

# LICENSING REGULATORY COMMITTEE

## House to House Collections Policy

21 July 2011

### Report of Licensing Manager

#### PURPOSE OF REPORT

The report seeks Members' approval of the adoption of a House to House Collections Policy for the Council.

**This report is public**

#### RECOMMENDATIONS

**That the attached Draft House to House Collections Policy be adopted.**

##### 1.0 Introduction

- 1.1. As Members will be aware, the Licensing Service is responsible for regulating a wide range of functions including House to House collections.
- 1.2 House to House collections are governed by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended. 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 authority. 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
- 1.3 The only exception to the general rule is for 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. The organisation must inform the authority of the dates and areas of any planned collections.
- 1.4 The authority can refuse or revoke a licence for a number of reasons:
  - If too high a proportion of the proceeds are 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 the promoter or any other person involved in the collection has been convicted of certain criminal offences, i.e. burglary, blackmail or fraud.

There is a right of appeal to the Secretary of State 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.

- 1.5 The proposed Policy sets out the proportion of the proceeds of any House to House collection that should be applied to the charitable purposes that the collection is being made for. For this purposes officers would recommend that 85% of the profits of any House to House collection should be applied to the charity.
- 1.6 The licensing officers are of the opinion that a Policy of this type is necessary due to the number of bogus companies that are setting up and carrying out House to House collections mainly for private gain
- 1.7 Licensing enforcement officers in conjunction with officers from the Lancashire Constabulary intercepted one of these bogus collections in January this year. All of the goods were seized and donated to St Johns Hospice which is a local charity.
- 1.8 The Association of charity shops estimates that charities lose between £2.5 million and £3million a year through theft and people giving clothing to organisations which they think are charities but may be commercial companies collecting for profit
- 1.9 In order to achieve its aims, the Licensing Manager 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 sought after;
  - Providing equality of opportunity for would-be collectors;
  - Avoiding causing undue nuisance to the public;
  - Setting fair maximum limits for one applicant;
  - Achieving a fair balance between local and national causes;

## **2.0 Conclusion**

- 2.2 Members are recommended to approve the proposed House to House collections policy and to approve immediate implementation.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report.

**LEGAL IMPLICATIONS**

Legal Services have been consulted and have no further comments.

**BACKGROUND PAPERS**

None

**Contact Officer:** Wendy Peck

**Telephone:** 01524 582317

**E-mail:** [wpeck@lancaster.gov.uk](mailto:wpeck@lancaster.gov.uk)

**Ref:** WP