

House to House Collections Policy

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Contents

Section	Description	Page N°
1 -	Introduction	3
2 -	Background	3
3 -	Application	3
4 -	Accounts & Financial Information	3
5 -	Offences	4
6 -	Grounds for Refusal	4
7 -	Financial Considerations	5
8 -	Applicant Suitability	5
9 -	Convictions Policy	5
10 -	Limitations to Permits	7
11 -	Exemptions	8
12 -	Returns	8
13 -	Appeals	8
14 -	References	8
	Appendix I – Regulations	9

1 Introduction

- 1.1 The aim of the policy is to ensure that people who wish to donate to charity, through house to house collections, are able to do so in good faith knowing that the money or products they donate will directly benefit the charity.
- 1.2 In addition, this policy details the matters that will be taken into consideration when determining an application for a house to house collection.

2 Background

- 2.1 House to house collections are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947; and involve the collection of either money or items directly from a person's property, for charitable purposes.
- 2.2 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 law. 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.
- 2.3 Licences for these collections are generally issued by Oldham Council; however, there are 'National Exemption' orders available to charities who wish undertake a high number of simultaneous collections across a number of local authority areas. A person wishing to take advantage of a 'National Exemption' order should apply to the relevant Secretary of State.

3 Application

- 3.1 Anyone wishing to conduct a house to house collection must complete the relevant application form.
- 3.2 Applicant must supply information relating to:-
 - a) whether it is a registered charity (please state number), and the objectives of the charitable cause as supplied to the Charity Commission;
 - b) statement of the organisation's aims as detailed in any literature;
 - c) details of the history of the organisation, i.e. when formed; names of trustees, directors, organisers, etc;
- 3.3 Applicants must also provide details of the following:-
 - a) how much the charity will receive as part of the collection;
 - b) the percentage of the cost of running the collection;
 - c) if the organisation has operated collections before a clear set of returns must be supplied;
- 3.4 Applications are to be made in writing no later than one month before the collection is due to take place, this period may be reduced if the Council are satisfied there are special reasons for so doing.

- 3.5 Applications will be dealt with on a first come first serve basis, where there is more than one application received at the same time, preference will be given to local charities.
- 3.6 Failure to provide the above information may result in an application being delayed or refused.

4 Offences

- 4.1 A person commits an offence if they 'promote' a collection for a charitable purpose within the Borough of Oldham without a licence to do so.
- 4.2 A person commits an offence if they 'act' as a collector for a charitable purpose within the Borough of Oldham without a licence to do so.

5 Grounds for Refusal

- 5.1 The Council may refuse to grant a licence or, where a licence has been granted, revoke that licence, where it appears to the Council:-
- a) the total amount likely to be given for charitable purposes as the result of the collection (including any amount already given) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
 - b) that the remuneration by any person is excessive in relation to the total amount received or likely to be received;
 - c) the grant of a Licence would be likely to facilitate the commission of an offence under Section Three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
 - d) the applicant or the holder of the Licence is not a fit and proper person to hold a Licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence;
 - e) the applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
 - f) 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;
- 6.2 In addition, any action taken as a result of not complying with regulations on operating house to house collections would also be grounds for refusal, unless there are extenuating circumstances.

6 Financial Considerations

- 6.1 As detailed in point 6.1(a) and 6.1(b) above an application for a house to house collection may be refused where the proportion of money / items being given a charity is disproportionate to the amount actually collected. In order for the Council to be confident that the amount being given to charity is proportionate, the financial information provided on the application form and on any returns has to be detailed and accurate. Failure to provide detailed and accurate financial information may result in an application being refused or delayed.
- 6.2 In deciding whether the amount given to charity is proportionate the Council will use the following as a guideline:-
- a) The Council understands 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. Therefore, the Council will consider refusing an application where less than 60% of the value of the collection is being donated to the charity named in the application;
 - 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. Therefore the Council will give consideration to refusing an application where the amount of remuneration is greater than 40% of the value of the collection;
- 6.3 If no previous returns have been supplied to the Council after previous licensed collections then any further application may be refused.

7 Applicant suitability

- 8.1 When granting a licence for a house to house collection, the Council must be satisfied the applicant is a fit and proper person to hold a House to House Collections Licence. In deciding whether an applicant is fit and proper the Council will take into consideration the following:-
- a) whether the conviction is relevant;
 - b) the seriousness of the offence;
 - c) in accordance with the Rehabilitation of offenders Act 1974, the length of time since the offence occurred;
 - d) whether there is a pattern of offending behaviour;
 - e) whether that person's circumstances have changed since the offence occurred, and the circumstances surrounding the offence and the explanation offered by that person;
- 8.1 Applicants will need to complete a declaration of convictions and submit this along with any application for a house to house collections licence.

8 Limitations to permits

Oldham Council will only allow 1 organised house to house collection in any one area at any one given time.

Oldham Council will only allow any organisation to collect on 5 occasions per calendar year.

The maximum duration of any one collection will not exceed 2 weeks.

No collection shall be made other than on the time period specified in the permit.

Oldham Council may, in granting a permit, limit the collection to such streets or areas or such parts thereof as it thinks fit and specified on the permit.

No collection shall be made in a manner likely to inconvenience or annoy any person.

No collector shall pester any person to the annoyance of such person.

9 Exemptions

- 9.1 Exemption to house to house permits will be given to those with Home Office Exemption certificates.

10 Returns

- 10.2 Within one month after the date of any collection the person to whom a permit has been granted shall forward to Oldham Council:-
- a) a statement in the form set out in the schedule to these regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection and certified by that person and a member of the receiving charity in the form of a letter headed response;
 - b) list of collectors;
 - c) list of the amounts collected in each collecting box;

11 Appeals

- 11.1 Any person aggrieved by the refusal to grant a licence or by the revocation of a licence already granted, may appeal against the decision within fourteen days of the date of the notice of refusal or revocation, as shown on the notice.
- 11.2 Any appeal must be made to the relevant Secretary of State.

12 References

House to House Collections Act 1939
House to House Collections Regulations 1947 & 1963
Police, Factories, &c. (Miscellaneous Provisions) Act 1916

HOUSE TO HOUSE COLLECTIONS ACT 1939

HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947 (as amended)

1. Title and extent

- (a) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
- (b) These regulations shall not extend to Scotland.

2. Interpretation

- (1) In these regulations, unless the context otherwise requires –

‘The Act’ means the House to House Collections Act 1939;

‘chief promoter’, in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of subsection (2) or section 1 of the Act as respects that collection;

‘collecting box’ means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

‘licence’ means a licence granted by a [licensing authority]¹ under section 2 of the Act;

‘order’ means an order made by the Secretary of State under section 3 of the Act;

‘prescribed badge’ means a badge in the form set out in the Fourth Schedule. to these regulations;

‘prescribed certificate of authority’ means a certificate in the form set out in the Third Schedule to these regulations;

‘receipt book’ means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

‘street collection’ means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, apply.

- (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
- (3) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection;

Provided that the [licensing authority] or, as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.

5. Responsibility of promoters as respects collectors

- (1) Every promoter of a collection shall exercise all due diligence –
 - (a) to secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person –
 - (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.
- (2) Every promoter of a collection shall exercise all due diligence to secure –
 - (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- (3) In the case of a collection in respect of which a licence has been granted –
 - (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
 - (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto. in a manner approved by the [licensing authority] for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

Every collector shall –

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age limit

No person under the age of 16 years shall act or be authorised to act as a collector of money.

9. Importuning

No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collection of money

- (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

Every collector, to whom a collecting box or receipt book has been issued, shall -

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation -
 - a. every envelope used shall have a gummed flap by means of which it can be securely closed;

- b. no collector shall receive a contribution except in an envelope which has been so closed; and
 - c. these regulations shall have effect subject to the following modifications:-
 - i. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - ii. regulation 10 shall not apply;
 - iii. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - iv. in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - v. in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- (3) In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the [licensing] by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one [licensing area], a combined account of the collections made in all or any of those [licensing areas] may, by agreement between the chief promoter and the respective [licensing authorities] be made only to such of the respective [licensing authorities] as may be so agreed.

- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- (3) The [licensing authority] or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a [licensing authority] by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, may, if the said [licensing authority] agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

The account required by the preceding regulation –

- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case

shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and

- (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

16. Vouching of accounts

- (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- (2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc

The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

¹*Substituted by the Local Authorities (Miscellaneous Provisions) (No 2) Order 1974 (SI 1974 No 595).*

²*Amended by the House-to-House Collections Regulations 1963 (SI 1963 No 684).]*