



NORTHAMPTON
BOROUGH COUNCIL

House to House Collection Policy

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Section 1 Introduction

1.1 The Policy

This document states Northampton Borough Council's policy on House to House Collections as defined by House to House Collections Act 1939, as amended by the House to House Regulations 1947.

The Local Government Act 1972 transferred responsibility for licensing both Street and House to House collections from the police to local authorities.

In London, however, the Metropolitan Police and the Common Council of the City of London are still responsible for licensing of collections.

1.2 The Objectives of this Policy

This policy has been adopted with view to securing the following objectives;

- To ensure that promoters and collectors are properly authorised,
- To ensure that contributions collected is done so in a secure way and the total proceeds collected are properly accounted for,
- To minimise nuisance to residents and visitors to the Northampton Borough

1.3 The Law

It is unlawful in the United Kingdom to hold, for the benefit of charitable or other philanthropic purposes, a house to house collection on any street or public place without first obtaining a House to House Permit from a local authority. A 'Public Place' is defined as a 'place where the public has access and this need not be in public ownership.

To be legal, charitable house-to-house collections must be authorised. This means the collectors must have either a collection licence issued by the local authority or a National Exemption Order issued by the Cabinet Office.

National Exemption Orders issued by the Cabinet Office are available to charities who have undertaken a high number of collections across local authority areas. Further details of Exemption Orders and a full list of those charities that have been granted this status can be viewed online at;

<https://www.gov.uk/government/publications/national-exemption-order-scheme>

The licence does not authorise the promotion of a door to door envelope collection: such collections may now be only by the permission of the Secretary of State.

There are six grounds upon which the local authority can consider the refusal of a House to House collection as follows;

- a. 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).
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

Summary details of the legislation is contained within Appendix A and a full copy of the legislation can be viewed online at <http://www.legislation.gov.uk>

1.4 The Charities Act 2006

The Charities Act 2006 provides for a new regulatory regime to control charitable collections in public – **this new framework is still pending enactment**. It applies to all such collections including face-to-face fundraising and where requests are made for members of the public to sign direct debit mandates. There is a new role for the Charity Commission in checking whether charities and other organisations are fit and proper to carry out public collections. The Charity Commission will be responsible for issuing Public collections Certificates, which will be valid for up to five years. This new procedure, if enacted, will mean that local authorities will no longer need to assess the suitability of individual applicant and will ensure a more uniform approach to such assessment nationally. Once a charity has a Public Collections Certificate it will be able to apply to a local authority for a permit to hold collections at certain times in

certain places within that local authority area. Local authorities will assess applications to ensure that collections do not clash and that the public are not annoyed by excessive collection activity.

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Section 2 Applications for a House to House Collection Permit

2.1 Applications

All applications must be made on the Councils prescribed postal application form, or may be made online at www.northampton.gov.uk using the prescribed online application.

Applications must be received at least 20 working days before the required collection date, unless good reason exists and late submission is agreed with the local authority.

Particular attention on the application needs to ensure that all questions are answered in full; failure to complete all sections will invalidate the application.

The local authority will require a written agreement between the applicant and the charity.

It must be clear as part of the application process how much the charity will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and must have previously submitted a clear set of returns if the organisation has operated collections before.

The local authority may request any additional supporting information that it considers relevant in determining the application in accordance with paragraph 1.3(a-f) and the relevant local policies detailed in 2.2

2.2 Key Considerations of Local Policies

A summary of the regulations is contained within **Appendix A**, the Licensing Committee for this council has also approved the following three requirements for the grant of House to House Collection Permits;

- Permits will only be issued to nationally recognised charities with a local connection
- Permits will not be issued to purely political campaigning organisations
- Applications from organisations/Individuals that have not previously been licensed for a House to House collection by this authority will be determined by the Licensing Committee.

Where applications are received from individuals or organisations collecting on behalf of Nationally Recognised Charities, supporting documentation will be required from the National Charity to demonstrate the collection is supporting their cause.

Permits can be issued for a maximum of twelve months; however this authority aims to work with organisations to avoid numerous charitable collections taking place within the same area, which can reduce the potential fundraising aims and may inadvertently cause a nuisance to households. Applications are therefore encouraged for a maximum of three months, in order to minimise the number of organisations who

might wish to work within the same area at any given time. This is a voluntary option that is encouraged and has proven to work well in the past.

Organisations collecting under a Home Office Exemption Order are not within the control of Northampton Borough Council; however these organisations usually let the local authority know that they are carrying out a collection within our area.

When considering applications the financial information given is sometimes difficult to interpret. Unless the proportion that will be donated to charity is clear and we are confident in the calculations the application will be returned requesting more detailed information.

If the proportion allocated to the charity is clear, members must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity. As a general guide we welcome applications that will give approximately 80% of the value of the collection to the charity; however each application will be determined on its individual merits.

It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive the nature of the business and the overheads can be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process, at all levels, may also be considered as part of this assessment. As a general guide we welcome applications where approximately 20% of the value of the collection is used for remuneration purposes, however each application will be determined on its individual merits.

If no previous returns have been supplied to the Council after the previous licensed collections by the same organisation or individual within the borough then the application will be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

Section 3 Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the permit holders.

In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Councils Enforcement Policy.

If you don't have the appropriate licence before starting house-to-house collections you could face imprisonment for a term up to six months and/or a fine of up to £1,000.

If you or anyone collecting on your behalf doesn't give a police officer their name, address and signature when asked to, they could be fined up to £200.

Section 4 Departure from Policy

In exercising its discretion in carrying out its regulatory functions, Northampton Borough Council will have regard to this Policy document and the principles set out therein.

Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

Where Licensing Officers consider that there is clear and compelling reasons to depart from this Policy, a report detailing the application will be placed before the Licensing Committee for a decision to be made.

Section 5 Amendments to this Policy

Any significant amendment to this Policy will only be implemented after further consultation with the Permit Holders and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution. For the purpose of this section, any significant amendment is defined as one that:

- Is likely to have a significant financial effect on permit holders, or
- Is likely to have a significant procedural effect on permit holders, or
- Is likely to have a significant effect on the community.

Any minor amendments to this Policy may be authorised by the Portfolio Holder for Customers and Communities and Public Protection and undertaken in accordance with the Council's Constitution.

Section 6 Fees and Charges

Northampton Borough Council does not make a charge for the processing of a House to House Permit.

Section 7 Appeals

Organisations can appeal within 14 days of the local authority's decision to the Minister for the Cabinet Office if a local authority refuses them a licence to hold a house-to-house collection, or if they revoke such a licence. The Cabinet Office processes these appeals.

For further information, reference should be made to the Act and Regulations which are obtainable from The Stationery Office, PO Box 29, Norwich, NR3 1GN, or through any bookseller. Telephone (General Enquiries) 0870 600 5522.

Appendix A

HOUSE TO HOUSE COLLECTIONS ACT 1939 House to House Collections Regulations 1947 (as amended)

The above Act and regulations contain important provisions for the regulation of House to House Collections for charitable purposes, and prescribe fines and/or imprisonment for offences against the Act or the Regulations.

1. Except in cases specified in paragraphs 3 and 4:-
No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.
2. Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence or, where granted, may revoke it, in circumstances specified in the Act.
There is a Right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days of the date on which notice is given of the refusal or the revocation.
3. Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part, of England and Wales, and is desirous of promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
4. Where the Chief Constable of the police areas comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of a collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions-
 - (a) every promoter of a collection must exercise all due diligence to secure that collectors are fit and proper persons and that they are authorised to act as collectors; and to secure compliance by collectors with the Regulations;
 - (b) no promoter of a collection shall permit any person to act as a collector unless he has issued to that person-
 - (i) a prescribed Certificate of Authority;
 - (ii) a prescribed Badge; and
 - (iii) if money is to be 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.

- (c) In the case of a collection in respect of which a Licence has been granted, every Certificate of Authority shall be given a form obtained from The Stationery Office, and every prescribed Badge shall be so obtained.
- (d) No person under the age of 16 years shall act or be authorised to act as a collector of money.
- (e) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if required to leave by the occupant thereof.
- (f) 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.

Appendix B

TERM	DEFINITION
Authorised Officer	An officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
The Local Authority	Northampton Borough Council
Charitable Purpose	means any charitable, benevolent, or philanthropic purpose.
Collection	An appeal to the public, made by means of visits from house to house to give whether for consideration or not, money or other property.
Collector	A person who makes the appeal in the course of such visits.
Promoter	A person who causes others to act as collectors for the purposes of the collection
Permit	A permit issued by the local authority for a collection.
Contributor	A person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes.
Collecting Box	A box or other receptacle for the reception of money from contributors.
House	Includes a place of business
Proceeds	means in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal.