

Appendices

- A. Amended House to House Regs.
- B. Amended Street Collection Regs.
- C. Guidance Public Charitable Colls
- D. List of Exempt Charities.



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	Review of Street Collections Policy
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	11th December 2012
Policy Document:	Street Collections
Directorate:	Customers and Communities

1. Purpose

1.1 To review the Councils Street and House to House Collections Conditions in line with the new Charities Act 2011.

2. Recommendations

2.1 That with effect from 11th December 2012 the above Conditions be revised in line with the new Charities Act 2011.

3. Issues and Choices

3.1 Report Background

The Charities Act 2011 came into effect on 14 March 2012. It is the Act of Parliament which sets out how all charities in England and Wales are registered and regulated.

- This Act repeals and replaces the four pre-existing Acts below:
- most of the Charities Acts 1992, 1993 and 2006
- all of the Recreational Charities Act 1958

It doesn't replace the sections in the Charities Acts about fundraising which haven't taken effect yet, eg charitable collections in public places. These are the permits that are issued by the local authority. These were last amended in 1947 when the authority to issue permits became the responsibility of the Local Authority.

The 2011 Act is intended to make the law easier to understand by replacing four Acts of Parliament with one, it doesn't make any changes to the law.

Although the regulations have not yet been amended to include House to House and Street Collections, due to the lack of a time scale when these will be introduced current conditions need to be revisited.

The new act will not affect those 'Exempt Charities' (43 in total), these charities are able to collect without a permit issued by the Local Authority although the Council should be notified when a collection is to take place.

3.2 Issues

3.2.1 There are no known issues.

3.3 Choices (Options)

3.3.1 To introduce the revised conditions as at Appendix 1 and Appendix 2.

3.3.2 To retain the current conditions pending the change in regulations from Central Government.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This report will amend current conditions.

4.2 Resources and Risk

4.2.1 There is no recognised financial risk, the Licensing Team will continue to administer and enforce the issue of permits.

4.3 Legal

4.3.1 [The Charities Act 2011](#) does not repeal any of the other acts, but it makes the legislation easier to follow and clarifies a number of ambiguities in the original legislation.

4.4 Equality

4.4.1 There are no known equality issues each application will continue to be considered on its own merits in line with those conditions imposed by the council.

4.5 Consultees (Internal and External)

4.5.1 Legal.

Public protection.

4.6 Other Implications

4.6.1 N/A

5. Background Papers

- 5.1 Charities Act 2011.
- 5.2 Charities Act 2011 Home Office Guidance.
- 5.3 Northampton Borough Council House to House Collection Conditions.(App.A)
- 5.4 Northampton Borough Council Street Collection Conditions. (Appendix B)

Report Author: Philip Bayliss .
Senior Licensing officer
X7099



Although the Charities Act 2011 was introduced on 14th March 2011, those regulations relating to Street and House to House collections remain and have yet to be introduced. The above Act and regulations 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.

HOUSE TO HOUSE COLLECTIONS ACT 1939

House to House Collections Regulations 1947 (as amended)

1. Except in cases specified in paragraphs 3 and 4:-
No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.
2. Application for a licence must be made in the prescribed manner. The Licensing 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 Act.

There is a Right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days of the date on which notice is given of the refusal or the revocation.
3. 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 desirous of 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, as respects all collections for that purpose in such localities as may be described in the Order. (Those Exempt Charities are attached).
4. Where the Chief Constable of the police areas comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of a collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions-

- (a) every promoter of a collection must exercise all due diligence to secure that collectors are fit and proper persons and that they are authorised to act as collectors; and to secure compliance by collectors with the Regulations;
- (b) no promoter of a collection shall permit any person to act as a collector unless he has issued to that person-
 - (i) a prescribed Certificate of Authority;
 - (ii) a prescribed Badge; and
 - (iii) if money is to be collected, a Collecting Box marked, or a Receipt Book (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
- (c) In the case of a collection in respect of which a Licence has been granted, every Certificate of Authority shall be given a form obtained from The Stationery Office, and every prescribed Badge shall be so obtained.
- (d) No person under the age of 16 years shall act or be authorised to act as a collector of money.
- (e) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if required to leave by the occupant thereof.
- (f) 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.

DEFINITIONS

6. **“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 response to the appeal.

“Promoter” means a person who causes others to act as collectors for the purposes of the collection.

FURTHER INFORMATION

7. For further information, reference should be made to the Act and Regulations which are obtainable from The Stationery Office, PO Box 29, Norwich, NR3 1GN, or through any bookseller. Telephone (General Enquiries) 0870 600 5522.



**NORTHAMPTON
BOROUGH COUNCIL**

(a)

**REGULATIONS MADE BY NORTHAMPTON BOROUGH COUNCIL
WITH REGARD TO STREET COLLECTIONS**

In exercise of the powers conferred upon it by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to the Act, Northampton Borough Council hereby makes the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public places within the district of Northampton to collect money for the benefit of charitable or other purposes:-

1. In these Regulations, unless the context otherwise requires -
“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be constructed accordingly;
“promoter” means a person who causes others to act as collectors;
“the Borough Council” means Northampton Borough Council;
“permit” means a permit for a collection;
“contributor” means a person who contributes to a collection for the benefit of charitable or other purposes;
“collecting box” means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Borough of Northampton unless a promoter shall have obtained from the Borough Council a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. The Borough Council may reduce the period of one month if satisfied that there are special reasons for so doing.

Note: . Northampton Borough Council will only issue permits for charities that directly benefit the residents of Northampton, or with a local contact.

This will not apply to nationally recognised charities.

4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The Borough Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by duly authorised officer of the Borough Council or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway.

Provided that the Borough Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. (a) a collector shall remain stationary; and
(b) a collector or two collectors together shall not be nearer to another collector than 25 metres;

Provided that the Borough Council may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a boy or girl under the age of 16 years to act as a collector, except if such boy or girl is a member of the Boy Scouts, Church Lads' Brigade, Girl Guides, or other similar organisations, and is in the uniform of the unit to which he or she belongs, and during the period of collection is under the charge and direct supervision of an officer of their respective units.
12. (1) Every collector shall carry a collecting box.

(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

(3) All money received by a collector from contributions shall immediately be placed in a collecting box.

(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14.
 - (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list, which shall be certified by that person.
15.
 - (1) No payment shall be made to any collector.
 - (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Borough Council.
16.
 - (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Borough Council:-
 - (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that promoter and a qualified accountant;
 - (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the Borough Council, satisfy it as to the proper application of the proceeds of the collection.
 - (2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1) (a) above, publish in such newspaper or newspapers as the Borough Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

Note: The Borough Council can waive this condition if the charity in question publishes the result of that collection on the charities web site.

- (3) The Borough Council may, if satisfied there are special reasons for doing extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this regulation "a qualified accountant" means a member of one or more of the following bodies:-

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants in Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply.

(b) in respect of a collection taken at a meeting in the open air, or

(c) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two hundreds pounds or in the case of second or subsequent offence not exceeding two hundred pounds.

19. These Regulations came into force one month after the date on which they were confirmed by the Secretary of State on 1st April 1974.

Conditions amended on 11th December 2011.

1.1. Public charitable collections

2. Regulation of street collections

Public charitable collections in the street are regulated under the Police, Factories Etc Act 1916 (Miscellaneous Provisions).

There is a model of local regulations in the Charitable Collections Order 1974 (Transitional Provisions), though local authorities are not obliged to introduce this system of licensing in their area.

3. Regulation of house-to-house collections

Public charitable collections conducted house-to-house are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. The 1947 regulations established a central licensing regime for collections.

4. Licensing on collections

The Local Government Act 1972 transferred responsibility for licensing both forms of collection from the police to local authorities.

In London, however, the Metropolitan Police and the Common Council of the City of London are still responsible for licensing of collections.

5. National exemption order scheme

Under current law, the Minister for the Cabinet Office is responsible for the national exemption order scheme for house-to-house collections.

Organisations can generally obtain national exemption orders if they have house-to-house collection licences in at least 70–100 local authority licensing areas for the two preceding years. There are currently 43 national exemption order holders.

6. Appeals

Organisations can appeal to the Minister for the Cabinet Office if a local authority refuses them a licence to hold a house-to-house collection or if they revoke such a licence. The Cabinet Office processes these appeals.

In the case of street collections, there is currently no equivalent right of appeal. The Charities Act 2006 contains provision for a new licensing scheme for public charitable collections, but these provisions are not yet in force.