



Hinckley & Bosworth
Borough Council

A Borough to be proud of

House to House & Street Collection Policy

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1 Introduction and Overview

- 1.1 Hinckley & Bosworth Borough Council (the Council) is responsible for licensing charitable collections within the Borough of Hinckley & Bosworth. Charitable collections fall into two categories: **House to house** collections for money or property and **Street collections**, which include collections for cash or the sale of articles in the street. If articles are sold for personal gain a Street Trading Consent will be required.
- 1.2 The licensing of charitable collections is regulated by two separate Acts of Parliament: *The 'Police, Factories, etc., (Miscellaneous Provisions) Act 1916'* which regulates collections of money or sales of articles for charitable purposes in streets and public places and *'The House to House Collections Act 1939'* which regulates collections of money or other articles made by means of going from house to house. Both Acts give District and Borough Councils powers to write regulations and policies to control charitable collections.
- 1.3 This policy document forms the Council's Charitable Collections Policy ("local policy") that will apply to Street and House to House Collection activities in the Hinckley & Bosworth Borough area to ensure consistency in decision making.
- 1.4 The aim of the policy is to give detailed guidance on the application of the law relating to charitable collections, that charitable organisations, promoters and collectors must meet before, during and after collections have taken place. It also sets out the administrative procedures involved in obtaining a permit / licence.

2 Street Collections Guidance

- 2.1 An application for a Street Collection Permit must be made to the Council in writing or electronically via our website not later than one month before the proposed collection date.
- 2.2 Street Collection Permit Application forms may be downloaded from the website www.hinckley-bosworth.gov.uk together with a copy of the street collection regulations or alternatively obtained from the Licensing team located at the following address:

The Licensing Service
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
LE10 0FR

Tel No: 01455 238141

Email: esadmin@hinckley-bosworth.gov.uk

- 2.3 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a street collection permit, it needs to have as much information as possible about the charity, its promoters and collectors. For processions and walks, details of the proposed route must be provided with the application.
- 2.4 If the Charity has not previously applied for a permit to conduct a collection within the Hinckley & Bosworth Borough, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of street collection permits approved or refused (other than within the Councils area); a copy of the organisations most recently audited accounts; and any other relevant information requested by the Council.
- 2.5 Applications will be considered upon receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.

Consultations on the Application

- 2.6 The Council reserves the right to make more detailed enquiries about an applicant and the proposed collection in certain circumstances. For example:
- An organisations / individual's past conduct;
 - A new collector of concern to the Council;
 - Concerns about the integrity of the collection activity (i.e. suspected bogus charity collection);
 - Complaints from local residents, businesses or other charity organisations;
 - Where the activity raises safety or nuisance/harassment concerns; etc.
 - Enquiries may be made to the Police and or the Charity Commission for comment/investigation prior to consideration.
- 2.7 The Council may also consult with other council departments responsible for highways or street trading. Where the application for a street collection permit includes a street procession or placing a structure or vehicle on the street/highway; or where the proposed collection relates to the sale of articles in a street/public place designated for street trading, a Street Trading Consent will be required.
- 2.8 If a store/shop gives permission for a collection for a charity, that person must be inside the store/shop. The forecourt of a shop is considered a public right of way in respect of street collections.
- 2.9 Any application where it is proposed to use any structure, table, 'A' board etc., in conjunction with a Street Collection must be supported by Public Liability Insurance and written permission of the Landowner and or Highways Authority.

Determination of the Application

- 2.10 The Council has delegated to the Principal Licensing Officer the authority to consider and determine applications for street collection permits, subject to the criteria set out in the regulations and in this policy document, including any objections/observations/comments received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.
- 2.11 Each case will be looked at on its own merits.
- 2.12 The legislation does not include statutory criteria for the approval or rejection of a permit request. This is a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations.

2.13 For the purposes of clarification, applications will be considered by Licensing Officers with reference to the following:

- Information provided by the applicant in the application or such further information provided upon request;
- Any comments received from the Police, the Charity Commission, or other local authorities;
- The organisation's past conduct and the integrity of its collection activities etc., where known, when undertaking collections in the Borough or in other Boroughs;
- Whether the person applying for the licence is a 'fit and proper' person to hold a licence;
- Whether the organisation or its objectives may be considered to be charitable in character;
- Whether a particular collection is considered to be in the public interest;
- The organisation's connection to the local community;
- The Council's street collection policy and regulations; and
- Any other considerations.

Other Considerations

- In order to comply with section 26 of the Counter Terrorism and Security Act 2015, which places a duty on "specified authorities" (including Hinckley and Bosworth Borough Council) to have "due regard in the exercise of their functions, to the need to prevent people from being drawn into extremism/extremist activities or terrorism."
- Therefore, in complying with this duty, charitable collections of funds and/or resources should not be utilised to aid/support extremist activity, or the dissemination of extremist views.

The Council will then either:

- Issue a permit specifying the requested date and location; or
- Refuse to issue a permit on certain grounds.

3 Street Collections Policy

Introduction

3.1 This part of the document sets out how the Council will deal with charitable organisations that wish to collect monies or sell articles for charitable or other purposes in streets and public places.

3.2 For the purposes of the law of England and Wales, “charity” means an institution which is established for charitable purposes only, and falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

- Meaning of “charitable purpose”
- the prevention of relief of poverty;
- the advancement of education;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- the advancement of environmental protection or improvement;
- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- the advancement of animal welfare;
- the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;

Meaning of “promoters”

- For the purposes of this guidance, means a person or organisation who causes others to act as collectors.

Statutory Powers

- 3.3 The power that enables the Council to regulate charitable street collections and to issue permits is contained in the *Police, Factories, etc., (Miscellaneous Provisions) Act 1916* as amended by the *Charitable Collections (Transitional Provisions) Order 1974*.
- 3.4 In accordance with its powers, the Council has made regulations under this legislation for the control of street collections in the area of Hinckley & Bosworth in respect of the places where and the conditions under which persons may be permitted in any street or public place to collect money or sell articles for the benefit of charitable or other purposes.
- 3.5 The legislation and regulations stipulate that any collection to be undertaken in a street or public place requires a Street Collection Permit. It is a criminal offence to conduct a street collection in any street or public place within the Borough of Hinckley & Bosworth without first obtaining such a permit from the Council.

Policy Statement

- 3.6 The Council will use the Charity Commissions objectives as a basis for decision-making:
- The public confidence objective.
 - The public benefit objective.
 - The compliance objective.
 - The charitable resources objective.
 - The accountability objective.
- 3.7 This section outlines the policies the Council will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied; and where and how often an organisation may make a street collection in Hinckley & Bosworth:

Authorisation for the collection

- 3.8 The promoter of a street collection shall have written authorisation from the organisation that is to benefit from the collection. Such authorisation shall include contact details for the benefiting organisation.
- 3.9 In cases where the benefiting organisation is collecting on behalf of themselves the application shall include details of the promoter's role within the organisation.
- 3.10 Exceptions to the requirements for authorisation may be made with regards to National televised appeals such as Comic Relief, Children in Need and other similar appeals where authorisation is not easily obtained.

Allocation of street collection days

- 3.11 Street Collection licences will not be valid on days where a Public Market is in operation due to complaints of harassment from shoppers, members of the public, retailers and market traders.
- 3.12 No charity will be granted more than one Street Collection licence per calendar year unless that charity is part of an Emergency Appeal per section 3.7.
- 3.13 Whenever it is necessary separate collections may be granted on the same date for the week.
- 3.14 Priority will be given to 'local' charities, associations or organising bodies. A local charity is a charity that has significant ties to the Borough of Hinckley & Bosworth. It is for the charity to demonstrate to the Council that it has significant ties to or near the Borough of Hinckley & Bosworth. This may be, for example, that it:
- Is based in the borough;
 - Conducts work in the borough;
 - Spends money in the borough;
 - Employs people in the borough;
 - Acts for people living in the borough;

This is not an exhaustive list; each application will be considered on its own merits.

- 3.15 The Council operates a diary booking system on a "first come first served" basis for the allocation of street collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation's preferred date(s) will be allocated to that organisation. Where an organisation's preferred date(s) cannot be granted, alternative dates may be suggested where practicable.
- 3.16 Transitory collections, e.g. those whose collections pass through the Borough, will be given permits subject to their route not coinciding with a permit already granted. These types of events are normally sponsored walks, street processions, cycle rides or bed pushes.

Consultation on Applications made

- 3.17 The Council will take into account any decision by another Local Authority to refuse permission for the individual or organisation in question to hold a street or house to house collection, and the reasons for it.
- 3.18 The Council will take into account information or advice supplied by the Police or other relevant bodies in deciding whether to grant a permit.

Emergency Charitable Collections

- 3.19 Special consideration may be given to emergency disasters, which result in unexpected fundraising activities.
- 3.20 The Council may consider issuing more than one organisation a permit on any one day where the collections are in relation to a particular emergency disaster.
- 3.21 However, Street Collection permits for emergency disasters would not normally be allocated a date and location where a permit has already been authorised for another non-related collection, unless express permission has been received from the organisation granted the original permit.
- 3.22 Emergencies can include local, national and international. If the emergency has been classified as such (by Central Government, for example) the collection will be normally determined by the Principal Licensing Officer for Hinckley & Bosworth Borough Council.

Applicants suitability to conduct charitable collections

- 3.23 The Council will not issue permits to an individual or organisation that has held an unlawful street or house to house collection within its area, or that of another Local Authority.
- 3.24 The Council will not issue further permits to an individual or organisation that has broken the Street Collections Regulations set by this Council or those of another Local Authority within the last five years.
- 3.25 The Council will not issue permits to an individual or organisation if it is not satisfied that the applicants are 'fit and proper' persons to hold such street collection permits. This will include persons convicted of any offence involving dishonesty, fraud, and offences against the person, indecency or offences involving the conduct of collections.

- 3.26 The Council will not issue permits to an individual or organisation whose aims do not appear to be charitable. Where there is any doubt about the aims of the collecting body, it will be asked to provide further evidence to clarify that doubt.
- 3.27 Whilst it is not the Council's policy to require an organisation applying for a permit to collect to be a registered charity, where an application is received that is considered in the Council's judgment not to fulfil the Council's aims, the Licensing Officer for Hinckley & Bosworth Borough Council may refuse the application.
- 3.28 The Council will only issue permits to an individual or organisation which provides adequate information so that the application can be considered properly. This may include any information, which might lawfully be requested by the Council in addition to that given on the application form.

Face-to-Face Direct Debit (DD) Charitable Street Collections

- 3.29 The Council does not control collections where pledges are collected for direct debit donations (clipboard collectors or 'chuggers') because they do not collect actual money and there are no legal provisions for collections of this type at present. Being asked to donate to a charity on the street through a collecting tin is an entirely accepted practice and the most preferred way to be asked to give. This is a passive approach to fundraising, where people feel in control of the situation and not under pressure. The problem with 'chugging' is that it is seen as, and can be, aggressive, to the point where anecdotal evidence suggests that the presence and activities of 'chuggers' can discourage people from going to nearby shops, or even visiting high streets at all. These are issues of frequency and behaviour – both of which can and should be addressed through regulation.

Approval of the Application – Issue of a Street Collection Permit

- 3.30 On approving the application, a Street Collection Permit will be issued to the applicant along with:
- A link to the Council's Policy/Regulations for a street collection which must be adhered to during and after collections;
 - A copy of the street collections Form of Statement/Returns Form which must be completed not later than one month from the collection date;
 - Details of the date, time or frequency of the collection;
 - Details of the area within which the collection is to take place;
 - Details of the form of collection boxes, other containers and any other articles to be used; and
 - Any other restriction relating to the circumstances and conduct of the collection.

Submission of Statement of income and expenditure

- 3.31 Attention is drawn to section 16 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this regulation must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. The council reserves the right to request further information from a charity regarding income and expenditure including the inspection of financial records. Failure to comply may prejudice any future applications.

Duration of Permit

- 3.32 The permission to carry out a street collection is valid only for the period of collection specified in the permit. There are no provisions in the legislation for renewal of permits. Therefore, in all cases where a street collection permit has expired, a new application will have to be made for future collections.

Refusal of Application / Revocation of Licence

- 3.33 There are no statutory grounds for refusing an application for a street collections permit. However, there is an implied power to refuse if the Council considers that the collections:

Are not for “charitable or other purposes”
Contravene the provisions of the legislation and regulations.

- 3.34 In addition, the Council can refuse any application that is inconsistent with its general policy requirements for the issue of permits in the Borough. Some of these reasons may include:

To limit the number of collections.

If too high a proportion of the proceeds is likely to be spent on expenses.

If inaccurate information was provided on the licence application.

If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.

Once issued, a licence may be revoked if it is believed the objectives are or could be compromised.

Appeals

- 3.35 Any person/organisation who is dissatisfied with the refusal of an application for a street collection permit may request that the application be considered formally by a sub-committee of the Licensing Committee. This must be made in writing within 21 days of the date of refusal letter.

3.36 The Act does not make provision for legal appeals against the decision of the Council in relation to the refusal of Street Collection Permits. Should a person aggrieved by a decision of the Council feel it necessary, they may seek a Judicial Review of the decision.

4.0 House to House Collection Guidance

Introduction

4.1 Application for a licence must be made in the prescribed manner. The Local Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the House to House Collections Act 1939.

4.2 House to House application forms can be downloaded from the Authority's website together with a copy of the House to House Collection Regulations, or applied for on-line, or alternatively obtained from the licensing team located at the following address:

The Licensing Service
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
LE10 0FR

Tel No: 01455 238141

Email: esadmin@hinckley-bosworth.gov.uk

4.3 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Authority can grant a House to House collection permit, it needs to have as much information as possible about the charity, its promoters and its collectors.

4.4 If the Charity has not previously applied for a permit to conduct a collection and/or sale within Hinckley & Bosworth, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of house to house collection licences approved or refused (other than with the Councils area); a copy of the organisation's most recent audited accounts; and any other relevant information requested by the Council.

4.5 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.

- 4.6 There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence. This should be made within fourteen days from the date on which notice is given of the refusal or the revocation.

National Exemption Orders

- 4.7 Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales, and is committed to promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be [exempt](#) from the requirement to obtain licences from the Licensing Authority, in respect of collections for that purpose in such localities as may be described in the Order.

5 House to House Collections Policy

Introduction

- 5.1 This part of the Policy sets out how the Council will deal with charitable organisations that wish to collect money or other articles by means of going from house to house which includes places of business such as shops and public houses.

Definitions

- “Charitable Purpose” means any charitable, benevolent, or philanthropic purpose.
- “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 a person who makes the appeal in the course of such visits.
- “House” includes a place of business.
- “Proceeds” means in relation to a collection, all money and all other property given, whether for consideration or not, in responses to the appeal.
- “Promoter” means a person who causes others to act as collectors for the purposes of the collection.
- The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

- Data Protection Act 1998: Hinckley & Bosworth Borough Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

5.2 Charity for the purposes of the law of England and Wales, “charity” means an institution which is established for charitable purposes only, and falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

“Charitable Purpose”

- the prevention of relief of poverty;
- the advancement of education;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- the advancement of environmental protection or improvement;
- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- the advancement of animal welfare; the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;

5.3 House to House Collections, as set out under Section 2 of the House Collections Act 1939 and the House to House Collections Regulations 1947, are required to be licensed and regulated by Local Authorities.

5.4 In accordance with its powers, the Authority made regulations under this legislation for the control of House to House collections in the area of Hinckley & Bosworth Borough Council.

5.5 The Act and the Regulations made there under contain important provisions for The Regulation of House to House Collections for Charitable Purposes, and prescribe fines and/or imprisonment for offences against the Act or the Regulations.

- 5.6 No collection for a charitable purpose may be made in any locality of Hinckley & Bosworth Borough Council unless the promoter is licensed by the Council for the area comprising that locality, and the collectors are authorised by the promoter.
- 5.7 Under an Exemption Order, the requirement is only to notify the Local Authority of the charity's intention and to send to the Authority the account forms for our inspection files.
- 5.8 Under these instructions the Council have in some weeks had a number of collections put forward during the same period of time. Therefore the Authority may defer a collection to a later date if there is too high a concentration of collections in an area over a period of time.

The number of collections within the Borough

- 5.9 The council limit the number of collections being carried out in any particular area to three at any time, so it is possible that three charities can be found collecting legitimately in the same area on the same day of the week.
- 5.10 We are aware that this can annoy some members of the public and that charitable people only have so much that they can give away.
- 5.11 If you receive too many charity bags, our advice is to recycle the bags you do not want.

Approval of the House to House Collection Permit

- 5.12 On approving the application, a House to House Collection Permit will be issued to the applicant along with:
- A copy of the regulations / link to the Council's Policy/Regulations for House to House Collections which must be adhered to during and after collections;
 - A copy of the House to House Returns Form which must be completed not later than one month from the collection date;
 - Details of the area within which the collection is to take place;
 - Details of the form of collection boxes, other containers and any other articles to be used; and
 - Any other restriction relating to the circumstances and conduct of the collection.

Submission of Statement of income and expenditure

- 5.13 Attention is drawn to section 14 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this regulation must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. The council reserves the right to request further information from a charity regarding income and expenditure including the inspection of financial records. Failure to comply may prejudice any future applications.

Duration of Permit

- 5.14 The permission to carry out a House to House Collection is valid only for the period of collection specified in the permit. There are no provisions in the legislation for renewal of permits. Therefore, in all cases where a permit has expired, a new application will have to be made for future collections.

Legal Reasons for Refusal

- 5.15 Under the Act, a licensing authority may refuse or revoke a licence if it appears to the authority 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).
 - 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.
 - 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.
 - 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.

- 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.
- 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.

Further considerations for refusal of applications

5.16 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;
- Whilst each application will be decided on merit, at least 75% of the total proceeds of the collection must be given to the charity or cause. No more than 25% of the total proceeds can be deducted by the organisation for expenses/costs relating to the collection.
- 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 borough;
- any action has been taken as a result of not complying with regulations on operating house-to-house collections, unless extenuating circumstances prevailed.

Appeals

5.17 Unlike street collections, there is a statutory right of appeal against the refusal to grant a House to House Collection Permit. In this case, the right of appeal is to the Secretary of State.

6 Enforcement

6.1 The Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

6.2 Where licensable activities are conducted without the benefit of a licence/permit, the Council will look to gather evidence and take enforcement action as appropriate.