
TITLE: APPROVAL OF THE HOUSE-TO-HOUSE COLLECTION LICENSING POLICY

COMMITTEE: Licensing Committee

DATE: 21 November 2012

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[M151]

1.0 ISSUE

1.1 That Members approve the proposed East Cambridgeshire District Council's House-to-House Collection Licensing Policy at **Appendix 1**.

2.0 RECOMMENDATION(S)

2.1 That Members approve the proposed House-to-House Collection Licensing Policy to come into force for applications received from 1 January 2013 onwards.

3.0 BACKGROUND

3.1 East Cambridgeshire District Council, as the Licensing Authority, is empowered under the House-to-House Collections Act 1939 and the House-to-House Collections Regulations 1947 to licence house-to-house charitable, benevolent or philanthropic collections involving the collection of either money or items directly from a person's property or within public houses in the East Cambridgeshire district.

3.2 The House-to-House Collections Act 1939 allows local authorities to adopt provisions concerning the regulation of house-to-house collections in their districts.

3.3 There is no legal requirement for the Council to adopt a policy on how it proposes to licence charitable house-to-house collections under the Act. However, it is considered best practice for the Council to adopt such a policy to encourage consistency and transparency in the way applications for house-to-house collection licences are considered and granted.

3.4 The Council's Licensing Committee of 13 June 2012 approved a minimum twelve-week consultation exercise to be undertaken on East Cambridgeshire District Council's draft House-to-House Collection Licensing Policy with relevant stakeholders and the general public.

3.5 A copy of the draft House-to-House Collection Licensing Policy and Regulations was displayed on the Council's website and public notice board

in the Council reception, with copies made available for viewing in the public libraries within the district for the duration of the consultation period, from 25 June 2012 to 21 September 2012.

- 3.6 A copy of the draft policy and Regulations was sent to eighty-four consultees representing stakeholders and members of the public.
- 3.7 Two responses were received within the consultation period from City of Ely Council and Mepal Parish Council.
- 3.8 No adverse comments were raised in the two consultation responses regarding the content of the proposed House-to-House Collection Licensing Policy, attached as **Appendix 2** to this document.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 The proposed policy sets out how East Cambridgeshire District Council would approach its licensing functions under the House-to-House Collections Act 1939.
- 4.2 The finalised and adopted policy will provide guidance and will inform potential applicants, relevant stakeholders and the general public, Licensing Officers and Members of the principles which will be applied by the Council when carrying out house-to-house licensing functions.
- 4.3 In preparing the proposed House-to-House Collection Licensing Policy, Licensing Officers have carried out extensive research with other local authorities both locally and nationally and have sought guidance from the Institute of Fundraising and Local Government Regulation, formerly Lacors.
- 4.4 In preparing the proposed House-to-House Collection Licensing Policy, Licensing Officers had regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the international market.
- 4.5 The EU Directive relates to a number of licensing regimes, including the issuing of house-to-house collection licences. The Council is required to examine existing procedures and formalities for those licensing regimes covered by the EU Directive and, where possible, simplify application procedures, including making provision for on-line applications, and remove any unnecessary conditions or barriers to the grant of a licence or permit.
- 4.6 The EU Directive also refers to 'overriding reasons relating to the public interest', which allows for specific application procedures to be introduced and specific conditions to be attached to the licence to uphold such issues as public safety, public security, protection of consumers, combating fraud and the protection of the environment and animals.

4.7 Matters contained within the proposed House-to-House Collection Licensing Policy seek to uphold the issues stated in paragraph 4.6, to ensure that all house to house collections are carried out in a professional and responsible manner and that the general public can be assured that all necessary checks have been undertaken to combat fraud and all monies collected are properly accounted for.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications associated with this report.

5.2 The Equality Impact Assessment (INRA) has been completed with no impacts identified and is shown as **Appendix 3** to this report.

6.0 APPENDICES

6.1 Appendix 1 Proposed House-to-House Collection Licensing Policy and Regulations.

6.2 Appendix 2 Table of consultation responses.

6.3 Appendix 3 Impact and Needs/Requirements Assessment (INRA).

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
House-to-House Collections Act 1939 House-to-House Collections Regulations 1947 Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the international market.	Room FF113 The Grange, Ely	Lin Bagwell Licensing Officer (Enforcement) (01353) 665555 lin.bagwell@eastcambes.gov.uk



EAST CAMBRIDGESHIRE DISTRICT COUNCIL HOUSE-TO-HOUSE COLLECTION LICENSING POLICY

1.0 Introduction

- 1.1 East Cambridgeshire District Council, as the Licensing Authority, is empowered under the House-to-House Collections Act 1939 and the House-to-House Collections Regulations 1947 to licence house-to-house charitable, benevolent or philanthropic collections involving the collection of either money or items directly from a person's property.
- 1.2 This provision also covers collections made, or attempted, within public houses (for example the selling of roses), where some or all of the proceeds are given to a charity.
- 1.3 National Exemption Orders are available to charities that have undertaken a high number of collections across a number of local authority areas in the preceding two years. These are issued direct to the charity by the Cabinet Office.
- 1.4 Unless an Exemption Certificate has been issued, it is an offence for any person to promote or make collections from door to door or from one public house to another for charitable purposes without the promoter first obtaining a licence from East Cambridgeshire District Council to do so.
- 1.5 House-to-house collections are a vital source of fundraising for many charities as they offer a positive opportunity for the public to support charities. It is imperative that collections are carried out for the benefit of the charity and in accordance with the law and that the public have confidence that an adequate proportion of their donations are being given to the appropriate charity.
- 1.6 It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this 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 remuneration received by individuals involved in the collection process, at all levels, should also be considered as part of this assessment.
- 1.7 The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity.
- 1.8 There has been an increase in the number of bogus house-to-house collectors over the last few years and it is vital that licences are issued to legitimate applicants only.
- 1.9 Although there is no statutory charge for the issue of a house-to-house collection licence, a nominal charge will be levied for replacement licences due to loss of or damage to the original licence.
- 1.10 The Licensing Authority, by law, cannot grant a house-to-house collection licence for a period longer than 12 months.



2.0 Policy aims

- 2.1 The Policy details the matters that will be taken into consideration when determining applications for house-to-house collections in the East Cambridgeshire district.
- 2.2 The Policy aims to ensure that people who want to give to charity through house-to-house collections are able to do so in good faith and will be secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity.
- 2.3 The Policy aims to ensure that collectors operate within the law and act fairly in their dealings with the public.
- 2.4 It is intended that Policy aims will be achieved through the licensing procedure in accordance with the Act and associated regulations. The intention of this Policy is to give clear guidance to both officers and Council Members on the factors to be taken into account when determining applications for house-to-house collections.
- 2.5 All grant and refusal decisions will be delegated to Licensing Officers in line with this Policy.
- 2.6 Applicants will be given 21 days to appeal to a Licensing Sub-Committee against the decision. Applicants will be invited to the Licensing Sub-Committee hearing to support their applications.
- 2.7 On the expiration of the 21 days if no appeal has been received the decision becomes final and the normal Secretary of State appeal process applies.

3.0 Objectives

- 3.1 To achieve its aims, the Licensing Authority will:
 - ensure impartiality and fairness in determining applications;
 - accommodate all eligible requests, whilst bearing in mind that certain days and locations are especially sought after;
 - provide equality of opportunity for would-be collectors;
 - avoid causing undue nuisance to the public;
 - set fair maximum limits for each applicant;
 - achieve a fair balance between local and national causes.
- 3.2 The 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



4.0 Collection areas and collection times

- 4.1 An application to carry out a house-to-house collection may be made for the entire East Cambridgeshire district or part of the district or for any of the individual towns and villages within the East Cambridgeshire district.
- 4.2 Only one house-to-house collection will be permitted in each location per day, with exceptions considered:
- where collection dates of charities holding Exemption Certificates overlap with collection dates already granted by the Licensing Authority to non-Exemption Certificate holders;
 - for small-scale collections in a limited area;
 - during the pre-Christmas period, such as for the 'Santa sleigh';
 - for organised one-day charitable events.
- 4.3 House-to-house collections will ordinarily be expected to take place between the hours of 08:00 and 20:00.

5.0 Regulations

- 5.1 Charities must be registered with the Charity Commission or be a charitable organisation based in or around the East Cambridgeshire district.
- 5.2 Where a statement of return has been 'NIL' or there has been a failure to return the statement of return to the Licensing Authority within the statutory timescale, subsequent applications for a two-year period will be refused.
- 5.3 Where a house-to-house collection licence has been issued and the collection is cancelled by the organisation, the licence must be returned to the Licensing Authority at least seven days before the collection is due to take place. Failure to do so will result in subsequent applications for a two-year period being refused.
- 5.4 All house-to-house collections will be conducted in strict adherence to all legislation relating to house-to-house collection licences, extracts of which are contained in the Conditions made by East Cambridgeshire District Council shown as **Appendix A** to this Policy.

6.0 Application procedure

- 6.1 Applications must be made on the Council's prescribed application form.
- 6.2 All prospective collections must be applied for under the Council's formal application procedure with no tentative collection requests or pre-booked collection dates permitted.
- 6.3 No more than one house-to-house collection will be permitted to any one charitable organisation in each calendar year.
- 6.4 Applications for a house-to-house collection licence cannot be made more than six months in advance.



- 6.5 Apart from house-to-house collections conducted by charities holding an Exemption Certificate issued by the Secretary of State, the maximum period for each house-to-house collection licence will be limited to a one-calendar month duration in the East Cambridgeshire district.
- 6.6 House-to-house collection licences issued by the Council as Licensing Authority for the East Cambridgeshire district will be limited to one collection each calendar month for textile collections and one collection each calendar month for money collections.
- 6.7 Applications for a house-to-house collection licence will be dealt with on a case-by-case basis.
- 6.8 There must be a minimum of 28 days notice given between the application and the proposed date of collection. This requirement may be waived in exceptional circumstances at the discretion of the Licensing Officer.
- 6.9 A copy of the contract between the house-to-house collection organiser and the benefiting charity must be provided with the application.
- 6.10 Proof of public liability insurance cover of £5,000,000 for all house-to-house collections undertaken in the East Cambridgeshire district must be provided with the application.
- 6.11 Prior to the grant of a house-to-house collection permit, Cambridgeshire Constabulary will carry out a Police National Computer (PNC) check on the applicant and for this purpose, the applicant will provide details of his/her home address on the application form.
- 6.12 The organisation **must** supply the following information:
- how the collection is to be conducted, i.e. sealed containers, charity collection bags, etc;
 - if the organisation is a registered charity (with charity number) and the objectives of the charitable cause as advised to the Charity Commission;
 - a statement of the organisation aims as detailed in any literature;
 - details of the history of the organisation, i.e. when formed; names of trustees, directors, organisers, etc;
 - relevant accounts and financial statements;
 - remuneration amounts of senior members of the organisation;
 - a written agreement between the applicant and the charity as required by the Charities Act 1992;
 - how much the charity will receive as part of the collection;
 - declaration of any previous refusals for house-to-house collections by East Cambridgeshire District Council and/or any other local authority;



- if the charity holds a registration certificate or an exemption certificate under the Registration of Carriers Regulations 1991, where clothing and textiles are proposed to be collected.

7.0 Obligations of the licensee

7.1 The House-to-House Collections Act 1939 and the House-to-House Collections Regulations 1947 specify the obligations of all those involved in house-to-house collections.

7.2 Once the application has been granted, the promoter of the collection will be issued with two documents, one to be kept for use during collections and another to be sent to the Stationary Office (TSO), formerly Her Majesty's Stationery Office (HMSO). The TSO will issue a Certificate of Authority and the required number of prescribed badges for each collector to wear whilst collecting.

7.3 The key obligations during a collection are as follows:

- the necessary written permission must be obtained from the Licensing Authority;
- no collection must be undertaken in a manner that would inconvenience or annoy any person;
- every collector must wear a standard badge and carry a Certificate of Authority;
- collectors must produce their badge, on demand, to the occupant of any house, any police officer or authorised officer of the Council;
- all collectors must be over 16 years old;
- if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.

7.4 The key obligations following a collection are as follows:

- collectors must not be given access to the contents of collection boxes prior to their being returned to the promoter for opening and counting;
- boxes must only be opened in the presence of the promoter and another responsible person. Once the boxes have been opened, the contents must be counted immediately and the amount collected in each box recorded;
- After the collection the promoter must complete a prescribed return for the benefit of the Licensing Authority, within one month of the expiry of the licence. The promoter must certify the return and have it countersigned by a qualified accountant.

8.0 Allocation of licences

8.1 When deciding whether to grant a house-to-house collection licence, consideration will be given to:

- if the collection is linked to specific events within the district;



- if the collection is linked to a nationwide campaign;
- if the collection will benefit local good causes, local hospices, community fund raising, etc;
- if the collection is on behalf of a national charity, is there likely to be some benefit for the residents of East Cambridgeshire;
- what proportion of the funds collected will be applied for charitable purposes;
- has a licence been previously refused by East Cambridgeshire District Council as Licensing Authority or any other local authority.

8.2 Licences for collections relating to emergency disasters will be considered on a case-by-case basis, even if they do not fall within any of the considerations listed above.

8.3 There are two circumstances where the need for a licence can be waived:

1. If the Secretary of State is satisfied that a promoter pursues a charitable purpose throughout a substantial part of England and Wales, and wants to promote collections for that purpose he may then direct, by Order, that the promoter shall be exempt from the requirement to obtain licences from this Council. All collections for that purpose in the areas specified are described in the Order.
2. Where the chief constable for the police area is satisfied that the purpose is local in character and that the collection is likely to be completed within a short period, he may then grant to the promoter of the collection a certificate in the prescribed form. Where a certificate is granted, a licence from the Council is not required, and the provisions of the Regulations shall not apply to a collection made in conformity with such certificate.

9.0 Sale of small society lottery tickets

9.1 The sale of small society lottery tickets under the authorisation of a house-to-house collection licence is forbidden unless:

- separate permission to do so has been granted by the Licensing Authority;
- the organisation holds a valid small society lottery registration under the Gambling Act 2005;
- the lottery tickets have been properly printed in accordance with the legislation;
- proof of public liability insurance of £5,000,000 has been provided with the application;
- the sale of the lottery tickets is in strict accordance with the Gambling Commission codes of practice.



10.1 Legal reasons for refusal

10.1 Under the Act, a licensing authority may refuse or revoke a licence if it appears to the authority that:

1. The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
2. Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.
3. 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.
4. 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 the 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.
5. 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 the Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised.
6. The applicant or holder of the licence has refused or neglected to furnish to the Licensing 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.

11.0 Further considerations for refusal of applications

11.1 Applications will also be refused if:

- the proportion to be donated to charity is not clearly stated on the application form;
- the proportion allocated to the charity is considered inadequate in relation to the proceeds received;
- the remuneration amount is greater than 20% of the value of the total collection at the point of donation;



- no previous returns have been supplied to the Licensing Authority within the statutory timescale after previous licensed collections by the same organisation or individual within the district;
- any action has been taken as a result of not complying with regulations on operating house-to-house collections, unless extenuating circumstances prevailed.

12.0 Face-to-face activity

- 12.1 Face-to-face activity incorporates traditional face-to-face fundraising (soliciting direct debit donations) and what is commonly termed 'prospecting'. Prospecting is where members of the public are asked to sign-up to a cause which may or may not be followed by a fundraising ask at a later date.
- 12.2 Face-to-face activity can occur as a house-to-house collection activity.
- 12.3 Different governing bodies have statutory and non-statutory requirements throughout the UK. In most cases the local authority and/or the police will be the relevant statutory authority.
- 12.4 Before embarking on a face-to-face campaign as a house-to-house collection activity in the East Cambridgeshire district, a house-to-house collection licence must be granted to potential fundraisers by East Cambridgeshire District Council.

13.0 Regulations pertaining to house-to-house collections

- 13.1 In preparing the House-to-House Collections Licensing Policy, Licensing Officers had regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the international market.
- 13.2 The EU Directive relates to a number of licensing regimes, including the issuing of house-to-house collection licences.
- 13.3 In accordance with the EU Directive, the Council has examined existing procedures and formalities relating to house-to-house collection licence applications and, where possible, has simplified application procedures, including making provision for on-line applications, and removed any unnecessary conditions or barriers to the grant of a house-to-house collection licence.
- 13.4 The EU Directive refers to 'overriding reasons relating to the public interest', which allows for specific application procedures to be introduced and specific conditions to be attached to a house-to-house collection licence to uphold such issues as public safety, public security, protection of consumers, combating fraud and the protection of the environment and animals.
- 13.5 Matters contained within the House-to-House Collection Licensing Policy seek to uphold the issues stated in paragraph 13.4, to ensure that all house-to-house collections are carried out in a professional and responsible manner and that the general public can be assured that all necessary checks have been undertaken to combat fraud and all monies collected are properly accounted for.

14.0 Enforcement



- 14.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible house-to-house collection licence holders.
- 14.2 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Statement of Enforcement Policy and Practice.
- 14.3 The responsibility for the overall supervision of house-to-house collections lies with the Head of Environmental Services.

15.0 Departure from policy

- 15.1 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.
- 15.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 15.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Head of Environmental Services may authorise a departure from the Policy in accordance with this section if is considered necessary to do so in the specific circumstances.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

CONDITIONS RELATING TO HOUSE-TO-HOUSE COLLECTIONS EXTRACTS FROM RELEVANT LEGISLATION

EXTRACTS FROM THE HOUSE-TO-HOUSE COLLECTIONS ACT 1939

Section 1. Charitable collections from house-to-house to be licensed

- (1) Subject to the provisions of this Act, no collection for a charitable purpose shall be made unless the requirements of this Act as to a licence for the promotion thereof are satisfied.
- (2) If a person promotes a collection for a charitable purpose, and a collection for that purpose is made in any locality pursuant to his promotion, then, unless there is in force, throughout the period during which the collection is made in that locality, a licence authorizing him, or authorizing another under whose authority he acts, to promote a collection therein for that purpose, he shall be guilty of an offence.
- (3) If a person acts as a collector in any locality for the purposes of a collection for a charitable purpose, then, unless there is in force at all times when he so acts a licence authorising a promoter under whose authority he acts, or authorising the collector himself, to promote a collection therein for that purpose, he shall be guilty of an offence.

Section 2. Licences

- (1) Where a person who is promoting or proposes to promote a collection in any locality for a charitable purpose makes to the licensing authority for the area comprising that locality an application in the prescribed manner specifying the purpose of the collection and the locality (whether being the whole of the area of the authority or a part thereof) within which the collection is to be made and furnishes them with the prescribed information, the authority shall, subject to the following provisions of this section grant to him a licence authorising him to promote a collection within that locality for that purpose.
- (2) A licence shall be granted for such period, not being longer than twelve months, as may be specified in the application and shall, unless it is previously revoked, remain in force for the period specified.

Section 3. Exemption in the case of collections over wide areas

- (1) Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of England or a substantial part thereof and is desirous of promoting collections for that purpose, the Secretary of State may by orders direct that he shall be exempt from the provisions of subsection (2) of section one of this Act as respects all collections for that purpose in such localities as may be prescribed in the order, and whilst an order so made in the case of any person is in force as respects collections in any locality, the provisions of this Act shall have effect in relation to the person exempted, to a promoter of a collection in that locality for that purpose who acts under the authority of the person exempted and to a person who so acts as a collector for the purposes of any such collection, as if a licence authorising the person exempted to promote a collection in that locality for that purpose had been in force.
- (2) Any order made under this section may be revoked or varied by a subsequent order made by the Secretary of State.



Section 5. Unauthorised use of badges, etc.

If any person in connection with any appeal made by him to the public in association with a representation that the appeal is for a charitable purpose, displays or uses:

- (a) a prescribed badge, or a prescribed certificate of authority, not being a badge or certificate for the time being held by him for the purposes of the appeal pursuant to regulations made under this Act, or
- (b) any badge or device, or any certificate or other document, so nearly resembling a prescribed badge or, as the case may be, a prescribed certificate of authority to be calculated to deceive, he shall be guilty of an offence.

Section 6. Collector to give name, etc. to police on demand

A police constable may require any person whom he believes to be acting as a collector for the purposes of a collection for a charitable purpose to declare to him immediately his name and address and to sign his name and if any person fails to comply with a requirement duly made to him under this section, he shall be guilty of an offence.

Section 11. Interpretation

- (1) In this Act the following expressions have the meaning hereby respectively assigned to them, that is to say:

“charitable purposes” means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law;

“collection” means 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; and “collector” means, in relation to a collection, a person who makes the appeal in the course of such visits as aforesaid;

“house” includes a place or business;

“licence” means a licence under this Act;

“prescribed” means prescribed by regulations made under this Act;

“proceeds” means in relation to a collection, all money and all other property given, whether for consideration or not in respect of the appeal made;

“promoter” means, in relation to a collection, a person who causes others to act, whether for remuneration or otherwise, as collectors for the purposes of the collection; and

“promote” and “promotion” have corresponding meanings.

- (2) For the purposes of this Act, a collection shall be deemed to be made for a particular purpose where the appeal is made in association with a representation that the money or other property appealed for, or part thereof, will be applied for that purpose.



EXTRACTS FROM THE HOUSE-TO-HOUSE COLLECTIONS REGULATIONS 1947

1. (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;

'collection 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 East Cambridgeshire District Council under section 2 of the Act;

'licensing authority' means East Cambridgeshire District Council;

'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 the 1947 Regulations;

'prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to the 1947 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;

'the 1947 Regulations' means the House-to-House Collections Regulations 1947 (as summarised in these conditions.

- (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.
2. (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 the 1947 Regulations, and section 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 the 1947 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.

3. (1) An application for a licence shall be in the form attached;
- (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 East Cambridgeshire District Council 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.

4. (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 the 1947 regulations.
5. (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 The 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 East Cambridgeshire District Council.
6. 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.
7. No person under the age of 16 years shall act or be authorised to act as a collector of money.
8. 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.
9. (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) When 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.
10. 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.
- 11.(1) Subject as provided in paragraph (2) of this condition, 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 presence 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.
- 12.(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 the 1947 regulations:
 - (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 conditions shall have effect subject to the following modifications:
 - i. sub-paragraph (c) of paragraph (1) of condition 5 shall not apply;
 - ii. condition 9 shall not apply;
 - iii. conditions 10 and 11 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - iv. in condition 10 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - v. in paragraph (3) of condition 11 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.

In this condition '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.

- 13.(1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to East Cambridgeshire District Council 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) East Cambridgeshire District Council 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 condition, 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.
14. The account required by the preceding condition:
- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to the 1947 Regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to the 1947 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 the 1947 Regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.
- 15.(1) Every account furnished under paragraph (a) of Condition 14 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 Condition 5 and the list referred to in Condition 11.
- (2) Paragraph (1) of this condition 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.
16. The chief promoter of a collection shall exercise all due diligence to secure that all forms of



16. 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.

APPENDIX 2

APPROVAL OF THE HOUSE-TO-HOUSE COLLECTION LICENSING POLICY

LICENSING COMMITTEE 21 NOVEMBER 2012

CONSULTATION RESPONSES

Responding Organisation	Response Date	Respondents Comments	Licensing Authority Comments	Further Action Required
City of Ely Council	25/07/12	At the Full Council meeting on Monday evening, members considered the draft house to house collection policy consultation and their comments are as follows: The City of Ely Council fully supported this policy and regulations with regard to house-to-house collection.	Noted	None
Mepal Parish Council	12/09/12	Mepal Parish Council considered this draft policy at the Council meeting 10 September 2012 and as a result, resolved to make no comment.	Noted	None

Impact and Needs/Requirements Assessment (INRA)
Initial Screening

Initial screening needs to take place for all new policies, strategies, procedures and functions. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an INRA for this activity.

Name of Policy, Strategy or Function:	House to House Collection Licensing Policy
Lead Officer (responsible for assessment):	Lin Bagwell, Licensing Officer (Enforcement)
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Liz Bailey, Principal EHO (Commercial)
Date Initial Screening Completed:	24 October 2011

(a) What is the activity trying to achieve? i.e. what are its aims and objectives? Is it affected by external drivers for change?

East Cambridgeshire District Council is the Licensing Authority empowered under the House-to-House Collections Act 1939 and the House-to-House Collections Regulations 1947 to licence house-to-house charitable, benevolent or philanthropic collections involving the collection of either money or items directly from a person's property or within public houses in the East Cambridgeshire district.

The objectives of the policy are to promote East Cambridgeshire District Council's visions and values and protect the rights and health and safety of the general public, charitable organisations, charity collectors, residents, local businesses, minority and vulnerable groups.

The policy sets out how the Licensing Authority will administer the Act locally, and sets out the Licensing Authority's approach for both applicants and promoters. It also aims to guide and reassure the general public and other public authorities, ensuring transparency and consistency in decision-making. When the Licensing Authority's decision-making powers are engaged, each application will be considered on its own merit.

(b) Who are its main beneficiaries? i.e. who will be affected by the policy and the way the service is delivered?

The policy will have effect on members of the community, charitable organisations, charity collectors and local businesses; persons likely to be affected by or otherwise have an interest in the policy, such as the Police, Planning Authority, Fire Authority, Community Safety, Town Centre Management, Environmental Protection and Child Protection; interested parties such as members of the public, resident associations, trade associations, ward councillors and town and parish councils.

(c) Does this activity have the potential to cause an impact (positive, negative or neutral) on different groups in the community, on the grounds of:
(please tick all that apply):

Ethnicity

Age

Gender	x	Religion and Belief	x
Disability	x	Sexuality	x

Please explain any impact identified:**Age**

The House-to-House Collections Regulations 1947 states that no person under the age of 16 years shall act or be authorised to act as a collector of money.

Age-related groups/charities make applications to carry out charitable, benevolent or philanthropic house-to-house collections.

Disability

Legislation dictates that applications must be made on the prescribed form in the prescribed manner with the relevant associated documents attached. An applicant may be blind for example therefore unable to complete the application forms his/herself.

Disabled groups/charities make applications to carry out charitable, benevolent or philanthropic house-to-house collections.

Ethnicity

Where licence applications are made, public hearings are held in relation to contested application, or where a licence holder is interviewed under PACE, English may not be the first language of the person the service is working with. A translation/interpretation service can be provided if required.

Religious groups/charities make applications to carry out charitable, benevolent or philanthropic house-to-house collections.

Gender

Single sex groups/charities make applications to carry out charitable, benevolent or philanthropic house-to-house collections.

Sexuality

Gay rights groups/individuals make applications to carry out charitable, benevolent or philanthropic house-to-house collections.

(d) If you have identified an adverse impact, does it disadvantage or discriminate unfairly against any of the groups in a way that is unlawful? This is more likely to occur in services that are customer facing, particularly where judgements need to be made by Council staff about access or entitlement to services or opportunities.

No

(e) What Information or background data is currently available to assist with making the judgements above?

This impact assessment has been informed by the following:

- consultation with those involved in East Cambridgeshire District Council's local strategies on crime prevention, planning, transport, culture, tourism, community, eGovernment and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies.
- Consideration of the needs of the local tourist economy to ensure that these were reflected in its considerations.
- Local statistical data.
- Published advice from Central Government and other relevant agencies.
- East Cambridgeshire District Council's Single Equality Scheme and Action Plan
- Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the international market.

To ensure that the policy does not disadvantage or discriminate unfairly against any of the groups in a way that is unlawful, the Licensing Authority will:

- ensure impartiality and fairness in determining applications;
- accommodate all eligible requests, whilst bearing in mind that certain days and locations are especially sought after;
- provide equality of opportunity for would-be collectors;
- avoid causing undue nuisance to the public;
- set fair maximum limits for each applicant;
- achieve a fair balance between local and national causes

If the answer to question (d) is **YES**, then it is necessary to proceed with a full equality impact assessment. If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service/Executive Director, and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to Nicole Pema, Principal HR Officer.

Signatures:

Completing Officer:	Lin Bagwell	Date:	03.05.12
	Liz Knox	Date:	5.11.12
Executive Director/ Head of Service:		Date:	