

## **Appendix A**

# **SOUTH HOLLAND DISTRICT COUNCIL CHARITABLE HOUSE TO HOUSE COLLECTIONS POLICY**

## **Contents**

1. Introduction
2. Policy Intention
3. Scheme of Delegation
4. Application Process
5. Reasons for Refusal
6. Monitoring and Reviewing Progress

### **1. Introduction – Charitable House to House Collections**

Charitable house to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.

It is vital that permits to collect are issued to legitimate applicants. This can give the public confidence that if the collection is properly authorised then an adequate proportion of their donations are being given to the appropriate charity.

Charitable house to house collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Permits for these collections in the South Holland District are issued by South Holland District Council.

There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued to the charity by the Cabinet Office directly.

### **2. Policy Intention**

The aim of the policy is to ensure that residents in the South Holland District, who want to donate to charity through house to house collections, are able to do so in good faith and secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity.

This will be achieved through the issuing of permits to collect in accordance with the House to House Collections Act and associated regulations.

The intention of this policy is also to give clear guidance to both officers and Members of the Council's Licensing Committee on factors to be taken into account when determining applications for house to house collection permits.

All refusal decisions will be notified to the applicant in writing.

Any applicant refused a permit may appeal to the Secretary of State. The appeal must be submitted to the Secretary of State within 21 days of receipt of the notice of refusal.

### 3. Scheme of Delegation

The Council has delegated to its Officers the authority to consider and determine applications for permits, subject to the criteria set out in this policy document.

The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a permit should be granted, then that permit application should be forwarded to the Council's Licensing Committee Panel (consisting of Councillors) for determination.

The delegation will be as follows:

Matter to be Dealt With	Delegation
Setting or Amending Policy	Material amendments are a matter for the Licensing Committee Minor amendments such as changes to references, legislation and guidance, are delegated to the Head of Public Protection/Public Protection Manager in conjunction with the Chair of the Licensing Committee
Grant of a Permit	Officers / Licensing Committee Panel
Refusal / Revocation of a Permit	Delegated to Officers where refusal is due to numbers within a location being exceeded or required timescales not being met.  Delegated to Licensing Committee Panel for refusals for other reasons, or revocations

Please note that Officers can refer an application to the Licensing Committee Panel at any time for determination.

### 4. Application Process

The statutory house to house collection application form needs to be completed when applying for a permit.

There should be a minimum 28 days-notice and a maximum of 6-months notice, given between the application and the proposed start date of the collection. This recommendation may be waived in exceptional circumstances at the discretion of the Authority.

On all applications to this Authority, where the application relates to the collection of clothing or goods, the applicant must also supply information relating to:

- Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission.
- A statement of the company organisation's aims as detailed in any literature and the details and history of the organisation.
- How the collection is to be conducted (e.g. charity collection bags).
- Letter of Authorisation from the Charity Partner to collect goods on their behalf.
- Copy of the Corporate Agreement between the two organisations (the charity partner and the collector).
- Declaration of any previous permit refusals by this Authority and/or any other Local Authority.
- An example of the projected income and expenditure in collecting 1 tonne of clothes.

In addition, 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 a clear set of returns if the organisation has operated collections in the South Holland District before.

Where appropriate this Authority reserves the right to ask an applicant to produce the result of a current basic Disclosure and Barring Service disclosure relating to the applicant for the permit (or the Director(s) of the collection company if different).

## **5. Reasons for Refusal**

There are six reasons why an Authority may refuse to grant a permit or, where it has issued, may revoke a permit.

A Licensing Authority may refuse to grant a permit, or, where a permit has been issued may revoke it, if it appears to the Authority that:

1. 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);
2. Remuneration which is excessive in relation to the total amount of the proceeds is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
3. The grant of a permit would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
4. The applicant or the holder of the permit is not a fit and proper person to hold a permit by reason of the fact that he/she has been convicted in the United Kingdom of any of the offences specified in the Schedule to the Act, or has been convicted in any part of Her Majesty's Dominions of any offence conviction for which necessarily involved a finding that he/she 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 permit;

5. The applicant or the holder of the permit, in promoting a collection in respect of which a permit has been granted to him/her, has failed to exercise due diligence to secure that persons authorised by him/her 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 persons so authorised; or
6. The applicant or holder of the permit has refused or neglected to provide 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 above paragraphs.

When considering applications, the financial information given is sometimes difficult to interpret. Unless the proportion that will be donated to charity is clear and this Authority is confident in the calculations the application will normally be refused.

If the proportion allocated to the charity is clear, this Authority 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.

Refusal of the permit application will be given serious consideration if the proportion allocated to the charity is considered inadequate in relation to the proceeds received.

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 will 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, should also be considered as part of this assessment.

Refusal of the application may be given serious consideration when the remuneration amount is greater than 20% of the value of the total collection at the point of donation.

If no previous returns have been supplied to the Council after previous collections by the same organisation or individual within the South Holland District, then the application will normally 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.

## **6. Allocation of House to House Collection Days**

The Council operates a diary booking system on a "first come first served" basis for the allocation of house to house collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation's preferred date will be allocated to that organisation. Where an organisation's preferred date cannot be granted, alternative dates may be suggested where practicable.

It is this Authority's policy that an organisation is normally limited to one collection day per calendar year in the same town or village.

The Council will normally only encourage a maximum of one charitable house to house collection in any town or village centre per day - although collection applications for other areas in the District away from a town or village centre can be considered.

If there is already a collection taking place in the particular area at same time as the proposed collection being considered, the Council may consider undertaking the following (in order of preference);

- a) Arrange by mutual agreement with the collector to grant a licence to operate a collection on alternative dates; or
- b) If this is not possible, make a recommendation to the collector to withdraw the licence application, to protect the interests of both charities.

The date of the Royal British Legion Poppy Day Appeal and the proceeding week are permanently reserved for that charity.

Charities are discouraged from undertaking door knocking activity at domestic properties during the hours of darkness.

## **7. Monitoring and Reviewing Progress**

This policy will be actively monitored in its first year of introduction to determine its impact and will be reviewed during that period if deemed necessary.

In addition, this policy will be placed on the Council's Policy Register and will be subject to review every 5 years, unless revisions are deemed necessary prior to that date.