

Licensing and Safety Committee – 12th September 2012

Report of the Director of Corporate Resources

Review of Policy for House to House Collections Licences

Purpose of Report

1. To review the application procedure policy for House to House Collection Licences.

Background

2. All charitable door to door collections require a licence issued under the House to House Collections Act 1939 or require a Home Office Exemption Order.
3. A similar commercial collection does not require a licence from the Council.
4. The policy in relation to applications for House to House Collection Licences require the applicant to submit the requisite application form together with a letter of authority to collect from the charity or organisation on whose behalf the collection is to be made. Also the applicant must submit any brochure, pamphlet, handbook or other publication of the organisation or charity describing its objects and activities.
5. In January 1999, the Licensing Section in accordance with the Neighbouring Authorities Working Group introduced a policy requiring all House to House Collection applicants to submit income and expenditure accounts for the previous financial year.
6. In recent years applications for House to House Collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore in November 2009, the Council introduced a further policy that all applicants for House to House Collection Licence be required to submit with the application income and expenditure accounts for the previous financial year of the charity for which the collection is being made and also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purposes.

7. Over some time the Licensing Section and Members have received expressions of concern and enquiries in relation to charitable collections of old clothes, rags etc made from door to door. Some of these collections are made directly by the charity and some of them are made by commercial companies in partnership with a charity. In the case of a collection made by a commercial company this usually involves payment of expenses to the company and a donation to the charity.
8. The usual method for this type of collection is for collection bags to be delivered to all houses in an area with a notification of the collection date. The bags should be clearly marked with the name of the charity if the charity are undertaking their own collection or with the name of the commercial company and the charity to which the donation is to be made if the collection is being undertaken by a commercial company.
9. All House to House applications of this type are determined by the Licensing and Safety Committee and to ensure that the bags which are to be distributed are marked in the correct way the Chairman of the Licensing and Safety Committee has suggested that the current policy be amended with the following addition:-

A sample of the bag to be distributed in connection with the proposed House to House Collection should be submitted with the application.
10. The majority of applications for House to House Collections are made by established charities and commercial companies who have and are currently conducting collections under licence from other Council's, therefore the addition of this requirement should not be an issue.
11. However, from time to time new applications are received from new charities/commercial companies who are unable to submit the current required documentation and similarly may not be able to submit the proposed additional requirement of collection bags. In these cases, as with all cases the Committee determine the applications on their individual merit.
12. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

Finance

13. There are no financial implications.

Law

14. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
15. The Council may refuse to grant a licence or where a licence has been granted may revoke it if it appears to the Authority:-

- (a) that 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).
 - (b) that 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.
 - (c) that the grant of a licence would be likely to facilitate the commission of any offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.
 - (d) that 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 offences specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.
 - (e) that 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 this Act, or to prevent prescribed badges or prescribed certificate of authority being obtained by persons other than persons so authorised.
 - (f) that the applicant or holder of the licence has refused or neglected by furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the fore-going paragraphs.
16. If the Committee refuse to grant a licence or revoke a licence which has been granted. There is a right of appeal within 14 days to the Secretary of State against the refusal or revocation of licence.

Equality Impact

- 17. This report takes into account the Council's policy on equal opportunities.
- 18. There has been no consultation or involvement of children and young people when developing these proposals.

Recommendation

19. That the Committee consider the review of the policy in relation to applications for House to House Collection Licences.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers