



North
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Council

Appendix A

House to House and Street Collections Policy

Add date or version no.

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Document Version Control

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Type of document: Policy

Version Number: V1

Document File Name: NNC House to House and Street Collections Policy

Issue date:

Approval date and by who: Licensing and Appeals Committee

Document held by: **Samantha Edmunds, Regulatory Services**

To be published on the North Northamptonshire Council Website

Document stored on Council website or Intranet?: **Council Website**

Next review date: 2031

Change History

Issue	Date	Comments
V1	25 th November 2021	First North Northamptonshire House to House and Street Collections Policy

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners / Organisation(s)
Iain Smith	Police
Amanda Wilcox	Trading Standards
Russ Howell	Charities Commission
Damian Wilkins	Charities/collectors
Highways	Chartered Institute of Fundraising
Community Safety	Town and Parish Councils/Meetings
Portfolio Holder for Growth and Regeneration	Members of the public
Chair of Licensing and Appeals Committee	Neighbouring councils

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Document	Link

Contents

Section	Page
1.0 Introduction	3
2.0 Scope	3
3.0 Policy outcomes	3
4.0 House to House and Street Collections	4
Appendix 1	6

1.0 Introduction

1.1 House to House Collections

- 1.1.1 House to House Collections are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.
- 1.1.2 House to House Collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of any rule of law, are required to be licensed by North Northamptonshire Council.
- 1.1.3 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. In the majority of cases house to house collection applications are for collections of unwanted clothing, textiles and bric a brac.
- 1.1.4 There is an exemption for those charities that have been granted a Certificate by the Home Office. The Certificate allows a charity to collect in any district without a licence, but the charity must inform the authority of the dates and areas of planned collections.

1.2 Street Collections

- 1.2.1 Street Collections are regulated by the Police, Factories, Etc. (Miscellaneous Provisions) Act 1916.
- 1.2.2 Street Collection permits are issued where applicants wish to collect money or sell articles for charity in any street or public place.
- 1.2.3 The Charitable Collections (Transitional Provisions) Order sets out model street collections regulations which have been adopted by the Council.

2.0 Scope

- 2.1.1 This policy covers applications made for House to House and Street Collections and provides guidance on how North Northamptonshire Council will determine applications.

3.0 Policy outcomes

- 3.10 The policy aims to:
 - Safeguard the interests of donors and beneficiaries
 - Raise funds for local and national charitable purposes
 - Support and create jobs locally which links to the Safe and Thriving Places corporate priority
 - Help individuals reduce waste and recycle more, reducing landfill and making better use of resources which links to the Green, Sustainable Environment corporate priority

4.0 House to House and Street Collections

4.1 House to House Collections

- 4.1.1 Charities must be registered with the charity commission.

- 4.1.2 Applications must be received at least one month prior to the date of the proposed collection.
- 4.1.3 The application must include a copy of the written fundraising agreement as prescribed by the Charities Act 1992. There must also be a declaration that the organisation has exercised all due diligence to ensure compliance with the House to House Collections Act 1939 and the House to House Collections Regulations 1947.
- 4.1.4 No collection must take place until the organisation is in receipt of the licence. To collect, before the determination of the application, would be an offence under the 1939 Act.
- 4.1.5 There is a right of appeal to the Secretary of State against the refusal of a licence within 14 days from the date on which the notice is given of the refusal.
- 4.1.6 Applications will be refused or revoked under the following circumstances
- If incorrect information was provided on or with the application form
 - The promoter or any other person involved in the collection has been convicted of certain criminal offences i.e. burglary, blackmail or fraud
 - The applicant has failed to exercise due diligence to ensure the collectors are fit and proper
 - The promoter or any other person involved in the collection has breached the legislation
- 4.1.7 The promoter must forward to the Licensing Authority a financial return form showing details of the monies collected within one calendar month of the expiry of the licence. Failure to submit the financial return above may result in future applications being delayed or invalidated.

4.2 **Street Collections**

- 4.2.1 Charities must be registered with the charity commission.
- 4.2.2 Applications must be received at least one month prior to the date of the proposed collection. This requirement may be waived if there are special reasons for doing so as decided by the Licensing Manager.
- 4.2.3 No payment must be made to any collector, or to any other person connected with the promotion or conduct of the collection, indirectly or directly, out of the proceeds of the collection without the approval of the Licensing Authority. In general, payments to collectors are discouraged as it is contrary to the objective of maximising income to charitable institutions. Reimbursement of reasonable expenses is generally accepted provided that it is within an acceptable overall proportion of the total collected. All collections will be considered on an individual basis, but all payments will be subject to agreement with the licensing Authority in advance.
- 4.2.4 No collection must take place until the organisation is in receipt of the permit. To collect, before the determination of the application, would be an offence under the Act.
- 4.2.5 There are no restrictions as to the grounds for refusing an application for a street collection permit however, in determining the application the Licensing Authority will consider the past conduct of the applicant in particular compliance with legislation and regulations.
- 4.2.6 There is no right of appeal against a decision of the Licensing Authority to refuse or revoke a permit for a collection.
- 4.2.7 The promoter must ensure that all people acting as collectors are fit and proper persons.
- 4.2.8 The promoter must comply with the Regulations made by North Northamptonshire Council which are attached to this policy at Appendix 1.

Appendix 1:

Regulations made by North Northamptonshire Council with regard to Street Collections

In pursuance of section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 of the Local Government Act 1972, North Northamptonshire Council hereby made the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the District of North Northamptonshire to collect money or sell articles for the benefit of charitable or other purposes:-

1. In these Regulations, unless the context otherwise requires - "collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly:

"Promoter" means a person who causes others to act as collectors;

"permit" means a permit for a collection;

"contributor" means a person who contributes to a collection and includes a purchaser of articles of sale for the benefit of charitable or other purposes;

"collecting box" means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the District of North Northamptonshire unless a promoter shall have obtained a permit from North Northamptonshire Council.

3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection:

Provided that North Northamptonshire Council may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated on the permit.
5. North Northamptonshire Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter.

2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of North Northamptonshire Council or any constable.
7. No collection shall be made in any part of the carriage way of any street which has a footway:

Provided that North Northamptonshire Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting -
 - (a) a collector shall remain stationary; and
 - (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

Provided that North Northamptonshire Council, may if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. **No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.**
12.
 - (1) Every collector shall carry a collecting box.
 - (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
 - (3) All money received by a collector from contributors shall immediately be placed in the collecting box.
 - (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed permanently thereon the name of the charity or fund which is to benefit, nor any collection box which is not duly numbered.
14.
 - (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15.
 - (1) No payment shall be made to any collector.
 - (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by North Northamptonshire Council.

16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to North Northamptonshire Council;
- (a) a statement in the form set out in the Schedule to those 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 either a qualified accountant or an independent responsible person acceptable to North Northamptonshire Council;
 - (b) a list of collectors;
 - (c) a list of amounts contained in each collecting box;

and shall if required by North Northamptonshire Council, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall also, within the same period, at the expense of that person and after either a qualified accountant or an independent responsible person acceptable to North Northamptonshire Council has given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as North Northamptonshire Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.
- (3) North Northamptonshire Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purpose of this Regulation "a qualified Accountant" means a member of one or more of the following bodies: -
 - The Institute of Chartered Accountants in England and Wales;
 - The Institute of Chartered Accountants of Scotland;
 - The Institute of Chartered Accountants of Ireland;
 - The Association of Certified Accountants.

17. These regulations shall not apply -

- (a) in respect of a collection taken at a meeting in the open air;

or

- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

These regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State. They shall have effect in substitution for those contained in the Schedule to the Charitable Collections (Transitional Provisions) Order 1974 and adopted by North Northamptonshire Council on 15th May 1974, which, as having effect by virtue of that adoption, are hereby revoked.

NOTE: Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale or in the case of a second or subsequent offence not exceeding level 1 on the standard scale.