



Charitable Collections Policy

1. INTRODUCTION

1.1 HOUSE TO HOUSE COLLECTIONS

- 1.1.1 House to house collections are governed by the House to House Collections Act 1939 (the Act) and the House to House Collections Regulations 1947, as amended.
- 1.1.2 As a general rule, house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law, are required to be licensed by the Licensing Authority which is North West Leicestershire District Council.
- 1.1.3 The definition of 'collection' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade persons to buy goods etc where any part of the proceeds may go to charity.
- 1.1.4 The only exception to the general rule is organisations that have been granted an Exemption Certificate by the Home Office under the provisions of the House to House Collections Act 1939. This Certificate allows an organisation to collect in the District without applying for a licence from the Licensing Authority. The organisation will not be exempted from the regulations or provisions of the Act and the organisation must inform the Licensing Authority of the dates and areas of any planned collections.

1.2 STREET COLLECTIONS

- 1.2.1 The Licensing Authority is empowered under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 to license collections made in 'any street or public place' for 'charitable or other purposes'.
- 1.2.2 'Street' is defined as including any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.
- 1.2.3 The definition of a 'public place' will include the entranceways to shops. Although the foyer of a supermarket could be considered to be behind 'closed doors' and subject therefore only to the discretion and approval of the manager, any collector straying outside and/or into the car park would require a licence.
- 1.2.4 The Charitable Collections (Transitional Provisions) Order 1974 sets out model street collections regulations which have been adopted by the Licensing Authority.

2. AIMS

- 2.1 The aims of the Licensing Authority in respect of the licensing of charitable collections are to:
- Safeguard the interests of both public donors and beneficiaries;
 - Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met; and
 - Prevent unlicensed collections from taking place.

3. OBJECTIVES

3.1 In order to achieve its aims in respect of licensing of charitable collections, the Licensing Authority has identified the major issues and sought to tackle them through this Policy with the intention of:

- Ensuring impartiality and fairness in determining applications;
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
- Providing equality of opportunity for would-be collectors;
- Avoiding causing undue nuisance to the public;
- Setting fair maximum limits for one applicant;
- Achieving a fair balance between local and national causes;
- Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as the police, Trading Standards, the Charity Commission, parish councils and local charitable institutions, etc.

3.2 This Licensing Authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at www.institute-of-fundraising.org.uk

4. HOUSE TO HOUSE COLLECTIONS

4.1 GENERAL PRINCIPLES

4.1.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the District of North West Leicestershire.

4.1.2 Wherever possible, two organisations shall not be permitted to collect in the same area on the same day. Applications will be dealt with on a first come first served basis.

4.1.3 In general, organisations shall not be permitted to hold more than two collections throughout the District or part thereof during one calendar year. This shall be at the discretion of the Licensing Enforcement Officer.

4.1.4 Where further requests are received from exempted charities to collect on dates which have already been allocated, a formal request will be made for them to consider an alternative date.

4.1.5 Applications will only be accepted for charitable collections to be held in the current or next calendar year.

4.1.6 The Licensing Authority appreciates that expenses/costs will be incurred by the organisations when carrying out clothing collections and that through the process of collecting and sorting the clothes value is added. However, expenses/costs deducted by the organisation must still be reasonable.

4.1.7 With regards to clothing collections, the whole profits of the collection must be given to the charity or cause. Applications will be decided on their own

merits. Profit is defined as the money remaining once all reasonable expenses/costs have been deducted from the proceeds of the collection.

- 4.1.8 The applicant must forward a financial return form to the Licensing Authority within one month of the date of the collection showing details of the monies collected. No licence will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

4.2 APPLICATION PROCEDURE

- 4.2.1 The Licensing Authority operates a diary system to log in collections therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the available dates for any collection.

- 4.2.2 Applications are to be made in writing on the form provided together with the information requested. Where possible, the use of electronic forms will be encouraged.

- 4.2.3 Applications must be received on the first day of the month preceding that in which the collection is proposed. In order for the necessary checks to be carried out and to leave time for the necessary prescribed badges and certificates to be ordered and received from Her Majesty's Stationary Office (HMSO), it is advised that applications are submitted a minimum of 3 months before the proposed date of collection. Any applications received less than the 28 days before the proposed first date of collection will be declined. This requirement may be waived in exceptional circumstances at the discretion of the Licensing Enforcement Officer.

- 4.2.4 The following information must be submitted with the application:

- Literature about the organisation;
- Copy of published accounts for the last two years;
- Copy of statement of accounts from the last three or four collections carried out (including collections held in other Licensing Authority areas);
- Letter from the charitable organisation authorising you to undertake a collection on their behalf, if you are not an official of the organisation; and
- An agreement or contract details with any registered charity or individual benefiting from this collection.

- 4.2.5 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant to assist in determining the application. The failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.

- 4.2.6 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:

- (a) Issue a permit specifying the requested date and location; or
- (b) Refuse to issue a permit on the statutory grounds.

4.2.7 The Licensing Authority can refuse or revoke a licence for various reasons including:

- To limit the number of collections in line with this Policy at the discretion of the Licensing Enforcement Officer;
- If too high a proportion of the proceeds is likely to be spent on expenses;
- If not enough of the proceeds are to be given to the charity or cause;
- If incorrect information was provided on the application form;
- If the promoter or any other person involved in the collection has been convicted of certain criminal offences i.e. burglary, blackmail or fraud or any offence committed under the Act.

4.2.8 There is a right of appeal to the Secretary of State against the refusal or revocation of a licence within 14 days from the date on which the notice is given of the refusal or revocation.

4.2.9 During the collection, the promoter must ensure that collectors are 'fit and proper' persons and that they comply with the regulations. A guide to the house to house regulations is attached to this Policy at Appendix 1.

4.2.10 As soon as possible after the date of any collection (no later than one month after the collection), the promoter must forward to the Licensing Authority a financial return form showing details of the monies collected.

5. STREET COLLECTIONS

5.1 GENERAL PRINCIPLES

5.1.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the District of North West Leicestershire.

5.1.2 Wherever possible, two organisations shall not be permitted to collect in the same area on the same day. Applications will be dealt with on a first come first served basis.

5.1.3 Organisations shall not be permitted more than two permits per year to carry out charitable street collections within the same location on a Friday or Saturday.

5.1.4 In general, organisations shall not be permitted to hold more than two collections throughout the District or part thereof during one calendar year. This shall be at the discretion of the Licensing Enforcement Officer.

5.1.5 No payment must be made to any collector, or to any other person connected with the promotion or conduct of the collection, indirectly or directly, out of the proceeds of the collection without the approval of the Licensing Authority. In general, payments to collectors are discouraged as it is contrary to the objective of maximising income to charitable institutions. Reimbursement of reasonable expenses is generally accepted provided that it is within an acceptable overall proportion of the total collected. All collections will be considered on an individual basis but all payments will be subject to agreement with the Licensing Authority in advance.

5.2 APPLICATION PROCEDURE

- 5.2.1 The Licensing Authority operates a diary system to log in collections therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the available dates for any collection.
- 5.2.2 Applications are to be made in writing on the form provided together with the information requested. Where possible, the use of electronic forms will be encouraged.
- 5.2.3 Any applications from charitable organisations who wish to hold a street collection within Belvoir Shopping Centre, Coalville should be accompanied by a letter from the owners of the shopping centre giving permission for the collection to take place on the relevant date. Their contact details can be found on the application form.
- 5.2.4 Applications shall be received no later than one month before the date on which it is proposed to make the collection. This requirement may be waived in exceptional circumstances at the discretion of the Licensing Enforcement Officer.
- 5.2.5 The application will be considered on receipt and, where appropriate, additional information may be required from the applicant. Applications will be considered and determined on a 'first come first served' basis.
- 5.2.6 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:
- (a) Issue a permit specifying the requested date and location; or
 - (b) Refuse to issue a permit.
- 5.2.7 There are no restrictions as to the grounds for refusing an application for a street collection licence and there is currently no right of appeal against a decision of the Licensing Authority to refuse or revoke a licence for a collection.
- 5.2.8 During the collection, the promoter must not allow anyone to collect money, or sell goods, unless they have been given written authority. The promoter must ensure that all people acting as collectors are fit and proper persons and comply with any appropriate legislation. A guide to the street collections regulations are attached to this Policy as Appendix 2.
- 5.2.9 As soon as possible after the date of any collection (no later than one month after the collection), the promoter must forward to the Licensing Authority a financial return form showing details of the monies collected.

6. DIRECT DEBITS

- 6.1 In relation to street collections, the collections of direct debits for charitable purposes will need to be licensed by way of a street collection permit.
- 6.2 With regards to house to house collections, many organisations do not believe that direct debits fall under the remit of the House to House

Collections Act 1939 however the Act defines collection as 'an appeal to the public, made by means of visits from houses to house, to give, whether for consideration or not, money or other property.'

- 6.3 It is the view of this Licensing Authority that direct debits can be classed as the 'giving of money' and therefore direct debit collections would fall under the remit of the above Act and this Licensing Authority requires that all direct debit collections are licensed by way of a house to house collection permit for the non licence exempt charities.

7. CONTACT DETAILS

Anybody wishing to contact the Licensing Authority with regard to this Policy can do so as follows:

In writing to Licensing Service
 Environmental Health
 North West Leicestershire District Council
 Council Offices
 Coalville
 Leicestershire
 LE67 3FJ

By email to licensing@nwleicestershire.gov.uk

By telephone 01530 454838

By fax 01530 454574

DOCUMENT HISTORY

Issue 1 – 2nd June 2010

Issue 2 – 28th November 2012

COUNCIL'S VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

North West Leicestershire District Council,
Council Offices, Whitwick Road, Coalville,
Leicestershire, LE67 3FJ.

This document is available in other formats on request