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SCARBOROUGH BOROUGH COUNCIL

House to House Collections Policy

DOCUMENT CONTROL

Author	Licensing Services
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REVIEW HISTORY

Date	Reviewed By	Version	Any Revisions?
11.01.2016	Licensing Services	0.2	Yes
02.07.2019	Licensing Services	0.3	Yes

REVISION HISTORY (only required where changes made)

Date	Revised By	Version	Description of Revision
11.01.2016	Licensing Services	0.2	Paras 4.10 and 5.3 changed to reflect 'Director' and remove 'Director of Service Delivery' Removal of fax number as not used.
02.07.2019	Licensing Services	0.3	Paras 4.10 and 5.3 changed to replace Licensing Manager with Service Unit Manager.

DOCUMENT REVISION APPROVALS

Version	Approval	Date

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 Licensing Authority which is Scarborough Borough Council.
- 1.3 The definition of 'collection' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing/household items and 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 organisations 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 an organisation to collect in the District without applying for a licence from the Licensing Authority. The organisation will not be exempted from the regulations or provisions of the Act and the organisation must inform the Licensing Authority of the dates and areas of any planned collections.

2. AIMS

- 2.1 The aims of the Licensing Authority in respect of the licensing of charitable collections 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 in respect of licensing of charitable collections, the Licensing Authority has identified the major issues and sought to tackle them through this Policy with the intention of:
 - Ensuring impartiality and fairness in determining applications;
 - Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially popular;
 - Providing equality of opportunity for potential collectors;
 - Avoiding causing undue nuisance to the public;
 - Setting fair maximum limits for an individual applicant;

- Achieving a fair balance between local and national causes; and
- Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as North Yorkshire Police, Trading Standards, the Charity Commission, Parish Councils and local charitable institutions, etc.

3.2 This Licensing Authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at www.institute-of-fundraising.org.uk

4. GENERAL PRINCIPLES

4.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the Scarborough Borough Council area.

4.2 Wherever possible, two or more organisations shall not be permitted to collect in the same area on the same day. All applications will be dealt with on a first come first served basis.

4.3 In general, organisations shall not be permitted to hold more than four collections throughout the District or part thereof during one calendar year. In addition licences shall normally be issued for a maximum period of one week.

4.4 Where requests are received from exempted charities to collect on dates that have already been allocated, a formal request will be made for them to consider an alternative date.

4.5 Applications will only be accepted for charitable collections to be held in the current or next calendar year.

4.6 Where there is any concern or where Officers consider necessary the application may be referred to the Licensing Sub-Committee for determination.

4.7 The Licensing Authority appreciates that expenses/costs will be incurred by the organisations when carrying out clothing collections and that through the process of collecting and sorting the clothes value is added. However, expenses/costs deducted by the organisation must still be reasonable.

4.8 With regard to clothing collections, the whole profits of the collection must be given to the charity or cause. Applications will be decided on their own merits. Profit is defined as the money remaining once all reasonable expenses/costs have been deducted from the proceeds of the collection.

- 4.9 The applicant must forward a financial return form to the Licensing Authority within one month of the 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.
- 4.10 All of the matters contained within these principles shall be at the discretion of the Director or Service Unit Manager.

5. APPLICATION PROCEDURE

- 5.1 The Licensing Authority operates a diary system to administer collections; therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the available dates for any collection. Dates cannot however be reserved.
- 5.2 Applications are to be made in writing on the form provided together with the information requested. Where possible, the use of electronic forms will be encouraged.
- 5.3 Applications must be received no later than the first day of the month preceding that in which the collection is proposed. In order for the necessary checks to be carried out for the permit to be issued, it is advised that applications are submitted a minimum of 3 months before the proposed date of collection. Any applications received less than the 28 days before the proposed first date of collection will be declined. This requirement may be waived in exceptional circumstances at the discretion of the Director or Service Unit Manager.
- 5.4 The following information must be submitted with the application:
- Literature about the organisation including the objectives of the charitable cause. Where the collection is for a local cause, full details of that cause or event.
 - Copy of published accounts for the last two years;
 - Copy of statement of accounts from the last three or four collections carried out (including collections held in other Licensing Authority areas);
 - Letter from the charitable organisation authorising you to undertake a collection on their behalf, if you are not an official of the organisation; and
 - An agreement or contract details with any registered charity or individual benefiting from this collection.
- 5.5 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant to assist in determining the application. The failure to provide adequate information

in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.

- 5.6 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:
- (a) Issue a permit specifying the requested date and location; or
 - (b) Refuse to issue a permit on the statutory grounds.
- 5.7 The Licensing Authority can refuse or revoke a licence for various reasons including:
- To limit the number of collections in line with this Policy.
 - If too high a proportion of the proceeds is likely 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 additional information was not provided upon request
 - If the promoter or any other person involved in the collection has been convicted of certain criminal offences i.e. burglary, blackmail or fraud or any offence committed under the Act.
- 5.8 There is a right of appeal to the Minister for the Cabinet Office 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.
- 5.9 During the collection, the promoter must ensure that collectors are 'fit and proper' persons and that they comply with the regulations.
- 5.10 As soon as possible after the date of any collection (no later than one month after the collection), the promoter must forward to the Licensing Authority a financial return form showing details of the monies collected.

6. CONTACT DETAILS

Anybody wishing to contact the Licensing Authority with regard to this Policy can do so as follows:

In writing to Licensing Services
 Scarborough Borough Council
 Town Hall
 Scarborough
 North Yorkshire
 YO11 2HG

By email to licensing.services@scarborough.gov.uk
By telephone 01723 232323