

## APPENDIX C

# HOUSE TO HOUSE COLLECTION POLICY

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Related Documents	
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House to House Collections Act 1939	Statute
House to House Collections Regulations 1947, as amended,	
House to house collection licence application form	
House to house collection licence	
House to house collection statement return form	
Consumer Protection and Business Compliance Enforcement Policy	
Relevant Information Sharing Protocol?	

If you have any further questions about this policy or for further information, including applications forms, please contact:

Licensing Manager,  
Slough Borough Council,  
Landmark Place,  
High Street,  
Slough  
Berkshire

# HOUSE TO HOUSE COLLECTION POLICY

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# HOUSE TO HOUSE COLLECTION POLICY

## 1. BACKGROUND INFORMATION

Public charitable collections that are carried out house-to-house are controlled by the House to House Collections Act 1939 (1939 Act) and the House to House Collections Regulations 1947 (1947 Regulations), as amended, which established a central licensing regime for such collections.

The 1939 Act states that a licence from a local authority is required in order to carry out any collection. Section 11 defines 'collection' as "*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.*"

A **collection for charitable purposes** cannot be made unless the provisions of the 1939 Act and the 1947 Regulations are complied with - otherwise an offence may be committed. You must have a licence before you carry out a collection.

Offences are punishable by penalties ranging from a fine of up to £200.00 or in some cases, up to six months imprisonment and a fine of up to £1,000.00.

The only exemptions to this general rule are organisations that have been granted a 'National Exemption Order' by the Cabinet Office under the provisions of the 1939 Act.

The exemption allows such organisations to fundraise in an area without the need to apply for a licence, although they do have to notify the local authority of the dates and areas of any planned fundraising activities. Details of this scheme can be found at [www.gov.uk/government/publications/national-exemption-order-scheme](http://www.gov.uk/government/publications/national-exemption-order-scheme)

From [xx 2016], the Council as licensing authority will give preference in granting house to house collections licences to **local organisations** (and their authorised collection agents) whose collection proceeds will be used for the benefit of Slough's communities and this policy should be read accordingly.

## 2. THE AIMS OF THE POLICY

- 2.1 This policy is designed to:
- Ensure that members of the public are safeguarded so that they are not subject to unauthorised donation requests.
  - Ensure that applications are considered in a timely way.
  - Ensure impartiality and fairness in determining applications.
  - Accommodate all eligible requests, subject to capacity, bearing in mind that certain days are especially sought after.
  - Reduce nuisance to residents and visitors.
  - Safeguard the interests of the public, donors and beneficiaries.
  - Facilitate well organised collections by bona fide charitable institutions and ensure that good standards are met.
  - Prevent collections in specified locations.
  - Ensure that wherever possible, no more than one organisation will be permitted to collect in the same collection area on the same day. Details of the 7 collection areas can be found at Appendix C.
  - Ensure money is collected securely and proceeds properly accounted for.
  - Achieve a fair balance between local and national causes.

## 3. SCOPE OF THIS POLICY

3.1 This policy covers the whole of the borough of Slough.

#### **4. ELIGIBLE APPLICANTS/ORGANISATIONS**

4.1 Organisations wishing to make collections should note that only those organisations whose purposes/intentions are charitable (see Appendix A for a definition of 'charitable purpose') within the meaning of Section 1 of the Charities Act 2011 will be eligible for the grant of such a licence, unless there are exceptional circumstances to allow otherwise.

4.2 Before allowing any collection, the Council must be satisfied that the organisation is a bona fide charity (see Appendix A for a definition of 'Charity').

#### **5. DEFINITION OF HOUSE TO HOUSE COLLECTION**

5.1 House to house collections for charitable, benevolent or philanthropic purposes usually involve the collection of either cash or goods directly from a person's property.

5.2 The definition also includes requests for unwanted clothing and household items, where any part of the collection proceeds may go to a charitable, benevolent or philanthropic purpose.

#### **6. COLLECTION DATES**

6.1 Where ever possible, no more than one eligible organisation will be permitted to collect in the same area on the same day.

6.2 In general, eligible organisations will not be permitted to hold more than two collections in the borough or part thereof during one calendar year.

6.3 A calendar year runs from 1st January to 31st December each year.

6.4 The licensing authority will not grant licences for periods in excess of 14 days.

6.5 This requirement will only be waived in *exceptional circumstances* and at the discretion of the licensing authority (see section 9 below).

6.6 Collection dates will not be confirmed until the licensing authority has received a fully completed house to house collection licence application form and supporting information (see section 7 and 8 below) from the applicant.

#### **7. APPLICATION**

7.1 An application for a house to house collection license may be submitted to the Council a minimum of 30 days before the first proposed collection date.

7.2 This requirement will only be waived in *exceptional circumstances* and at the discretion of the licensing authority (see section 9 below).

7.3 In order to avoid multiple collections being made on the same day applications for house to house collection licences will not be considered more than 6 months in advance of the proposed start date of the collection.

7.4 Applications will be dealt with on a first come first served basis.

## **Application Process**

- 7.5 All applications for a house to house collection licence must be made using a house to house collection licence application form which can be downloaded from the council's website at [www.slough.gov.uk/business/licences-and-permits/house-to-house-collections.aspx](http://www.slough.gov.uk/business/licences-and-permits/house-to-house-collections.aspx).
- 7.6 All applications must be made accompanied by the following supporting information:
- Literature about the organisation
  - A copy of the published accounts for the collecting organisation for the previous financial year; an electronic copy is acceptable.
  - If the applicant is not an official of the organisation, a letter from the organisation authorising the applicant to undertake a collection on their behalf.
  - Any agreement or contract details between the applicant and the organisation benefiting from the collection; an electronic copy is acceptable.
- 7.7 Failure to provide this information in support of an application will render the application incomplete and will result in it being rejected.
- 7.8 The licensing authority reserves the right to make more detailed enquiries about all applications in certain circumstances. This could include consulting with the Police.
- 7.9 If additional information is requested from the applicant it must be provided no later than 10 working days before the 1<sup>st</sup> proposed collection date.
- 7.10 Failure to do so could result in the licensing authority refusing the application (see section 14).
- 7.11 Where an applicant refuses to provide the licensing authority with such requested information that the licensing authority reasonably requires, it will reject the application (see section 14).
- 7.12 The legislation does not allow the Council to make a charge for the licence.

## **Decisions**

- 7.13 The licensing authority, in exercising its discretion in carrying out its regulatory functions, will have regard to this policy and the principles set out herein.
- 7.14 Each application for a house to house collection licence will be considered on its own merits based on the licensing principles detailed in this policy and using the decision making process illustrated at appendix B to this policy.
- 7.15 Where it is necessary for the licensing authority to depart substantially from this policy, clear and compelling reasons for doing will be given in writing.
- 7.16 The licensing authority may authorise a departure from this policy if it considers it necessary and/or in exceptional circumstances.

## **Exceptional Circumstances**

- 7.18 The licensing authority operates a policy of allowing one eligible organisation to collect in an area on any given day.
- 7.19 The Council may, at its discretion, may make an exception to this policy in respect of proposed house to house collections in response to a national or international disaster; including, but not limited to, urgent appeals by individuals or groups collecting on behalf of the Disaster Emergency Committee (DEC). Further information on DEC is available at <http://www.dec.org.uk/>

### **Successful Applications**

- 7.20 If an application for a house to house collection licence is granted the applicant will receive the following documents from the licensing authority:
- A house to house collection licence made out in the name of the applicant.
  - A blank statement of return form

## **8. COLLECTION PRINCIPLES**

- 8.1 The licensing authority requires that all eligible organisations undertaking house to house collections in the borough adhere to:
- the Institute of Fundraising's Code of Fundraising Practise. A copy of this code of practise can be found at [www.institute-of-fundraising.org.uk](http://www.institute-of-fundraising.org.uk).
  - It should be noted that while the collection of direct debit details during house to house collections are outside the scope of the 1939 Act, the licensing authority expects all collectors to follow the advice provided by the Public Fundraising Regulatory Association. A copy of this advise can be found at [www.pfra.org.uk/control\\_and\\_regulation/doorstep/doorstep\\_f2f\\_best\\_practice](http://www.pfra.org.uk/control_and_regulation/doorstep/doorstep_f2f_best_practice)

## **9. REFUSAL/REVOCAION**

- 9.1 The licensing authority may refuse or revoke a house to house collection licence for a number of reasons:
- If the applicant is not (i) a bona fide charity providing public benefit; or (ii) a local charity providing public benefit which serves the needs of persons residents in the borough.
  - If the applicant has been refused a licence to carry out a house to house collection by another local authority.
  - If the applicant is found to have carried out an unlicensed collection previously anywhere in England and Wales. In this instance, no licences will be granted to that applicant until at least 3 years have passed without further contraventions.
  - If a 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 (see section 13 below).
  - If incorrect or incomplete (see section 7 above) information was provided on the application form.

- If additional information is requested and the applicants refuse or neglects to provide it.
- If the applicant, promoter or any other person involved in the collection has been convicted of certain criminal offences. These offences include:
  - Any offences involving burglary, blackmail or fraud.
  - Any offence of a violent or sexual nature.
  - Any offence which necessarily involved a finding that the applicant acted fraudulently or dishonestly.
  - Offences committed in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or the dishonest appropriation of property.
  - Offences committed under this Street Collections Regulation (Scotland) Act 1915.
  - Offences committed under section 5 of the Police, Factories etc) Miscellaneous Provisions) Act 1916.
- If the granting of a licence would be likely to facilitate the commission of an offence under section 3 of the Vagrancy Act 1824.
- If the applicant or licence holder 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 Act 1939](#) or to prevent prescribed badges or certificates of authority being obtained by authorised persons.

9.2 Where an application for a licence is refused or revoked by the licensing authority the applicants have the right to appeal to the Minister for the Cabinet Office (see section 17 below).

## **10. RETURNS**

- 10.1 Within **one month** of the date of the house to house collection having taken place, the licence holder must send a completed statement of return form to the licensing authority.
- 10.2 This form must record the amount received and the expenses and payments incurred in connection with the house to house collection.
- 10.3 A letter from the benefiting organisation confirming the donation amount received from the collection must also accompany the returns form.
- 10.4 Failure to comply with this requirement within the specified deadline is an offence and will result in any future applications for a house to house collection license being refused by the licensing authority for a period of 6 months.
- 10.5 No further licences will be considered if there are any outstanding financial returns due to the licensing authority from a charity's previous house to house collection.

## **11. ENFORCEMENT**

- 11.1 The licensing authority operates a proportionate enforcement regime in accordance with the council's relevant enforcement policies.

- 11.2 The general enforcement aims of the council are to:
- Safeguard the interests of the public, donors and beneficiaries.
  - Facilitate well organised collections by bona fide charitable organisations and to ensure good standards are met.
  - Prevent unlicensed collections from taking place.
- 11.3 A copy of the Council's Consumer Protection and Business Compliance Enforcement Policy can be found at [www.slough.gov.uk/business/licences-and-permits/house-to-house-collections.aspx](http://www.slough.gov.uk/business/licences-and-permits/house-to-house-collections.aspx)

## **12. SHARING OF INFORMATION**

- 12.1 The licensing authority may share with other enforcement bodies (including the Police) any information supplied by applicants, or required in the course of exercising its licensing functions, where it is lawful to do so.
- 12.2 Personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of a crime or where it is required by law, or in connection with legal proceedings.
- 12.3 Where applicable, it will be disclosed under the relevant Information Sharing Protocol.

## **13. APPEALS**

- 13.1 There is a statutory right of appeal to the Minister for the Cabinet Office against the decision of the licensing authority to refuse a licence to hold a house to house collection or to revoke such a licence.
- 13.2 Appeals should be made in writing to:

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

- 13.3 An appeal must be lodged within 14 days of the date on which the Notice of refusal or revocation was given to the applicant or licence holder.

## **14. CONTACTS**

**Licensing team**  
**Slough Borough Council**  
Email: [Licensing@slough.gov.uk](mailto:Licensing@slough.gov.uk)  
Tel: 01753 875664  
Web: [www.slough.gov.uk/business/licences-and-permits](http://www.slough.gov.uk/business/licences-and-permits)

**Charity Commission for England and Wales**

House to House collection Policy 2015



[www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)

**Companies House**

[www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)

**Institute of Fundraising**

[www.institute-of-fundraising.org.uk](http://www.institute-of-fundraising.org.uk)

**Public Fundraising Regulatory Association**

[www.pfra.org.uk](http://www.pfra.org.uk)

## Appendix A: Definitions

### 1. Definition of charitable purpose

The Council will use Section 1 of the Charities Act 2011, which defines charitable purpose as:

1. the prevention or relief of poverty
2. the advancement of education
3. the advancement of religion
4. the advancement of health or the saving of lives
5. the advancement of citizenship or community development
6. the advancement of the arts, culture, heritage or science
7. the advancement of amateur sport
8. the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
9. the advancement of environmental protection or improvement
10. the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
11. the advancement of animal welfare
12. the promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services
13. other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

### 2. Definition of charity

Most organisations that are charities are required to register with the appropriate regulator, but significant exceptions apply so that many organisations that are bona fide charities do not appear on a public register maintained by the Charity Commission.

In order to determine whether an applicant is a charity the council will refer to Section 1 Charities Act 2011, which provides the following definition:

*“(1) For the purposes of the law of England and Wales, “charity” means an institution which —*

*(a) is established for charitable purposes (see definition 1 above) only, and  
(b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.”*

This means that the following types of legal entity may be eligible to apply for a house to house collections licence under this policy:

- 1) **Charitable Companies** - **these are** formed and registered under the Companies Act 2006; they also include a companies already registered under the Companies Act 1985, or one which was already in existence at that time; and which is established for **exclusively** charitable purposes.
- 2) **Charitable Incorporated Organisations** – these have powers similar to a company but without the need to register as a company. CIOs have a legal personality, the ability to conduct business in their own name, and limited liability so that its members and trustees do not have to contribute in the event of financial loss. From March 2013 all CIOs have to register with the Charity Commission.
- 3) **Charities incorporated by Royal Charter** – these tend to be organisations with a legal personality (or, in some instances, transforms a charity incorporated as a company into a charity incorporated by Royal Charter). The Charter must be approved by the Privy Council before receiving Royal Assent. Although the nature of these charities will vary depending on the

clauses enacted, these generally have the same limited liability as a company and the ability to enter into contracts.

- 4) **Common Deposit Funds** – these are charities established by Scheme under s.100 of the 2011 Act. Test = question in the form / copy of governing document
- 5) **Common Investment Funds** – these are established by scheme under s.96 of the 2011 Act. But the definition for the purposes of the Charities (Accounts and Reports) Regulations 1995, and the Financial Services and Markets Act 2000 (Exemption) Order 2001, and clause 38 of the Trustee Bill excludes such funds whose trusts provide for participation only by charities which have the same charity trustees as the fund (i.e., pool charities). In a CIF a participating charity has a "share" or a number of the "units" in a portfolio of the CIF rather than an individual list of stock holdings of its own. CIFs are established as separate charities in themselves (i.e. aside from the individual participating charities), with trustees appointed in accordance with the Scheme.
- 6) **Community Trusts or Community Foundation** - these are fund-raising and grant making charities established to raise new resources for local charities in a specific geographic area (or "community") and to promote the effective use of these resources. Community Trusts are most commonly constituted as charitable companies limited by guarantee. Test = question in the form / copy of governing document.
- 7) **Companies limited by guarantee** - these are private limited companies where the liability of members is limited. They do not have a share capital, but instead have members who are guarantors instead of shareholders. In the event of the company being wound up the members agree to pay a nominal sum which can be as little as £1.
- 8) **Excepted charity** - these are charities that do not have to register with the Charity Commission, but, in most other respects, are fully within their jurisdiction (either due to a Charity Commission ruling, legislation or because their income is considered as too small). They tend to include churches and chapels of some Christian denominations and the funds associated with them, charitable funds of the armed forces, scout and guide groups.
- 9) **Exempt charity** - these charities do not have to register with the Charity Commission, as they are covered by other statutory instruments. Examples of exempt charities are listed in Schedule 3 to the 2011 Act (although it should be noted that not every institution listed in this schedule is not necessarily a charity; the Act grants exempt status only "so far as they are charities).
- 10) **Non-company charities** – these are non exempt charities other than those which are formed and registered under the Companies Act 1985 and the Companies Act 2006, or to which the provisions of those Acts apply.
- 11) **Trusts** – these are essentially a relationship between three parties, the donor of some assets, the trustees who hold the assets and the beneficiaries (those people who are eligible to benefit from the charity). When the trust has charitable purposes, and is a charity, the trust is known as a charitable trust. They will have Trust Deed or Declaration of Trust, which comes into operation once it is signed by all the trustees.
- 12) **Unincorporated associations** - these is the most common form of organisation within the voluntary sector in England. An unincorporated association is essentially a contractual arrangement between individuals who have agreed to come together to form an organisation for a particular purpose. They normally have a governing document and a constitution or set of rules, which will deal with such matters as the appointment of office bearers, and the rules governing membership.

### **3. Definition of public benefit**

It is a legal requirement in the Charities Act 2011 that, to be a 'charitable purpose', the purpose must be 'for the public benefit'. There are two aspects of public benefit:

- 1) The 'benefit aspect' – this is about whether the purpose is beneficial. In order to satisfy the 'benefit aspect' of the legal requirement:
  - the purpose must be beneficial
  - any detriment or harm that results from the purpose must not outweigh the benefit
- 2) The 'public aspect' – this is about who the purpose benefits. In order to satisfy the 'public aspect' legal of the legal requirement:
  - it must benefit the public in general, or a sufficient section of the public
  - and not give rise to more than incidental personal benefit

The Council will use the flow diagram at appendix B to determine whether the purpose of the applicant's collection satisfies both the 'benefit' and 'public' aspect requirements of the Act.

### **4. Definition of local charity**

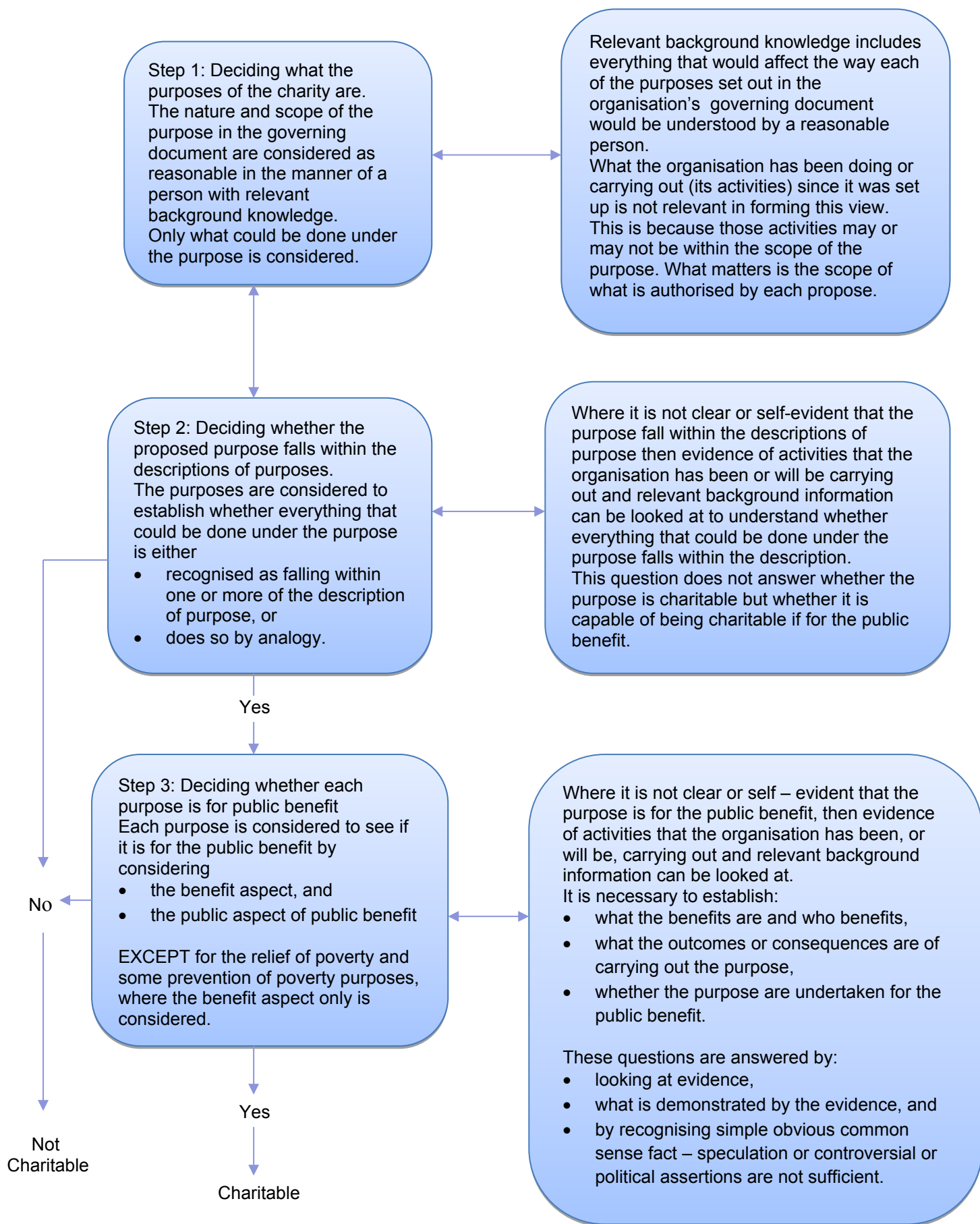
S.293 of the Charities Act 2011 defines local charity as:

*"....being established for purposes which are directed wholly or mainly to the benefit of a particular area (whether stated in the trusts of the charity or implicit in its purposes)".*

### **5. Definition of borough**

The area covered by the unitary authority of Slough.

## Appendix B: Decision making process flow chart



## **Appendix C**

### **Collections Areas**

Slough Borough Council is split into 7 collection areas, by ward(s), as follows:

- 1) Britwell/Haymill/Cippenham Green
- 2) Cippenham Meadows/Farnham
- 3) Baylis & Stoke/Chalvey
- 4) Wexham Lea/Central
- 5) Langley St Marys/Foxborough
- 6) Upton/Kederminster
- 7) Colnbrook with Poyle

Maps showing each ward and its boundary can be viewed at  
<http://www.slough.gov.uk/business/licences-and-permits/house-to-house-collections.aspx>