



## Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

### HOUSE TO HOUSE COLLECTION POLICY

<b>Author / Custodian:</b>	Nicky Jones
<b>Date agreed and implemented:</b>	
<b>Agreed by:</b>	
<b>Frequency of Review:</b>	3 yearly
<b>Review date:</b>	
<b>Equality Impact Assessment completed: (date)</b>	To be completed
<b>Member involvement (if any)</b>	Licensing Committee and Full Council
<b>Internal or Public Domain:</b>	Public
<b>Head of Service Approval: (signature &amp; date)</b>	

#### VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
V01	Final / Draft	Head of Service	01.01.2012

**Policy Aim**

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

**1. Introduction**

- 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.
- 1.2 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 Council.
- 1.3 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.
- 1.4 The definition of “House” includes a place of business.
- 1.5 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. Waiving a need for a licence**

- 2.1 There are two circumstances where the need for a licence can be waived:
- 2.2 Organisations that have been granted an “Exemption Certificate” issued by the Cabinet Office 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.
- 2.3 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.

**3. Allocation of Permit**

- 3.1 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.
- 3.2 Applications will be dealt with on a first come first served basis.
- 3.3 No more than one organisation shall be permitted to collect in the same town per week.
- 3.4 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.
- 3.5 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.
- 3.6 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
- 3.7 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.

**4. Fees and Charges**

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

**5. Decision Making**

- 5.1 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.
- 5.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy

5.3 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.

## **6. Refusal of Issue of Permit**

6.1 The authority can refuse or revoke a licence for a number of reasons, as detailed in the Act:

1. If too high a proportion of the proceeds are to be spent on expenses;
2. If not enough of the proceeds are to be given to the charity or cause;
3. If incorrect information was provided on the application form;
4. If the promoter or any other person involved in the collection has been convicted of certain criminal offences ie burglary, blackmail or fraud
5. If the grant of the licence would be likely to facilitate the commission of an offence under section 3 of the Vagrancy Act 1824
6. 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.

6.2 Organisations can appeal the decision of the Council within 14 days of the notice of refusal, 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. Appeals should be made in writing to:

Office for Civil Society, 2<sup>nd</sup> Floor, Admiralty Arch, South Side, The Mall, London, SW1A 2WH

## **7. Determining Amount devoted to Charity**

7.1 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).

7.2 The Council will consider each application on its merits, in particular the Council recognises that costs of collection of goods such as textiles by a commercial operator in partnership with a charity can vary.

7.3 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

**8. Making a Complaint**

- 8.1 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](http://www.denbighshire.gov.uk).

**9. Contacts**

- 9.1 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, Russell House, Rhyl, Denbighshire, LL18 3DP



[licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk)



01824 706342