

Licensing and Appeals Committee 11 October 2022

Report Title	House to House and Street Collections Policy
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List of Appendices

Appendix A: Draft North Northamptonshire House to House and Street Collections Policy

Appendix B: Equalities Impact Assessment

1. Purpose of Report

1.1. To seek approval of the House to House and Street Collections Policy.

2. Executive Summary

2.1 This report recommends the amalgamation of House to House and Street Collections into a single new policy for approval.

3. Recommendations

3.1 It is recommended that the Licensing and Appeals Committee approve the House to House and Street Collections Policy provided within **Appendix A**.

3.2 Reason for Recommendation – having one consistent policy in place will assist applicants and licence holders in understanding their requirements and will ensure consistent decision making by officers.

4. Report Background

4.1 Under the House to House Collections Regulations those carrying out house to house collections are required to be licensed. Licensing Authorities can refuse to grant a licence where not enough of the proceeds are given to charity or too high a proportion of the proceeds are spent on remuneration.

4.2 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.

- 4.3 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.
- 4.4 The Charities Act 1992 sets out that there must be an agreement in place between the charity and the fundraiser/collector detailing the donation to charity and the remuneration.
- 4.5 There is no legal requirement for Councils to have a House to House and/or Street Collection Policy.
- 4.6 The sovereign authorities, East Northamptonshire and Corby had adopted a House to House Policy. Kettering and Wellingborough had not.
- 4.7 Under the Police, Factories, etc (Miscellaneous Provisions) Act 1916, those carrying out street collections are required to hold a permit, where applicants wish to collect money or sell articles for charity in any street or public place.
- 4.8 All four sovereign authorities had adopted model street collection Regulations as set out in The Charitable Collections (Transitional Provisions) Order 1974.

5. Issues and Choices

- 5.1 Although there is no formal requirement for House to House or Street Collections Policies, members may wish to provide a policy framework to provide clear guidance to officers and the public.
- 5.2 Rather than have separate policies for House to House and Street Collections, as both are concerned with charitable collections, it is recommended that both are amalgamated into one policy.
- 5.3 In determining the House to House policy approach, consideration was given to specifying a percentage split for the donation to charity and remuneration. Whilst this approach would give residents confidence that adequate amounts benefit charities, the Institute of Fundraising state that mechanisms already exist to ensure this. Trustees have a legal duty to ensure they act in the best interests of the charity and the amounts going to charity must be shown on collection materials. There is also no fee for these applications and resource implications of checking financial information would be significant.
- 5.4 The National Association of Licensing and Enforcement Officers (NALEO) guidance states that setting a minimum percentage is problematic. Any percentage split would need to be realistic for collectors to achieve and NALEO states that at the point goods are collected, it is unlikely that the amount going to charity will be much more than 20%. Some councils currently have a policy of refusing applications where less than 70% of the value of the collection is given to charity and where remuneration is greater than 30% of the value of the collection, however it was deemed that in light of NALEO guidance this policy approach is unworkable and could result in charities losing out on collections.

- 5.5 The approach recommended in the policy is to require the applicant to sign a declaration in the application form, stating that the collector is compliant with the regulations. The regulations require that persons authorised as collectors are fit and proper persons.

6. Implications (including financial implications)

6.1 Resources, Financial and Transformation

- 6.1.1 There are no resource or financial implications arising from the proposals.

6.2 Legal and Governance

- 6.2.1 The introduction of this policy ensures that all decisions made under it are legally compliant and ensures that, when correctly applied, any decision may be defended robustly if challenged.

6.3 Risk

- 6.3.1 There are no significant risks arising from the proposed recommendations in this report.

6.4 Relevant Policies and Plans

- 6.4.1 Introduction of one consistent policy will ensure that the assessment of charitable collections meets legislative and good practice requirements and will assist the council in achieving its Corporate Plan key commitment of providing efficient, effective and affordable services that make a real difference to all our local communities.

6.5 Consultation

- 6.4.1 A six-week consultation commenced on 21st March 22. The following stakeholders were consulted: police; trading standards; charities commission; charities/collectors; chartered institute of fundraising; town and parish councils; members of the public and neighbouring councils. No comments were received.

6.6 Consideration by Executive Advisory Panel

- 6.6.1 This report has not been considered by the Executive Advisory Panel.

6.7 Consideration by Scrutiny

- 6.7.1 This report has not been considered by the Scrutiny Committee.

6.8 Equality Implications

- 6.8.1 An equalities impact assessment has been carried out in relation to this policy and this found that the proposal has no impact on protected groups. A copy is enclosed within **Appendix B**.

6.9 Climate Impact

6.9.1 There are clear environmental benefits in supporting House to House Collections, since they encourage recycling of unwanted household items.

6.10 Community Impact

6.10.1 There are positive community impacts in supporting the local economy by providing jobs, supporting charities by having a regulatory framework and in helping to promote cohesive and supportive communities.

7. Background Papers

7.1 NALEO Guidance for Licensing Officers issuing licences for charitable door to door collections – England and Wales Sept 2001