

# Chichester District Council

## General Licensing Committee 27<sup>th</sup> February 2019

### The Council's proposed House to House Collection Policy

#### 1. Contacts

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#### 2. Executive Summary

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| To introduce and seek adoption of the Council's proposed House to House Collection Policy for the Chichester district. |
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#### 3. Recommendation

##### 3.1 Members consider and approve the adoption of the proposed House to House Collections Policy for the Chichester district.

#### 4. Background

4.1 House to House Collections are governed by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.

4.2 A House to House Collection licence enables the holder to undertake door to door collections of money, unwanted property (e.g. clothing) and the sale of goods where any part of the proceeds may go to charity.

4.3 This Council has never previously had a House to House Collection Policy and has relied upon the basic controls contained in the statutory framework. An authority can refuse or revoke a licence for a number of reasons as outlined below:

- 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, i.e. 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 Regulations or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons.

With regard to the above it is considered difficult to make a decision without a policy being in place and would potentially leave the Council open to challenge.

- 4.4 During 2018 this Licensing Authority received complaints regarding alleged unlicensed collections taking place within the Chichester district. Whilst investigating these complaints, it became apparent that the adoption of a localised policy would be beneficial in order to assist in the control of future collections.
- 4.5 A number of recent licensed collections have resulted in an extremely low percentage of the proceeds reported as being given to charities. In one case, it was proposed in an application to give only 15% of the proceeds directly to the charity nominated by the applicant.
- 4.6 Applications for a licence can be granted for any period up to 12 months. Without a policy it is extremely difficult to determine to grant a licence for any shorter period of time.
- In 2017, 41 licences granted, 20 for a period of 12 months.
  - In 2018, 40 licences granted, 21 for a period of 12 months.
- 4.7 Officers have undertaken research regarding policy development involving discussions with other local authorities. Having carefully considered a number of licensing authority policies from across the country, elements of these have naturally been incorporated into our draft. In particular, policies from the following authorities were reviewed: Blackpool, East Lindsey, East Northamptonshire, Epsom and Ewell, Kirklees, Slough and Wycombe.

## **5. Outcomes to be Achieved**

- 5.1 Provision of a clear and fair framework for those wishing to undertake collections on the Chichester district.
- 5.2 To enable equity amongst charities/charitable organisations in terms of the number of collections undertaken in a calendar year.
- 5.3 To avoid areas of the district becoming saturated by regular and repeated collections.
- 5.4 To protect residents from unlicensed collections so far as reasonably practicable and to ensure that anyone donating money or clothing can be sure that a significant percentage of the collection proceeds will go to the charity.

- 5.5 To ensure that charities receive an appropriate percentage of the proceeds from a collection.
- 5.6 The adoption and implementation of a policy features in the Licensing Team's current Service Action Plan.

## **6. Proposal**

- 6.1 That the new proposed draft House to House Policy (as set out in Appendix 1) is adopted providing a local framework for the administration and enforcement of matters related to collections.
- 6.2 It is important to implement a policy as we currently have no ability to require a minimum percentage of proceeds to be given to charity. This position is inconsistent with a number of other local authorities and it appears promoters are being attracted to the Chichester district for this reason.
- 6.3 There would be a small number of applicants that would no longer fully meet our requirements should this policy be adopted. Many of these would be due to the proposed increase in percentage of proceeds expected to be given to the charity.
- 6.4 If adopted, the policy would be immediately implemented in relation to new applications only. Current granted licences would not be affected.
- 6.5 Key benefits of the proposed policy are:
- Restriction on the number of collections that can take place in any area on the same day (limited to one);
  - Restriction on the number of collections that any one organisation/charity can undertake per calendar year (limited to two);
  - Restriction on the length of time a collection can be undertaken (maximum 14 consecutive days);
  - Stipulate the percentage of proceeds that must be given to the charity (minimum 70%); and
  - The applicant would be required to evidence that they are fit and proper by way of the results of a criminal convictions record check.

## **7. Alternatives Considered**

- 7.1 Continue to process applications without a House to House Collections Policy relying upon the minimal statutory controls previously referred to.

## **8. Resource and Legal Implications**

- 8.1 Applications are not subject to any fee. Therefore there is no income generated nor lost from the implementation of this policy.
- 8.2 No additional staffing resources would be required. It is anticipated that a policy would reduce and simplify the administration processes.
- 8.3 There are no legal implications identified other than those outlined above.

## 9. Consultation

9.1 No direct consultation has taken place with those who have previously submitted an application. Annually we receive approximately 20 applications from the same promoters with the remainder from a variety of other organisations.

9.2 An amended application form (Appendix 2) was recently introduced which captures information relating to various aspects referred to above. This form has been sent to various parties who have previously submitted an application to this authority. Therefore they will be aware that we are seeking additional information.

## 10. Community Impact and Corporate Risks

10.1 The implementation of this policy may result in a small number of promoters not being able to collect as frequently as they may once have on the Chichester district. However, consequently other charities will naturally benefit as a result of a balanced policy enabling many charities to collect where some have previously monopolised the district.

## 11. Other Implications

| Are there any implications for the following?   |     |    |
|---|-----|----|
|   | Yes | No |
| <b>Crime and Disorder:</b> The new policy would require promoters to evidence that they have no criminal history. In addition certain elements of the policy relate to consequences should a collection not be undertaken in accordance with the proposed policy. | X   |    |
| <b>Climate Change and Biodiversity</b>  |     | X  |
| <b>Human Rights and Equality Impact</b>   |     | X  |
| <b>Safeguarding and Early Help</b>  |     | X  |
| <b>General Data Protection Regulations (GDPR)</b>   |     | X  |
| <b>Health and Wellbeing</b>   |     | X  |
| <b>Other</b> (please specify)   |     | X  |

## 12. Appendices

12.1 Appendix 1 – Draft House to House Collection Policy

12.2 Appendix 2 – House to House Application Form

## 13. Background Papers

Fundraising Regulator Code of Fundraising Practice:  
[www.fundraisingregulator.org.uk/code](http://www.fundraisingregulator.org.uk/code)