. The aforementioned person and organisation is not the subject of a National Exemption Order from the requirement to obtain the necessary permit.

2. Recommendations

2.1 That the application be determined in accordance with the policy criteria.

3. Issues and Choices

3.1 Report Background

3.1.1 This application was first presented at the Council's Taxi & General Licensing Committee meeting on the 23rd April 2019. At that meeting members had questions regarding the accounts submitted with the application and details regarding the number of licences issued by other Councils. As the applicant was not in attendance members decided to adjourn in order to give the applicant, or their representative, another opportunity to attend and answer some of the questions.

- 3.1.2 In a telephone conversation with Recycle Proline Ltd on the 29th April 2019 they were advised that a decision had been adjourned and that the application would be considered at a later date, in order to give them the opportunity to attend. On the same day an email invitation was sent and to date no response has been received. The email address was confirmed during the telephone conversation. **Appendix 1**
- 3.1.3 Public charitable collections conducted from house-to-house are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. The 1947 regulations established a central licensing regime for collections.
- 3.1.4 The Local Government Act 1972 transferred responsibility for licensing of House to House Collections from the police to local authorities.
- 3.1.5 The Licensing Authority cannot grant a permit for a period longer than twelve months and may refuse a permit or, where granted, may revoke it, in circumstances specified in the House to House Collections Act 1939. Grounds for refusal are specified in section 2(3) sub-sections (a) to (f) of this Act, which are detailed in paragraphs 3.3.4 to 3.3.9 of this report.
- 3.1.6 National Exemption Orders are available to charities, which are issued by the Cabinet Office directly.
- 3.1.7 **Policy Criteria**
- 3.1.8 On the 14th July 1998 the Licensing Committee granted delegated authority, allowing officers to issue permits to charitable organisations which have previously been approved by a Licensing Committee.
- 3.1.9 **Application**
- 3.1.10 An application was received in November 2018. A summary of the application is detailed in **Appendix 2**.
- 3.1.11 Recycle Proline Ltd have submitted additional company supporting documents for consideration as detailed in **Appendix 3**.
- 3.1.12 The application is requesting a permit to raise funds under the name of UK Fundraising with at least 75% going to the charity and 25% to be deducted for expenses, including wages, fuel, printing and admin costs etc.
- 3.1.13 The applicant has not previously been granted a permit by this Licensing Committee and therefore delegated powers do not apply. The applicant has previously been granted permission by Eden, Bath & NE Somerset local authorities.
- 3.1.14 The applicant, if granted a licence, proposes to collect items of clothing, shoes and other recyclable items from households within the Council's area which

will then be sold and, after deducting reasonable expenses referred to above, pay a proportion of the proceeds to the charity.

3.2 Issues

- 3.2.1 This organisation has not previously been granted a permit for house to house collections with this local authority in accordance with 3.1.7.
- 3.2.2 There is a Right of Appeal to the Secretary of State against the refusal or the revocation of a permit, within fourteen days of the date on which notice is given of the refusal or the revocation.
- 3.2.3 The Secretary of State may by Order direct that a collector shall be exempt from the requirement to obtain a permit from the Licensing Authority.

3.3 Choices (Options)

- 3.3.1 Grant the application.
- 3.3.2 Refuse the application on one of the following grounds;

3.3.3 Grounds for Refusal

- 3.3.4 That the total amount likely to be applied for charitable purposes as a result of the collection (including any amount already so applied) is adequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
- 3.3.5 That the 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.
- 3.3.6 That 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.
- 3.3.7 That 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 has been convicted in the United Kingdom of any of the offences specified in the Schedule to this 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.
- 3.3.8 That 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 this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than person so authorised.

- 3.3.9 That the applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonable required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 N/A

4.2 Resources and Risk

- 4.2.1 None identified.

4.3 Legal

- 4.3.1 The Committee must have regard to the House to House Collections Act 1939, together with the House to House Collection Regulations 1947 (SI 1947 No 2662, as amended) when making their decision.

- 4.3.2 The only grounds on which a licence may be refused are set out in the 1939 Act (referred to at paragraphs 3.3.4 to 3.3.9 above). A separate regime exists under the Act for short term, local collections under which the Chief Officer of Police may grant certificates authorising collections and, if a certificate is issued, the requirement to hold a licence does not apply. It is not open to the Council to refuse to grant a licence on the basis that there is not a local connection.

4.4 Equality

- 4.4.1 None identified.

4.5 Consultees (Internal and External)

- 4.5.1 Customers & Communities, Legal.

4.6 Other Implications

- 4.6.1 None identified

5. Background Papers

5.1 House to House Collections Act 1939
House to House Collections Regulations 1947 & 1963

Louise Faulkner
Licensing Team Leader

Appendix 1

At its meeting on 23rd April the Council's Taxi & General Licensing Committee considered your application for a house to house collections licence. As part of that process the Committee considered the information provided by your organisation, including the company accounts, and also wished to identify the steps which your company would collect to ensure compliance with the House to House Collections Act 1939 and regulations made under it. Since the Committee have a number of questions and seek reassurance as to these matters your application has been adjourned to its next scheduled meeting on 11th June 2019.

If you wish to continue with the application you should arrange for a representative to attend the adjourned meeting to provide further information in relation to:

1. The accounts submitted with your application;
2. The proportion of receipts which are retained by your company and the net receipts which are received by the charity;
3. The steps taken to ensure compliance with the House to House Collections Act 1939 and the House to House Collections Regulations 1947.
4. The number of licences actually granted by other authorities.

If, alternatively, you do not wish to pursue the application, please notify me.

Kind Regards

Louise Faulkner
Licensing Team Leader
Northampton Borough Council
www.northampton.gov.uk/licensing

Appendix 2

 NORTHAMPTON BOROUGH COUNCIL	Northampton Application for a house-to-house collection licence House to House Collection Act 1939 and the House to House Regulations 1947	For help contact licensing@northampton.gov.uk Telephone:
* required information		
Section 1 of 10		
You can save the form at any time and resume it later. You do not need to be logged in when you resume.		
System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="NORTHAMPTON"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
Are you:	<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader <input type="radio"/> Applying as an individual	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
Applicant Business		
* Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
* Registration number	<input type="text" value="06587526"/>	
* Business name	<input type="text" value="RECYCLE PROLINE LTD"/>	If your business is registered, use its registered name.
* VAT number	<input type="text" value="GB"/> <input type="text" value="939841575"/>	Put "none" if you are not registered for VAT.
* Legal status	<input type="text" value="Private Limited Company"/>	

Section 3 of 10

ORGANISATION WHICH IS RESPONSIBLE FOR THE COLLECTION

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Continued from previous page...

* Provide a brief description of the organisation and its objectives

Clothing collection company to raise fund for Cancer Research & Genetics UK

* Are the proceeds of the collection to benefit this organisation?

Yes

No

Section 4 of 10

CHARITY, FUND OR ORGANISATION TO BENEFIT FROM THE COLLECTION

* Is another organisation going to benefit from your collection?

Yes

No

Provide details of the charity, fund or organisation which is to benefit from the collection

* Name of charity or organisation

Cancer Research & Genetics UK

* Provide a brief description of the organisation and its objectives

(1) THE RELIEF OF SICKNESS AND THE RELIEF OF MENTAL AND EMOTIONAL DISTRESS OF THOSE WITH CANCER, THEIR FAMILIES AND CARERS IN PARTICULAR BY THE PROVISION OF A WEBSITE AND HELPLINE PROVIDING INFORMATION,

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Continued from previous page...

ADVICE AND SUPPORT.

(2) TO ADVANCE THE EDUCATION OF THE PUBLIC AND OTHER CHARITIES/ORGANISATIONS IN THE DIAGNOSIS TREATMENT AND CARE OF THOSE SUFFERING FROM CANCER

(3) TO CARRY OUT OR TO PROVIDE FUNDS TO SUPPORT RESEARCH INTO CANCER AND IT'S GENETIC LINKS, CAUSES, TREATMENTS AND CURE AND PUBLISH THE USEFUL RESULTS OF SUCH RESEARCH

* Is this organisation a registered charity?

Yes

No

* Registration number

1121512

* What are the proceeds of the collection to be used for?

Cancer Research & Genetics UK received at least £3200.00 per month

Add another organisation

Section 5 of 10

TYPES OF COLLECTION

* What type(s) of collection will you be performing?

- A street collection
- A house-to-house collection
- Both street and house-to-house collections

House to House Collection

Check for local guidance notes and conditions before completing this section. Some of the questions may not be relevant if local circumstances or your responses may have to provide very specific information.

Where

* In what parts of this authority's area do you intend to carry out the collection?

All over NORTHAMPTON area

When

* Preferred dates for the collection

17.12.2018 - 17.05.2019

Alternative dates

14.01.2019 - 14.06.2019
11.02.2019 - 11.03.2019
08.04.2019 - 08.09.2019

* During what hours of the day will the collection be held?

From 8am To 5pm

Collectors

Continued from previous page...

* How many people do you plan to authorise as collectors?

2

* How will the collectors be identifiable? (provide details of badge, certificate of authority etc)

Authorised collector's badges from Certificate of Authority

What

Check for local guidance notes which may clarify what is allowable in your area and whether additional permissions or licences are required.

* Do you intend to collect money?

- Yes
- No

* Do you intend to collect property?

- Yes
- No

* What sort of property?

Second hand clothing and shoes

* What do you intend to do with the property you collect?

- Sell it
- Give it away
- Use it
- Other

* Provide details

Second hand clothing and shoes will be sold £850-£1000 per tonne depending on quality of clothing.

Section 6 of 10

EXPENSES AND PAYMENT

* Will 100% of the proceeds of the collection be donated to a charity or used for charitable purposes?

Yes No

* What % of the proceeds will be donated to a charity or used for charitable purposes? %

Expenses

Continued from previous page...

* Do you intend to pay expenses or admin costs out of the proceeds of the collection?

Yes No

* Provide full details, including all the expenses you intend to pay and at what rate

1) Up to 15% - expenses (wages, fuel, printing etc)
2) Up to 10% - admin costs.

Payments

N.B. Payment cannot be made to collectors, or others, unless details are provided in this form and approved

* Do you intend to pay collectors or any other person out of the proceeds of the collection?

Yes No

* Provide full details, including the category of people (collectors, organisers, etc) you intend to pay and at what rate

Wages to driver and collector at the minimum rate of £7.83 per hour.

Statement Of Return

* Which of the following types of return will you submit, giving details of proceeds and deductions?

House-to-house collection only

Section 7 of 10

Section 7 of 10**PREVIOUS APPLICATIONS**

* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

- No Yes - application granted and revoked
 Yes - application granted Yes - application refused

Application Granted

Only provide details about the most recent application – unless stated otherwise in local guidance notes.

* Local authority applied to
* Date of licence/registration
* Reference number
* Expiry date

* Local authority applied to
* Date of licence/registration

Section 8 of 10**CONVICTIONS**

* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

- Yes No

Section 9 of 10**ADDITIONAL DETAILS**

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

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