



GUIDANCE FOR APPLICANTS

**For applications for house to house
collection licence**

under the

**House to House Collections Act 1939 &
House to House Collections Regulations 1947**

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GUIDANCE FOR APPLICANTS

House to House Collections Licence under the House to House Collections Act 1939

1. INTRODUCTION

This guidance is for individuals who are promoting, or propose to promote, a house to house collection within the borough of Rushmoor for a charitable purpose in accordance with the House to House Collections Act 1939 and associated regulations.

(1) What we mean by “collection”

“Collection” means an appeal to the public made by means of visits from house to house, or to any business premises, to give, whether for consideration or not, money or other property.

(2) What we mean by “consideration”

“Consideration” is the legal concept of value and refers to anything of value in the common sense. It can take the form of money, physical objects, services, promised actions, or even abstinence from a future action.

(3) What we mean by “Charitable Purpose”

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

An application for a house to house collection licence must be submitted in respect of each of the licensing authority areas in which any collection is intended to take place. If a collection is intended to take place over a significant number of different licensing authority areas, it is advisable to apply to the secretary of state for an exemption order.

When do I not need a house to house collections licence?

Although normally any promoter of a (proposed) collection will require a licence to obtain money and/or property by way of public appeal, there are certain exemptions from the act, or other activities that may mean you do not need a house to house collections licence from us.

- (i) **Local collections over a short period of time** – The Police may grant a certificate to any person principally concerned in a collection of a local nature which exempts that person from requiring a licence from the council. It is important to note that the collection purpose must be local (i.e. relevant to Rushmoor). If you think this applies to you, you should go to

your local police station and ask to see an inspector. You will need to inform them that you wish to make an application under section 1(4) of the House to House Collection Act 1939. You must not use any badges, certificates or documents intended to deceive and must also ensure that you provide the police with the names and/or addresses of collectors if asked.

- (ii) **National collections throughout England** – The Secretary of State (SOS) may issue a person or organisation an exemption certificate, relieving them from the requirement to apply for a licence. The SOS may grant exemption if satisfied the applicant “pursues a charitable purpose throughout the whole of England or a substantial part thereof”. Only a holder of an exemption certificate may promote an envelope collection.
 - (iii) **Collecting in a street or public place in Rushmoor** – A separate street collections permit from the council is required to collect in this way. You must not therefore collect money ‘en route’ from house to house.
 - (iv) **Selling of goods from door to door in Rushmoor** – Other consents (e.g. a pedlars certificate or street trading consent) may be required to sell articles or goods in the street. However, if any proceeds from sales (no matter how small) are to go to charity, a house-to-house collections licence will also be required.
 - (v) **Leaving a static collecting tin or receptacle in a house or place of business.**
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2. MAKING AN APPLICATION

For all applications for a house to house collections licence, the following documents and submissions must be provided. Unless otherwise stated, all documents must be original, as photocopies will **NOT** be accepted.

As we administer a large range and volume of licences and other authorisations, all applications for house to house collection licences must be made in good time and normally at least 28 days in advance of the start date of the proposed collection.

Please note that applications that do not meet the criteria detailed below may be deemed invalid and/or rejected.

(a) Application Form

Applications must be made in writing on the form prescribed by Rushmoor Borough Council, which includes information the council requires to process the application, together with information set out in Schedule 2 of the House to House Collections Regulations 1947 (Statutory Instrument 1947 No.2662).

In completing the application form, applicants should take particular note of the following matters.

- (1) **Declaration of Convictions - Promoter** -The application form requires a declaration of convictions to be made by, and about the promoter.
 - (2) **Declaration of Convictions - Collectors** - The application form requires a declaration of convictions to be made by the promoter in respect of each individual (to be) authorised by him to act as a collector for the purposes of the (proposed) collection.
 - (3) **Declaration of likely expenses and/or deductions** - The application form requires a declaration of the amount (as a cash value) that will (likely) be incurred as expenses as a result of the (proposed) collection or otherwise be deducted (for whatever reason). This amount is inclusive of the total amount (likely to be) paid by way of remuneration to those involved in the collection and any other similar expenses.
 - (4) **Area and date(s) of proposed collection(s)** - The application form requires you to specify the area and/or location in which the proposed collection is to take place, together with the date(s) on or between which the proposed collection is to take place.
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(b) Statement of Account for previous collections

Where the collection is (proposed to be) made by a promoter that has undertaken any collection of a similar nature in the last 12 months, a statement of account (in prescribed form) for each collection must accompany the application.

NB: Where the previous collection(s) took place within the borough of Rushmoor and a statement of account was submitted to us in respect of the collection(s), a duplicate of this will not be necessary.

(c) Supporting Literature

Where the charitable purpose benefiting from any (proposed) collection is not a charity registered with the Charity Commission, the application should be accompanied by supporting literature providing further information in respect of the charitable purpose.

(d) Fee(s) & Charges

There are no fees and charges to be paid in respect of this service.

3. GENERAL APPROACH TO THE ALLOCATION OF HOUSE TO HOUSE COLLECTION DATES

(a) Equality of opportunity

We recognise that house to house collections are a relatively simple, cost effective and a popular way of fundraising by both charities and supporters wishing to raise funds on their behalf. In seeking to raise what are often much needed funds, we also recognise that both charities and their supporters are often and understandably keen to maximise the(ir) house to house collection opportunities. Sometimes this can cause problems as collectors seek to maximise the duration, frequency and/or timing of the(ir) proposed collection(s). Together, these factors mean that we receive a great many applications for house to house collection licences by and, on behalf of, many different charitable and benevolent causes each year; often for collections at the same time at seasonal, festive and other key times of the year.

So as to promote fairness and equality of opportunity to all charitable and benevolent causes, we will normally seek to apply the following limits and general principles when allocating dates -

- (1) Up to 14 (fourteen) consecutive days only may be block-booked for any single collection by the same promoter and/or on behalf of the same beneficent charity in the same defined area; and
 - (2) A period of at least one full clear calendar month must pass between any house to house collection(s) undertaken by the same promoter and/or on behalf of the same beneficent charity in the same defined area; and
 - (3) Up to a total maximum of 6 (six) house to house collections may be undertaken by the same promoter and/or on behalf of the same beneficent charity in the same defined area in any consecutive 12 month period; and
 - (4) We will normally seek to avoid the allocation of dates to the same promoter and/or on behalf of the same beneficent charity in the same defined area for successive seasonal, festive or other key dates in the year (e.g. the last Saturday before Christmas, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Easter weekend and/or any Bank Holiday(s)). However, exceptions may be made for some charitable concerns that are seasonal in nature (e.g. the 'Poppy Appeal') and/or those involved in community events.
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(b) Multiple collections

While recognising the good work and cause(s) of individual charities and the dedication of those that fundraise on their behalf, we also recognise that multiple collections undertaken in the same area at the same time can sometimes cause unwanted problems. These can include the annoyance of local residents,

shoppers and businesses who might be asked to donate to a variety of different charities within in a short space of time and/or within a small area or distance. Multiple collections at the same time and place can also lead to a reduction in the proceeds collected by, or on behalf of individual charities on the(ir) allocated collection day(s) and can sometimes mean that collections become financially unviable.

Given the potential problems, we will normally seek to avoid the authorisation of multiple collections in the same defined area at the same time and/or on the same day. Exceptions may be made at our discretion and may, for example, include emergency or urgent charitable appeals (e.g. Asian tsunami appeal) and during community or town centre events. Where exception is made, we will seek to notify any other authorised collection in the same area concerned.

(c) Booking of dates

To avoid disappointment and to help with the planning of a house to house collection, we would encourage applicants to 'book' their preferred collection date(s) in advance of making an application for the(ir) associated house to house collection licence(s). To 'book' your preferred house to house collection date(s), please contact us using the contact details given on the right.

NB: The 'booking' service is offered on a 'first-come, first-served' basis and on the understanding that any 'booking' is provisional only. Provisional dates will only be held for a maximum of 14 days pending an application for a house to house collection licence. Provisional dates may only be treated as being confirmed on notice of grant of the respective application for a street collection permit. Should any application with 'provisionally booked' date(s) be submitted after receipt and/or determination of any other application requesting one or more of the same dates, the application that was submitted and/or determined first shall take order of preference.

4. WHAT HAPPENS NEXT

On receipt, your application for a house to house collection licence will be allocated to one of the Council's licensing officers. The licensing officer will check to ensure that the application is valid and has been satisfactorily completed i.e. all the relevant information and documentation has been provided.

(a) What will happen if we identify a problem?

If there is a relatively minor problem with the application, the licensing officer may contact you for further information or may return the application (or part of it) to you for your attention as may be appropriate. Where there is a fundamental error, the application may be rejected.

(b) Multiple collections and collection date(s)

While we encourage applicants to contact us to provisionally 'book' their collection date(s) in advance of making an application for a house to house collection licence, not all applicants do so. We will therefore advise you as soon as possible whether the dates you have requested have been allocated to you or another organisation (see above). Where possible, we will endeavour to offer an alternative date for your collection where this may be necessary.

(c) Consultation with Police and other local authorities

We will normally notify the Police of receipt of any application for a house to house collections licence and contact other local authorities where similar collections have been, or are proposed to be, undertaken. We may subsequently take their views into consideration; particularly where there may be concern in respect of one or more of those matters listed in section (d) below

(d) Determination of the application

In deciding whether we will grant or refuse an application for a house to house collections licence we will normally consider the following matters. However, we may only refuse an application where it appears –

- (i) an inadequate proportion of the proceeds of the (proposed) collection will actually be applied to charitable purposes;
 - (ii) the amount of remuneration to be paid out of the proceeds of the (proposed) collection is excessive;
 - (iii) an offence under the Vagrancy Act 1824 has been, or might be, committed in connection with the (proposed) collection;
 - (iv) the promoter (i.e. the applicant) is not a fit and proper person to hold a licence by reason of one or more conviction(s) associated with fraud and/or dishonesty; and
 - (v) the promoter has failed to exercise due diligence in the appointment of fit and proper collectors or otherwise in the administration of the collection.
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(e) How long will it take us to determine your application?

We aim to process applications for a house to house collections licence within a period of 28 days (beginning on the first working day after the day on which we receive the application). However, because we deal with a large number and variety of applications, permits and other authorisations, it can sometimes take us a little longer.

(f) What happens if your application is refused?

If, after consideration of relevant information, we refuse the application, we will inform you of our decision in writing, together with the reason(s) for refusal. We will also detail your rights of appeal (if any), what you need to do to appeal and the time in which you have to do it should you choose to do so.

(g) What happens if your application is granted?

Where an application for a house to house collection is granted, we will advise you by notice of grant and send you the relevant licence document(s) so that you can lawfully conduct your collection.

Collections held under authorisation of any licence issued must be conducted in accordance, and comply, with the House to House Collections Regulations 1947 (Statutory Instrument 1947 No. 2662). A copy of the relevant extracts of this will be attached to the licence document(s) for your reference. These detail how the collection must be undertaken together with requirements to submit accounts to the Licensing Authority on completion of each collection held.

You must arrange for the provision of badges and certificates of authority for all collectors. These are available from The Stationary Office, telephone number 0870 600 5522 and email customer.services@tso.co.uk.

Where appropriate, we will also contact the intended beneficent charity / cause to advise them that you will be conducting a house to house collection on their behalf on the dates allocated to you.

5. WHAT HAPPENS AFTER THE COLLECTION

Once the collection has been conducted the promoter must complete a statement of accounts by way of the returns form prescribed by Rushmoor Borough Council. The basic details of this return (i.e. the total amount raised and total amount applied to charitable purposes) will then be published on the council's website for public viewing.

NB: Failure to submit a suitable return may affect future application(s) for a house to house collections licence (see section 2(a)(3) above).

By law, the promoter must also arrange for a public notice to appear in a local newspaper giving details of the proceeds and distribution of the collection. Officers of the Council may monitor the local press to ensure compliance, but it is strongly recommended that a copy of the public notice be forwarded to us once published. In the case of any notice advertised in a local newspaper, this should comprise a **full** copy of the newspaper concerned.

6. USEFUL CONTACTS

Institute of Fundraising

This institute offers support to all fundraisers and has formulated codes of conduct and codes of fundraising practice.

Institute of Fundraising
Park Place
12 Lawn Lane
London
SW8 1UD
Telephone: 020 7840 1000

<http://www.institute-of-fundraising.org.uk/>

Charity Commission

The Charity Commission is the independent regulator for charitable activity

Charity Commission Direct
PO Box 1227
Liverpool
L69 3UG
Telephone: 0845 3000 218

<http://www.charitycommission.gov.uk/>

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