

**EPSOM & EWELL
BOROUGH COUNCIL
HOUSE TO HOUSE
POLICY**

Effective from:

1. BACKGROUND INFORMATION

Public charitable collections conducted on a House to House basis are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. These Regulations are attached as Annexe One.

No collection for a charitable purpose may be made unless the provisions of the Act and the Regulations are complied with; otherwise a criminal offence will be committed. If any person or organisation promotes a charitable collection then they must have a licence to do so (subject to holders of Exemption Orders as detailed below). Anyone acting as a collector where there is not a licensed promoter also commits a criminal offence. Offences are punishable by penalties ranging from a minimum fine of £200 up to six months imprisonment and a fine of up to £1000.

Larger national charities (such as Oxfam or Christian Aid) hold Home Office Exemption Certificates, which exempt them from needing to obtain the Council's Permit. The Minister for the Cabinet Office is responsible for the national exemption order scheme for house to house collections. Generally National exemption orders are available to organisations which have obtained house to house collection licences in at least 70-100 local authority licensing areas for the two preceding years. It is recommended that all holders of Exemption Orders follow the good practice set out in the Code of Fundraising Practice (Institute of Fundraising).

It should be noted that selling goods from door to door on the basis that the proceeds will go to charity constitutes a door to door collection.

Epsom and Ewell Borough Council has no power to attach conditions to a licence.

2. THE AIMS OF THE POLICY

2.1 The aims of the Licensing Authority are to ensure that;

- Applications are made in a timely way, neither too early nor too late
- Ensuring impartiality and fairness in determining applications so that each organisation is allowed an opportunity to collect for their charity.
- To safeguard members of the public so that they are not subject to excessive charitable requests.
- Facilitate well organised collections by bona fide charitable institutions and ensure that good standards are met.
- To prevent unlicensed collections.
- Wherever possible, no more than one organisation will be permitted to collect in the same area on the same day.

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- Setting fair maximum limits for one applicant to allow other charities an opportunity to collect in the borough of Epsom and Ewell.
- Ensure money is collected securely and proceeds properly accounted for.
- To achieve a fair balance between local and national causes.

3. DEFINITION OF HOUSE TO HOUSE COLLECTION

House to House collections involve the collection of either cash or goods directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out in accordance with the law.

- **Licensing Authority** means Epsom and Ewell Borough Council
- **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 a "Collector" means a person who makes the appeal in the course of such visits. It includes the sale of magazines, requests for unwanted clothing and household items
- **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 response to the appeal.
- **Promoter** means a person who causes others to act as collectors for the purposes of the collection

3. APPLICATION PROCESS

- 3.1 An application must be made, by completing the prescribed form and submitting a minimum of 28 days prior to the proposed start of the collection, stating the registered charity number and the objectives of the charitable cause as supplied to the Charity Commission.

There is no fee for applying for a House to House Collection permit.

For online applications tacit approval applies to this application. If you applied on line you will be able to act as though your application is granted if you have not heard from the Local Authority by the end of the target completion period.

Once the collection has taken place, a form of statement must be returned to the Council within one month of the date of collection, giving an account of the money raised.

The following information must be submitted with the application;

- Literature about the charitable organisation.
 - Any agreement or contract details with the registered charity or individual benefiting from the collection.
 - If the applicant is not an official of the organisation, a letter from the charitable organisation giving authorization to that person undertaking a collection on their behalf.
- 3.2 If further information is requested from the applicant to assist in the determining of the application, this must be provided in a timely fashion. If this is not supplied in a timely fashion this may affect the application process.

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- 3.3 Wherever possible, no more than one organisation will be permitted to collect in the same area on the same day. Applications will be dealt with on a first come, first served basis. However we will try to ensure fairness is applied to all collections.
- 3.4 To minimise the prospect of multiple collections being made in any one day, the Council will not grant licences for a period of more than one month.
- 3.5 If the application indicates the organisation has been refused a licence to carry out house to house collection by another Local Authority, unless there are special circumstances for the refusal, the application will normally be refused.

House to House collectors will also need to obtain a Certificate of Authority and Badge from the H. M. Stationery Office, or through any bookseller.

4. RULES AND STANDARDS

- 4.1 The Licensing Authority recommends that all organisations adhere to the Institute of Fundraising Practice. A copy of this code can be found at www.institute-of-fundraising.org.uk, and the Public Fundraising Regulatory Associations Best Practice (Code and Rules) which can be found at www.pfra.org.uk

Namely;

- Fundraisers ought to always know or ring at a property's main entrance and not use side entrances or back doors, unless a resident gives permission to do so.
- Fundraising may only take place between the house on 09.00 hours (10.00 hours on Sundays and Bank Holidays) and 21.00 hours unless fundraisers have permission from the Council to visit outside these hours.
- Fundraisers should take extra care when calling once darkness has fallen so as not to cause alarm or distress to householders.

5. LEGAL REASONS FOR REFUSAL

There are six reasons why an Authority may refuse or revoke a licence. These are as follows;

1. 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)..
2. That the 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. 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 offence under that section has been committed in connection with the collection.
4. 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 of the offences specified in the Schedule to House to House Collections Act 1939, 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

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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 collections were fit and proper persons, to secure compliance on the part of the persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons.
6. The applicant or holder of the licence has refused or neglected to 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 forgoing paragraphs.

There is a right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.

6. REASONS FOR REFUSAL CONSIDERATIONS

- 6.1 When considering applications the financial information given is sometimes difficult to interpret. Unless the proportion that will be donated to charity is clear and we are confident in the calculations the application should be refused.
- 6.2 If the proportion allocated to the charity is clear, Officers must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of the 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.
- 6.3 Refusal of the application should be given serious consideration when less than 80% of the value of the collection at the point of donation is being given to the charity.
- 6.4 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.
- 6.5 Refusal of the application should be given serious consideration when the remuneration amount is greater than 20% of the value of the total collection at the point of donation.
- 6.6 If no previous returns have been supplied to the Local Authority after previous licensed collections by the same organization or individual within the borough of Epsom and Ewell then the application should be refused. In addition, any action taken as a result of not complying with the regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

7. SHARING OF INFORMATION

The Council will share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the [Data Protection Act 1998](#). This may include requests from the Audit Commission or other

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regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.

8. MONITORING AND REVIEWING PROGRESS

This policy will be actively monitored in its first year of introduction to determine its impact and will be reviewed if necessary.

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