

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
12 February 2013

Subject: HOUSE TO HOUSE COLLECTION POLICY

All Ward(s)
Portfolio Holder for Leisure and Health: Councillor P Wilkinson

1.0 PURPOSE AND BACKGROUND:

- 1.1 A House to House Collections Policy is adopted for the purposes of:
- 1.1.1 safeguarding the interests of public donors and their beneficiaries;
 - 1.1.2 facilitating participation in charity support;
 - 1.1.3 preventing unlicensed collections from taking place;
 - 1.1.4 ensuring that collectors operate within the law and act fairly in their dealings with the public; and
 - 1.1.5 preventing house to house collections from being a source of nuisance to the public.
- 1.2 The purpose of this report is to present a proposal for an updated policy in relation to house to house collections within the District. The revised Policy clearly specifies the Council's expectations in relation to any proposed collections taking place within the District but also restricts the Council's grounds for refusal in order to ensure compliance with statute. Application of the revised Policy will enable the Council to exercise its discretion with a necessary degree of flexibility whilst maintaining its ability to achieve legitimate objectives.
- 1.3 Section 2(3) of the House to House Collections Act 1939 makes provision for a Council to refuse to grant a licence under certain specified circumstances – in all other cases, a licence must be granted.
- 1.4 Effectively the only grounds for refusal of a licence are:-
- a) When the amount of money going to charity is not enough in relation to total proceeds
 - b) When one or more persons are making too much money out of it
 - c) When offences committed or likely to be facilitated
 - d) When the applicant or the collectors are not fit and proper
 - e) When the applicant has failed to provide the necessary information
- 1.5 There are clear, significant benefits to supporting legitimate collections where possible:-
- a) Charity – the more collections that are approved, the more the charities will benefit.
 - b) Convenience - members of the public can make their donations with greater convenience than by delivering them to charity shops etc.
 - c) Environment - all local authorities have been set legally binding recycling targets and the data contained within returns submitted by charity collectors can be included in their overall figures. Clothing is the fastest growing household waste stream. Local Authorities have to pay a levy on all waste that they send to landfill. By diverting more textiles away from the waste stream, the costs to the local authority are reduced.

- d) Recycling - all local authorities have been set legally binding recycling targets, which they have to achieve. By licensing more collections, the Council can use the data contained within returns submitted by the charity collectors and include this in their overall figures.
- e) Jobs - Textile collectors and charity organisations employ hundreds of people and these organisations rely on a regular supply of affordable quality clothing in order to maintain their operations.

1.6 This proposed policy supports legitimate collections while enabling appropriate sanctions against those individuals or organisations who do not meet the requirements and aims of the legislation.

2.0 LINK TO COUNCIL PRIORITIES:

2.1 This issue helps to promote the Council priorities of providing excellent and effective services to our customers. Implementation of the policy would enable officers to encourage applicants to make reasonable enquiries with regards to the time and location of any proposed collections as a means of maximising fundraising potential and minimising public disturbance.

3.0 RISK ASSESSMENT:

3.1 There are no significant risks associated with this Policy. Failure to approve a reasonable policy could render the Council liable to criticism.

4.0 FINANCIAL IMPLICATIONS:

4.1 This task is currently undertaken by the Licensing Team within the Environmental Health Service. This Policy should not result in any significant increase in workload.

5.0 LEGAL IMPLICATIONS:

5.1 Where the Council refuses to grant a licence, there is a right of appeal to the Minister for the Cabinet Office (under section 2(4) of the House to House Collections Act 1939). Continued application of the existing policy would therefore be vulnerable to legal challenge.

6.0 RECOMMENDATION(S):

6.1 That Cabinet recommends approval of the attached House to House Collections Policy.

DAVE GOODWIN

Background papers: House to House Collections Act 1939
House to House Collections Regulations 1947

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HAMBLETON

DISTRICT COUNCIL

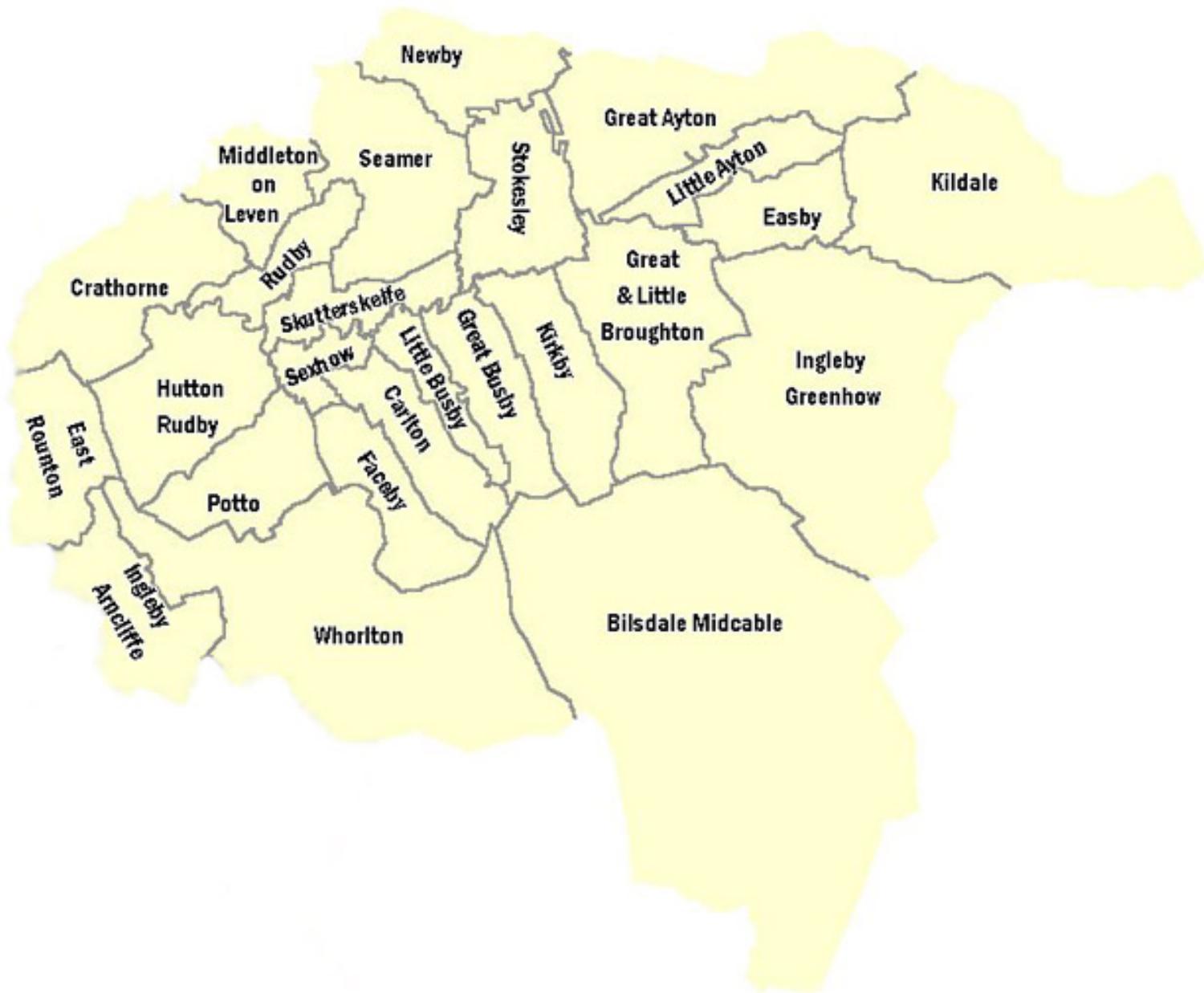
House to House Collections Policy

1. The District will be split into three collecting areas shown on the attached plan.
2. No Licence will be issued unless financial returns have been made in respect of previous licences.
3. Only one licence will be issued for one week's collection per organisation per year in each area (e.g., an organisation may be granted a licence for one week in each of the three areas).
4. The Council will not licence organisations which do not have a Secretary of State's Exemption Certificate when a collection is taking place by an organisation with an Exemption Certificate.
5. The Council will notify those organisations which have an Exemption Certificate when their proposed dates clash with dates for which a licence has been granted to another organisation.
6. Applications will be dealt with on a first come first served basis.

Northallerton & Bedale Area (Area 2)



Stokesley & Great Ayton Area (Area 1)



Easingwold & Thirsk Area (Area 3)



1.0 INTRODUCTION

- 1.1 This document represents Hambleton/Richmondshire District Council's policy on house-to-house collections.

2.0 POLICY OBJECTIVES

- 2.1 This Policy has been adopted with a view to securing the following objectives:
- 2.1.1 To safeguard the interests of public donors and their beneficiaries;
 - 2.1.2 To facilitate participation in charity support;
 - 2.1.3 To prevent unlicensed collections from taking place;
 - 2.1.4 To ensure that collectors operate within the law and act fairly in their dealings with the public;
 - 2.1.5 To prevent house to house collections from becoming a source of nuisance to the public

3.0 THE LAW

- 3.1 House to House Collections are required to be licensed by local authorities in accordance with the House to House Collections Act 1939 and the House to House Collections Regulations 1947.
- 3.2 A House to House Collection is an appeal to the public, made by means of visits from house to house (including places of business) to give money or other property for a charitable, benevolent or philanthropic purpose.
- 3.3 Collections can involve cash, direct debit commitments and goods and may be carried out by volunteers, charity officers, professional fundraisers and commercial participators.
- 3.4 The definition also extends to include the sale of any item where a part of the proceeds are given to a charity.
- 3.5 Some larger charities are holders of Exemption Certificates issued by the Home Office. These organisations are not required to obtain a licence but are expected to inform the authority of the dates and areas of any planned collections. In all other cases, a licence will be required.
- 3.6 There is no application fee associated with a house to house collection licence.

4.0 PRE-APPLICATION REQUIREMENTS

- 4.1 Applicants are expected to take steps to try to avoid house-to-house collections overlapping in time and place with other collections.
- 4.2 It is the Council's intention to allow no more than one house to house collection in any given post town at any given time.
- 4.3 The Council will maintain an up-to-date diary of collections. Prospective applicants may enquire about existing collections prior to making an application.

- 4.4 Collections that take place too frequently have the potential to have a long-term negative impact on collections in those areas. To avoid this, applicants are expected to take steps to check the frequency of collections with the Council and to target their collections accordingly.
- 4.5 In order to avoid saturating an area's fundraising potential, the Council will expect applicants to apply for a period of no more than one week at a time and on no more than four occasions per calendar year.
- 4.6 The licensing authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of the Code of Practice can be found at www.institute-of-fundraising.org.uk

5.0 APPLICATION REQUIREMENTS

- 5.1 Applicants are expected to allow sufficient time for the Council to consult on, process and issue the licence. Any applications received less than 28 days before the proposed first date of the collection may not be processed in time for the collection and, in these cases, the collection will not be authorised.
- 5.2 A completed application must be accompanied by some literature in relation to the organisation that will benefit from the collection.
- 5.3 A copy of the previous year's accounts must also be submitted and, where applicable, a letter from the charitable organisation authorising the applicant to undertake a collection on their behalf.
- 5.4 Any agreement or contract details with the registered charity or individual benefiting from the collection should also be included.

6.0 GROUNDS FOR REFUSAL

- 6.1 The Council may refuse or revoke a licence for any of the following reasons:
 - 6.1.1 In the opinion of the Council, too high a proportion of the proceeds are to be spent on expenses;
 - 6.1.2 In the opinion of the Council, not enough of the proceeds are to be given to the charity or cause;
 - 6.1.3 The grant of the licence would be likely to facilitate the commission of an offence under section 3 Vagrancy Act 1824;
 - 6.1.4 The promoter or any other person involved in the collection has been convicted of certain criminal offences such as burglary, blackmail or fraud;
 - 6.1.5 The applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper, to ensure compliance with the provisions of the House to House regulations or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons;
 - 6.1.6 Incorrect or insufficient information was provided on the application form.
- 6.2 If no previous return forms have been supplied to the satisfaction of the Council after previous licensed collections within the District, then the application will normally be refused.

- 6.3 The cost of collection will be taken into account and balanced against the general expectation of the public that all of their donations will be given to charity. The Council will normally refuse to grant an application that apportions less than 80% of the proceeds to charity.
- 6.4 However, the Council recognises that the costs of conducting second-hand clothing collections tend to be higher than cash collections and, in these cases, the Council will consider applications that offer a slightly lower figure than 80% to charity.

7.0 POST-GRANT REQUIREMENTS

- 7.1 No person under the age of 16 years shall act or be permitted to act as a collector.
- 7.2 No promoter of a collection shall permit any person to act as a collector unless he has issued to that person:
- 7.2.1 a prescribed certificate of Authority;
 - 7.2.2 a prescribed badge; and
 - 7.2.3 if money is collected a Collecting Box marked, or a Receipt Book (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
- 7.3 In the case of a collection in respect of which a Licence has been granted, every prescribed Certificate of Authority shall be given on a form obtained from H.M. Stationery Office, and every prescribed badge shall be so obtained.
- 7.4 Every collector shall sign his name on the prescribed Certificate of Authority issued to him and produce it on demand to any police officer, or occupant of any house visited by him for the purpose of the collection.
- 7.5 Every collector shall sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting.
- 7.6 Each badge shall state the general indication of the purpose of the collection.
- 7.7 Each collecting box shall be securely sealed and marked with a clear indication of the purpose of the collection and a distinguishing number.
- 7.8 No person under the age of 16 years, shall act or be authorised to act as a collector of money.
- 7.9 No person shall importune any person to the annoyance of such person, or remain in, or at the door, of any house if requested to leave by any occupant thereof.
- 7.10 The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.
- 7.11 A collecting box, when returned shall be examined by, and if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.

- 7.12 Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- 7.13 As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- 7.14 Every receipt book when returned and all the sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.