

## Draft House to House Collections Policy

### 1. Introduction

- 1.1 House to House collections are governed by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.
- 1.2 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 authority.
- 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.
- 1.4 The only exception to the general rule is for charities 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 a charity to collect in the district without applying for a licence. The charity must inform the authority of the dates and areas of any planned collections.

### 2. Aims

- 2.1 The aims of the licensing authority 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, the licensing authority will:
  - Ensure impartiality and fairness in determining applications;
  - Accommodate all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
  - Provide equality of opportunity for proposed collectors;
  - Avoid causing undue nuisance to the public;
  - Set fair maximum limits; and
  - Achieve a fair balance between local and national causes.

- 3.2 The licensing authority recommends all parties adhere to the Fundraising Regulator Code of Fundraising Practice developed by the Institute of Fundraising and Public Fundraising Association. A copy of the code of practice can be found at [www.fundraisingregulator.org.uk/code](http://www.fundraisingregulator.org.uk/code)

#### **4. General Principles**

- 4.1 Charities must either be registered with the Charity Commission or, in exceptional circumstances, be accepted as a charitable organisation based in the Chichester district.
- 4.2 Only one collection shall be permitted in an area at any one time.
- 4.3 Applicants must specify the exact area that they propose to collect in and are not permitted to apply for the entire or significant area of the district. For example, 'Selsey, East Wittering, West Wittering and Bracklesham Bay' would be acceptable; however, 'All parishes excluding Oving' would not. The Licensing Authority will naturally endeavour to facilitate collections where there is an overlap of an area within an application (i.e. provide alternative dates or adjust the area proposed to collect in).
- 4.4 Applications will be dealt with on a first come first served basis.
- 4.5 No more than two collections for a particular charity/charitable organisation may be undertaken throughout the district or part thereof during one calendar year.
- 4.6 To give sufficient time to allow as many organisations as possible to undertake a collection, the licensing authority will not grant licences for periods in excess of 14 consecutive days.
- 4.7 There must be a minimum period of 28 days between collections made for the same charity/charitable organisation.
- 4.8 Applications will only be accepted for collections to be held in the current or next calendar year.
- 4.9 Whilst each application will be decided on its individual merit, at least 70% of the total proceeds of the collection must be given to the charity/charitable organisation. Therefore no more than 30% of the total proceeds can be deducted by the collector for expenses/costs relating to the collection.
- 4.10 The promoter must forward a financial return form to the licensing authority within one calendar month of the end 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.

#### **5. Applications**

- 5.1 In order for the necessary checks to be carried out and to leave time for prescribed badges and certificates to be ordered and received from Her Majesty's Stationery

Office (HMSO), it is strongly recommended that applications are submitted a minimum of three months before the proposed date of collection.

5.2 Any application received after the first day of the month preceding the month during which the proposed collection would commence will ordinarily be refused. Where we are satisfied that there are special reasons for the failure to comply with this requirement, we may determine to grant the licence.

5.3 The following information must be submitted with an application:

- Any relevant literature about the charity/charitable organisation;
- Copy of the published accounts for the last two years;
- If you are applying on behalf of a charity/charitable organisation, a letter from the charity/charitable organisation authorising you to undertake a collection on their behalf (commonly referred to as a 'letter of authorisation');
- Any agreement or contract details with the charity/charitable organisation benefitting from the collection;
- A criminal conviction certificate 'Basic Disclosure Check' issued by the Disclosure and Barring Service relating to either the applicant (i.e. promoter) or where the applicant is a company, the Director responsible for overseeing the collection. The certificate must not have been issued earlier than one calendar year prior to the application.

5.4 Applications requesting longer than 14 consecutive days will be refused.

5.5 Applications will be carefully considered on receipt. In the event that further information is requested from the applicant to assist with its determination, this must be provided in a timely fashion. Failure to do so will result in a delay to consideration or ultimately refusal of the application.

5.6 The licensing authority can refuse or revoke a licence for a number of reasons:

- If a 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/charitable organisation;
- 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 Collection Regulations 1947 or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons.

5.7 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.

## **6. Conduct during collections**

6.1 The House to House Collection Regulations 1947 (Appendix A) as amended requires that *'no collector shall importune any person to the annoyance of such person, or remain in, or at the doors of, any house if requested to leave by any occupant thereof.'*

6.2 Collectors must not call at properties where residents have displayed a no cold calling sticker or similar indicating that they do not want to be subject to unsolicited visits.

6.3 Consideration will be given to revoking a licence and/or refusing any future application(s) 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 a no cold calling sticker.