

Draft House to House Collection Policy and Procedure

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1. Policy Aim

- 1.1 The aims of the Council are to:
 - a. safeguard the interests of both public donors and beneficiaries
 - b. facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met
 - c. prevent unlicensed collections from taking place
 - d. Ensure money is collected securely and proceeds properly accounted for
 - e. Reduce nuisance to residents and visitors
 - f. achieve a fair balance between local and national causes

2. Introduction

- 2.1 House to House collections are a vital source of funds for many charities and they offer a positive opportunity for the public to support them. However, they need to be carried out for the benefit of the charity and in accordance with the legislation. Incidents of bogus house to house collections are on the increase and as such it is vital that licences are issued to legitimate collectors. Ensuring collectors hold the relevant licence gives the public confidence that their donations are being directed to the appropriate charity.
- 2.2 House to House collections are regulated by the House to House Collections Act 1939 (the Act) and the House to House Collections Regulations 1947, as amended.
- 2.3 As a general rule, house to house collections are 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 Council.
- 2.4 The definition of “collection” is 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. This could include the sale of magazines, requests for unwanted clothing and household items.
- 2.5 The definition of “House” includes a place of business.
- 2.6 No collection for a charitable purpose may be made unless the provisions of the Act and the Regulations are complied with, otherwise a criminal offence is committed.
- 2.7 The Council 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

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- 2.8 The Code of Charity Retailing promotes good practice and high standards for charity retailing. Compliance with the Code is a mandatory part of membership of the Association for UK charity members. A copy of this code of practice can be found at <http://www.charityretail.org.uk/ccr2011.pdf>
- 2.9 The Council recognises that collections of direct debit details, house to house, are outside the scope of the 1939 Act. However, such collectors are again advised to consider the advice provided by the Public Fundraising Regulatory Association.
- 2.10 Applicants should be aware that No Cold Calling zones are being developed in the County. The purpose of the zones is to discourage cold callers from specific residential areas usually street or small cluster of houses. The zones provide householders with the opportunity to collectively discourage the often unwelcome practice of cold calling. The zones are visibly identified by overt signs and by each resident displaying a sticker on their door. Residents are given information on how to deal with cold callers should the signs be ignored and they are instructed to notify Denbighshire Trading Standards should this occur.
- 2.11 Individual residents who are not part of a collective No Cold Calling Zone may also indicate through the use of signs and stickers that they do not want to receive cold calls. In all case collectors must not call at these properties. If they do it will be considered a breach of the Consumer Protection from Unfair Trading Regulations 2008 and a breach of this policy.
- 2.12 Where the authority receives negative feedback in respect of collections taking place at unsociable hours, or with regard to undue pressure/misrepresentation by agents; and/or receives complaints about calls to properties displaying such a sticker, consideration will be given to the refusal of future applications or revocation of the current certificate.
- 2.13 Information relating to the current location of No Cold Calling Zones in the County can be obtained from contacting Denbighshire Trading Standards Denbighshire by telephone via Citizens Advice consumer service on [03454 04 05 06](tel:03454040506) or or by emailing tradingstandards@denbighshire.gov.uk

3 Waiving a need for a licence

- 3.1 There are two circumstances where the need for a licence can be waived:
- i. Organisations that have been granted an “Exemption Certificate” issued by the Secretary of State under the provisions of the House to House Collections Act 1939. This Certificate allows an organisation to collect in the County without applying for a licence. The organisation must inform the Council of the dates and areas of any planned collections. Organisations can generally obtain national exemption orders if they have house-to-house collection licences in at least 70–100 local authority licensing areas for the two preceding years.

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- ii. Where the chief constable for the police area is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period he may then under s.1 (4) of the Act grant to the promoter of the collection a certificate in the prescribed form. Where a certificate is granted, a licence from the Council is not required, and the provisions of the regulations shall not apply to a collection made in conformity with such certificate.

4. Allocation of Permit

- 4.1 To avoid the prospect of multiple collections being made in any one day, the Council will not grant licences for a period of twelve months. To give sufficient time to undertake a collection, it will be the policy of the Council not to grant licences for periods in excess of 14 days unless the Council is satisfied that exceptional circumstances exist.
- 4.2 Applications will be dealt with on a first come first served basis, where there is more than one application received at the same time, preference will be given to local charities.
- 4.3 No more than one organisation shall be permitted to collect in the same town per week.
- 4.4 In order to allow as many organisations as possible to collect, no individual organisation will be granted more than one collection per town per calendar year.
- 4.5 The designated areas for House to House Collections in Denbighshire will be Bodelwyddan, Corwen, Denbigh, Llangollen, Prestatyn, Rhuddlan, Rhyl, Ruthin, St Asaph, The Council will also permit collections in other areas in the County including surrounding villages.
- 4.6 If the applicant indicates that the organisation has been refused a licence to carry out a house to house collection by another local authority, unless there are special circumstances for the refusal, the default position of the Council will be to refuse the application.
- 4.7 If an organisation is found to have carried out unlicensed collections, no licences will be granted to that organisation until a period of at least three years has passed without further contraventions.

5. Fees and Charges

- 5.1 The Council makes no charge for the processing of House to House Collection Permits.

6. Decision Making

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

- 6.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 6.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Head of Planning and Public Protection may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances.

7. Refusal of Issue of Permit

- 7.1 The authority can refuse or revoke a licence for a number of reasons, as detailed in the Act:
- If too high a proportion of the proceeds are 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 ie burglary, blackmail or fraud
 - If the grant of the licence 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.
 - If 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 Regulation or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons.
- 7.2 If the applicant or holder of the licence has refused or neglected to furnish 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 foregoing paragraphs.
- 7.3 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.

8 Determining amount devoted to charity

- 8.1 Section 2 (3) of the Act allows the Council to refuse to issue a licence where the total amount likely to be applied for charitable purposes as a result of the collection is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
- 8.2 In deciding whether the amount given to charity is proportionate the Council will use the following as a guideline:
- a. The Council understand there are costs associated with organising and carrying out a house to house collection, however, the costs associated with any one

collection need to be balanced against the perception of the public that all of the items or money they donate will be given to charity;

b. It is also common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether it is excessive, the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The salaries received by Directors and key employees should also be considered as part of this assessment.

c. The Council will consider each application on its merits.

8.3 In order to assess the level of proceeds going to charitable purposes consideration will be given to:

- a. the costs involved with making the collection eg transport/remuneration/materials
- b. the revenue generated from the goods collected
- c. the level of proceeds from the collection that will be donated to the charity
- d. annual accounts submitted

9 Making a complaint

9.1 Should you have a complaint about the way we have provided a service, then you can make a complaint to the Head of Planning and Public Protection, at the address given at the end of this document. Alternatively, you could contact the Council's Complaints Officer on 01824 706169. Every complaint will be investigated and responded to in accordance to the Council's Complaints Policy. The Council's Complaints Policy can be viewed on the website: www.denbighshire.gov.uk.

10 Contacts

10.1 This Policy is available in Welsh. Copies can also be made available in any other language, on request. Please refer to the contact detail below.



Licensing Section, PO Box 62, Ruthin, Denbighshire, LL15



licensing@denbighshire.gov.uk



01824 706342

