

Policy on Street and House-to-House Charitable Collections

How we treat applications for street charitable collections and house-to-house charitable collections.

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Policy created & reviewed	16 th July 2015, 22 nd October 2019, July 2022, July 2025

Policy created by	Solicitor in Legal Shared Services Planning Appeals & Charitable Collections Administrators
Policy reviews due	July 2028

10. Definitions

<u>We</u>	St Albans District Council, usually acting through its officers.
<u>You</u>	The applicant, i.e. the person applying for a licence to collect money or other goods for charity.
<u>Charity/Charitable purposes</u>	for the benefit of a registered charity or other humane purpose.
<u>Collection</u>	Requesting and accepting donations of money or other goods from members of the public.
<u>Disaster/Emergency</u>	Catastrophic natural (e.g. tsunami, earthquake, disease outbreak) or manmade (e.g. war, terrorist attack) one-off event causing widespread or geographically localized human suffering requiring urgent action to alleviate it.
<u>District</u>	The area covered by St Albans District Council.
<u>Licence/Permit</u>	A document that we issue granting legal permission for a charitable collection within our district.
<u>Fifth Schedule Form of Statement</u>	A form we require to be completed and returned to us within 30 days of your cash collection, detailing how much was raised and to whom the money was paid. The form should be signed off by an accountant, secretary, treasurer or other official appointed by the charity.
<u>Sixth Schedule Form of Statement</u>	A form we require to be completed and returned to us within 30 days of your collection of goods other than cash, detailing how much was raised because of the collection. (For example, this may be by signing people up for direct debits, or by selling clothes that were donated.) The form should be signed off by an accountant, secretary, treasurer or other official appointed by the charity.

NEO/

National Exemption Order

A special order issued by the Cabinet Office to some large national charities. Holders of a NEO do not have to apply for a house-to-house collection licence from us. However, they do still have to apply for a street collection licence if they want one.

Refuse/refusal

We decide not to give a licence.

Street

A street or any other place where the public has free access. This may include some private property such as supermarkets, car parks, petrol station forecourts, railway stations.

House-to-House

Collecting money or other goods from door-to-door in a residential area. Also, from pub-to-pub, shop-to-shop, or business-to-business in a commercial area.

Introduction

This Policy Document has been created to set out in one place the Council's existing practice and to provide guidance on two separate types of charity collection licensing, namely:

1. Street Collections 2. House-to-House-Collections These activities are, by law, regulated by the Local Licensing Authority for the area in which the activity takes place.

St Albans District Council currently licenses approximately 80-100 charity street collections per year* by National and Local charities within the authority. These collections all require a licence under the existing legislation.

The Council liaises with 8 – 10 direct-debit fundraising companies who between them visit our District approximately 70 - 80 times per year* for face-to-face fundraising.

The Council also consults with and may be needed to license House-to-House Clothing collections by 10 or more* textile recycling companies engaged by charities to work on their behalf across the district.

**Figures based on 2024/25 records.*

This document sets out how the Council currently approaches the licensing and/or other regulation of the above operations. It also sets out proposed changes to the way that we license House-to-House clothing and House-to-House Direct Debit collections. The changes have been prompted by a Cabinet Office appeal decision (see Appendix 8) which concerns the amount of money that a company may keep for expenses from a collection that is represented as being for charitable purposes. (For proposed changes see "House-to-House Collections Canvassing Direct Debit Sign-Ups" *page number* and "House-to-House Collections – Clothing and Other Goods" *page number*).

The legislation on Street Collections is set out in Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act of 1972. (Appendix 1) It is now largely almost 100 years old and now requires some interpretation to ensure that present day collections comply with the spirit of the original Act.

Similarly, the House-to-House Collections Act 1939 (Appendix 2) has not kept pace with innovations such as Commercial Interest Companies, charity partnerships, and direct debit fundraising.

Attempts to update and amalgamate the legislation in 1992, 2006 and 2012 have not been implemented.

Our policy is to consider the safety, protection and well-being of the public by ensuring that all street & house-to-house collections are:

- licensed & monitored appropriately
- legal and above-board
- not causing a public nuisance
- donating the maximum possible amount of the donations they receive to the nominated charity.

St Albans and District hosts many charity collections each year. Our aim with this policy document is to maintain the high standard of charity collections in St Albans in terms of both their legitimacy and their security. This will:

- maintain the good reputation of both local and national charities
- give the public confidence that their donations are being used in the way they intended them to be
- ensure that personal identity security is not compromised
- prevent unscrupulous people or companies from making personal or commercial profit out of charitable collections

Our powers and duties

Our duty to regulate charitable collections in the district comes from two laws and the Model Regulations they recommend:

- Police, Factories etc (Miscellaneous Provisions) Act 1916
- House-to-House Collections Act 1939

How will we use the policy?

The policy provides guidelines about our current position on street collections - face-to-face fundraising (chugging) and house-to-house collections including clothing collections and direct debit collections. We will consider the policy when making licensing decisions.

We will consider each application on its own merits. We will take the policy into account when dealing with applications and we will normally follow the policy. If we must depart substantially from it, we will explain clearly why we have departed from the policy.

Consultation and implementation

This policy will be subject to a consultation process of six weeks. It will be sent to all relevant organisations, including, but not limited to the Public Fundraising Regulatory Association (PFRA); The Civic Society; The Charities Commission; parish councils and District Councillors. This policy will be revised at least every three years and kept under review to reflect any changes to legislation or relevant case law during that period. It will appear on our website Consultation page for the duration of the consultation.

This policy was considered and approved by the Licensing and Regulatory Committee on 15th July 2015, reviewed on 22nd October 2019 and 5th July 2022.

For further information about this document please contact:

Charitable Collections Team, Customer, Business and Corporate Support, St Albans City & District Council, St Peter's Street, St Albans, AL1 3JE.

Email charitablecollections@stalbans.gov.uk or Call 01727 866100

Street Collections – Cash

Street Collection means a collection of money or a sale of articles [e.g. charity bake sale; secondhand book sale; jumble sale for the benefit of a charitable or other humane purpose in a street or public place. Cash includes contactless payments, cheques and chip and pin payments.

For the purposes of this policy, a public place is defined as anywhere to which the public has free access. This may include supermarkets, car parks, garage forecourts and other areas which are privately owned but where the public has free access.

We have a set of regulations (Model Regulations) that apply to Street Collections (Appendix 3a).

Annual invitation to apply for Street Collection Licences

In the interests of fairness, in September each year we will invite all charities held on our database to apply at that time for licences for the following year. The licences will then be allocated on a first-come, first-served basis for the whole of the following year, excluding December.

Other applications will continue to be considered on an ad-hoc basis throughout the year.

Applying for a Street Collection Licence

You must complete an application form S1 (Appendix 4). We will generally require a minimum of one month's notice of a street collection. It may be possible to issue a licence at shorter notice.

In the case of **disasters and emergencies**, every effort will be made to accommodate collections at short notice; the number and frequency of such emergency collections will be determined by the licensing officer on a case-by-case basis depending upon other previously scheduled collections, availability of sites etc.

Each charity may collect on one date per year in each area of the district, for these purposes where possible we will apply discretion to allow additional collections throughout the year, subject to demand and availability. For these purposes we exclude December from our definition of 'year' to allow charities to collect in the Christmas period in addition to any other collection, subject to availability.

Areas of the District are broadly defined on the application form as follows:

Whole District (includes all areas)

St Albans

Harpenden

Marshalswick

Redbourn

Wheathampstead

Supermarkets/Other

This list is not exhaustive and applications for collections in other defined areas of the district will also be considered at the licensing officer's discretion.

Some areas of the district such as The Maltings, Christopher Place, Harpenden Farmers Market and Harpenden Concourse may require further permissions. You will be advised of contact details for these owners or other organisations when you receive your permit.

Applications for December will not be considered before 1st September of the same year. This is so that the Christmas period is not booked up a year in advance by national charities to the exclusion of smaller, more local groups who may not have the organizational structure to plan that far ahead.

In the case of supermarket collections, the permission of the supermarket manager must be obtained **before** the application form is submitted to us.

Returns

Following a street collection, you are required by law to submit a return within 30 days of the collection (Fifth Schedule Form of Statement) (Appendix 5a) stating how much was raised and to whom the money was paid. This must be signed off by a qualified accountant or other person deemed appropriate by us. **Failure to make this return within a reasonable period may result in future applications for collections from you being declined.**

Street Collections – Direct Debit

Face-to-Face Fundraising on the Street (Chugging)

Face-to-face fundraisers who sign people up for direct debit contributions on the street are not subject to the same legislation as cash collectors. In fact, we have no powers to regulate them in law. However, we have in place a voluntary code of practice to which fundraising companies agree to comply when they visit the district, and which currently works well (Appendix 6).

Charity Market Stall

A stall is available to charities at a much-reduced rate on the Wednesday and Saturday Charter markets.

Applications for the use of the stall are invited at the same time and in the same way as for Street Collections. The Saturday stall may be used on one date per year by each charity and the Wednesday stall may be used more than once, subject to availability and at the discretion of the licensing officer.

Perishables and/or food may not be sold on the stall except with the express permission of the Market Managers. This is partly because of unfair competition with commercial traders and health and safety concerns.

The Charity Stall may be used at the same time as a street collection is taking place for the same charity or as a stand-alone collection, in which case another charity may operate a street collection on the same day.

In the case of animal charities, collectors will be asked not to bring animals of any kind onto the market. If they do intend to bring animals, they will be asked to notify us in advance so that a stall can be allocated away from food traders.

Applying for a charity market stall

You must complete and submit a C1 form (Appendix 4).

Returns

A Fifth Schedule return (Appendix 5a) is required for monies raised by a Charity Stall within 30 days in the same way as if it were a Street Collection.

House-to-House Collections

House-to-House Collection means a collection of money or other goods or a sale of articles from door to door for the benefit of a charitable or other humane purpose. The difference is that you are collecting from door-to-door in a residential area, or from pub-to-pub, or from shop-to-shop or business-to-business.

We have a set of regulations (Model Regulations) that apply to House-to-House Collections (Appendix 3b).

House-to-House collections fall under separate legislation from Street Collections (House-to-House Collections Act 1939.). Under this legislation, most people will require a licence to collect from House-to-House. However, some charities are exempted from the requirement to obtain licences locally by a special Order issued from the Cabinet Office. This is called a National Exemption Order, or NEO.

National Exemption Orders (NEOs)

There are currently 47 large, national charities that hold a National Exemption Order from the Cabinet Office, exempting them from the requirement to apply for a local licence to collect from House-to-House (List – Appendix 7). We have no powers to regulate these charity collections, but we will keep a record (where notified) of their activities for reference.

Please note: NEOs do not exempt these charities from requiring Street Collection Licences.

House-to-House Collections (Cash)

The collection of cash from house-to-house, shop to shop or pub to pub is regulated by the House-to-House Collections Act 1939. Charities must apply for a licence from us if they do not hold a NEO. If you are not sure whether your charity holds a NEO, you can check the list at Appendix 7.

Applying for a House-to-House Collection Licence (Collection of Cash)

As for Street Collections, a minimum of one month's notice will apply and invitations to apply will be sent out annually at the same time as for Street Collections.

Far fewer applications are received annually for House-to-House cash collections than for Street Collections. Therefore, it may be possible for you to make more frequent and/or longer lasting collections if you so wish, and at the discretion of the licensing officer.

An application form must be completed and submitted. In the case of shop-to-shop or pub-to-pub collections, permission must also be sought from the relevant managers in each establishment.

We will supply a certificate that you should present to The Stationery Office (formerly HMSO) to obtain the official ID badges required in the 1947 regulations.

You will be notified of other collections taking place in the district at the same time as your own proposed collection/s. It will then be your responsibility to liaise with other groups to avoid clashes or overlaps on the ground.

Application

You must complete and submit the application form H1 (Appendix 4)

Returns

Under the Act, the regulations require that persons collecting cash must complete and return a Fifth Schedule form of statement within 30 days of completing their collection. [Appendix 5a]

Appeals

There is a right of appeal to the Minister for the Cabinet Office against our decision to refuse an organisation a licence to hold a house-to-house collection or to revoke such a licence. Appeals should be made in writing to:

Office of the Civil Society, 2nd Floor, Admiralty Arch, South Side the Mall, London SW1A 2WH.

An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was given to the applicant for, or the holder of, a licence.

House-to-House Collections Canvassing Direct Debit Sign-Ups

The 1939 Act specifies that any collection of money *or other property* must be licensed and therefore Direct Debit sign-up collectors must be licensed by us unless they are collecting under a charity's NEO as described above. This interpretation of the 1939 Act is confirmed by the Professional Fundraisers Association (PFRA). Therefore, there is a difference in our regulatory powers over House-to-House collections of direct debit fundraisers as opposed to those who operate on the street. We can and do license this type of fundraising, with the following caveat:

The Council will not license any company that makes a personal or corporate profit from monies represented at the point of donation as being for charitable purposes. This means that we will ask at the time of application to see your company's accounts so that we can be sure that no personal or shareholder profit is being accrued from charitable donations. We may ask to see evidence of what funding stream is used to pay door-to-door collectors.

National Exemption Orders (Direct Debit)

Direct Debit Fundraisers may collect under a charity's NEO without obtaining a licence from us, but we should be notified of when and where you plan to collect for reference and in case of enquiries.

Applying for a House-to-House Collection (Direct Debit Sign-ups)

If the charity that you are collecting for does not hold a NEO, you must complete and submit the application form H2 (Appendix 4)

Returns

Under the Act, the regulations require that persons collecting property *other than cash* must complete and return a Sixth Schedule form of statement (Appendix 5b) within 30 days.

House-to-House Collections (Clothing and Other Goods)

It seems likely that when the 1939 Act was drafted, the possibility of commercial companies collecting textiles from door-to-door and selling them for a profit, whilst donating to charity in order that they may be regarded as a charitable collection, was not envisaged.

The advantage for a company to be licensed as a charitable collection is clear – people are far more likely to give and give more generously when they believe that their donations will benefit a good cause. However, charities may receive only 6% of the gross proceeds from these collections.

The Cabinet Office has established that they do **not** consider 6% to be an inadequate proportion in law, so that we cannot usually justify refusing a license based on inadequate donation from the gross proceeds. (Appendices 8 & 9). However, the Cabinet Office Decision does not mention commercial profit, it simply says that a company may deduct “remuneration and costs”. If the donation is a minimum of 6% of the gross proceeds, then this is acceptable. Therefore, we interpret this to mean that 6% of gross proceeds is currently the absolute minimum acceptable donation after deduction of remuneration (wages) and costs. If the amount remaining after these deductions is greater than 6% then the full remaining amount must be donated to the charity. So, all the money left after the deduction of wages and costs should be paid to charity.

For example:

If a collection makes £100 (i.e. gross proceeds) then they can deduct their wages and expenses of £70, and they will have £30 profit. All this profit should go to charity. We will issue a permit.

However, if a collection makes £100, deducts £95 and leaves £5 profit, i.e. less than 6% of the total for charitable purposes, it will not meet the requirements of the Cabinet Office Decision. We will not issue a permit.

Therefore, we will:

- Consider each application for a House-to-House clothing/textiles collection licence on its own merits.
- Accept that reasonable costs and expenses may be deducted from the gross proceeds.
- Require that **100% of the profits** derived from the collection be donated to the charitable cause. Profits shall be defined as the money left over from the proceeds of the collection after the deduction of reasonable costs and expenses, i.e. profit = gross proceeds – wages and reasonable expenses.

Non-recyclable collection bags

We encourage all charitable collectors to consider using recyclable materials for their clothing/textile collection bags.

National Exemption Orders (Clothing & Other Goods)

Collectors of clothing, textiles and other goods may collect under a charity's NEO without obtaining a licence from us, but we should be notified of when and where you plan to collect in case of enquiries from the public.

Applying for a House-to-House Collection (Clothing and Other Goods)

You must complete and submit the application form H3 (Appendix 4).

You must submit the following:

- a completed application form H3
- fully audited accounts including a summary of the gross proceeds of a previous collection and a breakdown of costs and expenses incurred in making that collection.
- a due diligence statement from the charity to benefit from the collection. This must:
 - confirm that the charity is fully aware of its legal responsibilities.
 - confirm that the collection company provides the best possible fundraising opportunity available.
 - be signed by a member of the Charity's management committee or a trustee.

Returns

Under the Act, the regulations require that persons collecting property other than cash must complete and return a Sixth Schedule form of statement within 30 days of the date of the collection.

Appendices

Appendix 1

Police, Factories, & c. (Miscellaneous Provisions) Act 1916

An Act to amend the Enactments relating to the Police and certain other Enactments with the administration of which the Secretary of State for the Home Department is concerned.

[3rd August 1916]

5 Regulation of street collections.

(1) Each of the authorities specified in subsection (1A) below may make regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place, within their area, to collect money or sell articles for the benefit of charitable or other purposes, and any person who acts in contravention of any such regulation shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale or in the case of a second or subsequent offence not exceeding level 1 on the standard scale:

Provided that—

(a) regulations made under this section shall not come into operation until they have been confirmed by the Secretary of State, and published for such time and in such manner as the Secretary of State may direct; and

(b) regulations made under this section shall not apply to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.

(1A) The authorities referred to in subsection (1) above are—

(a) the Common Council of the City of London,

(b) the police authority for the Metropolitan Police District, and

(c) the council of each district.

but any regulations made by a district council under that subsection shall not have effect with respect to any street or public place which is within the Metropolitan Police District as well as within the district.

(2) This section, except subsection (3) thereof, shall apply to Ireland with the following modifications: —

(a) references to the Secretary of State shall be construed as references to the Lord Lieutenant;
and

(b) references to a police authority shall . . . <http://www.legislation.gov.uk/ukpga/Geo5/6-7/31> be
construed as references to the Inspector General of the Royal Irish Constabulary.

(3)

(4) In this section—

the expression “street” includes any highway and any public bridge, road, lane, footway,
square, court, alley, or passage, whether a thoroughfare or not.

Appendix 2

House-to-House Collections Act 1939

1 Charitable collection from house to house to be licensed.

(1) Subject to the provisions of this Act, no collection for a charitable purpose shall be made unless the requirements of this Act as to a licence for the promotion thereof are satisfied.

(2) If a person promotes a collection for a charitable purpose, and a collection for that purpose is made in any locality pursuant to his promotion, then, unless there is in force, throughout the period during which the collection is made in that locality, a licence authorising him, or authorising another under whose authority he acts, to promote a collection therein for that purpose, he shall be guilty of an offence.

(3) If a person acts as a collector in any locality for the purposes of a collection for a charitable purpose, then, unless there is in force, at all times when he so acts, a licence authorising a promoter under whose authority he acts, or authorising the collector himself, to promote a collection therein for that purpose, he shall be guilty of an offence.

(4) If the chief officer of police for the police area comprising a locality in which a collection for a charitable purpose is being, or is proposed to be, made is satisfied that that purpose is local in character and that the collection is likely to be completed within a short period of time, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a certificate in the prescribed form, and, where a certificate is so granted, the provisions of this Act, except the provisions of sections five and six thereof and the provisions of section eight thereof in so far as they relate to those sections, shall not apply, in relation to a collection made for that purpose within such locality and within such period as may be specified in the certificate, to the person to whom the certificate is granted or to any person authorised by him to promote the collection or to act as a collector for the purposes thereof.

2 Licences.

(1) Where a person who is promoting, or proposes to promote, a collection in any locality for a charitable purpose makes to the [police] [licensing] authority for the [police] area comprising that locality an application in the prescribed manner specifying the purpose of the collection and the locality (whether being the whole of the area of the authority or a part thereof) within which the collection is to be made, and furnishes them with the prescribed information, the authority

shall, subject to the following provisions of this section, grant to him a licence authorising him to promote a collection within that locality for that purpose.

[(1A) In this section “licensing authority” means—

(a) in relation to the City of London, the Common Council.

(b) in relation to the Metropolitan Police District, the Commissioner of Police for the Metropolis; and

(c) in relation to a district exclusive of any part thereof within the Metropolitan Police District, the district council.]

(2) A licence shall be granted for such period, not being longer than twelve months, as may be specified in the application, and shall, unless it is previously revoked, remain in force for the period so specified:

(3) A [police] [licensing] authority may refuse to grant a licence, or, where a licence has been granted, may revoke it, if it appears to the authority—

(a) 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).

(b) that 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.

(c) that 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.

(d) 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 this Act, or has been convicted in any part of His 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;

(e) that 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 this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or

(f) that 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 foregoing paragraphs.

(4) When a [police][licensing] authority refuse to grant a licence or revoke a licence which has been granted, they shall forthwith give written notice to the applicant or holder of the licence stating upon which one or more of the grounds set out in subsection (3) of this section the licence has been refused or revoked and informing him of the right of appeal given by this section, and the applicant or holder of the licence may thereupon appeal to the Secretary of State against the refusal or revocation of the licence and the decision of the Secretary of State shall be final.

(5) The time within which any such appeal may be brought shall be fourteen days from the date on which notice is given under subsection (4) of this section.

(6) If the Secretary of State decides that the appeal shall be allowed, the [police] [licensing] authority shall forthwith issue a licence or cancel the revocation as the case may be in accordance with the decision of the Secretary of State.

3 Exemptions in the case of collections over wide areas.

(1) Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of England or a substantial part thereof and is desirous of promoting collections for that purpose, the Secretary of State may by order direct that he shall be exempt from the provisions of subsection (2) of section one of this Act as respects all collections for that purpose in such localities as may be described in the order, and whilst an order so made in the case of any person is in force as respects collections in any locality, the provisions of this Act shall have effect in relation to the person exempted, to a promoter of a collection in that locality for that purpose who acts under the authority of the person exempted, and to a person who so acts as a collector for the purposes of any such collection, as if a licence authorising the person exempted to promote a collection in that locality for that purpose had been in force.

(2) Any order made under this section may be revoked or varied by a subsequent order made by the Secretary of State.

4 Regulations.

(1) The Secretary of State may make regulations for prescribing anything which by this Act is required to be prescribed, and for regulating the way collections, in respect of which licences have been granted or orders have been made under the last foregoing section, may be carried out and the conduct of promoters and collectors in relation to such collections.

(2) Without prejudice to the generality of the powers conferred by the foregoing subsection, regulations made thereunder may make provision for all or any of the following matters, that is to say: —

(a) for requiring and regulating the use by collectors, of prescribed badges and prescribed certificates of authority, and the issue, custody, production and return thereof, and for requiring collectors on demand by a police constable or by any occupant of a house visited to produce their certificates of authority.

(b) in the case of collections in respect of which licences have been granted, for requiring that the prescribed certificates of authority of the collectors shall be authenticated in a manner approved by the chief officer of police for the area in respect of which the licence was granted, and that their prescribed badges shall have inserted therein or annexed thereto in a manner and form so approved a general indication of the purpose of the collection;

(c) for prohibiting persons below a prescribed age from acting, and others from causing them to act, as collectors.

(d) for preventing annoyance to the occupants of houses visited by collectors.

(e) for requiring the prescribed information with respect to the expenses, proceeds and application of the proceeds of collections to be furnished, in the case of collections in respect of which licenses have been granted, by the person to whom the licence was granted to the [police] authority by whom it was granted, and, in the case of collections in respect of which an order has been made, by the person thereby exempted from the provisions of subsection (2) of section one of this Act to the Secretary of State, and for requiring the information furnished to be vouched and authenticated in such manner as may be prescribed.

Provided that, if it appears to a [police][licensing] authority to be expedient to provide for the simultaneous expiration of licenses to be granted by them in respect of collections which in their opinion are likely to be proposed to be made annually or continuously over a long period, they may, on the grant of such a licence, grant it for a period shorter or longer than that specified in the application therefor, or for a period longer than twelve months (but not exceeding eighteen months), as may be requisite for that purpose.

5 Unauthorised use of badges, &c.

If any person, in connection with any appeal made by him to the public in association with a representation that the appeal is for a charitable purpose, displays or uses—

- (a) a prescribed badge or a prescribed certificate of authority, not being a badge or certificate for the time being held by him for the purposes of the appeal pursuant to regulations made under this Act, or
 - (b) any badge or device, or any certificate or other document, so nearly resembling a prescribed badge or a prescribed certificate of authority as to be calculated to deceive,
- he shall be guilty of an offence.

6 Collector to give name, &c. to police on demand.

A police constable may require any person whom he believes to be acting as a collector for the purposes of a collection for a charitable purpose to declare to him immediately his name and address and to sign his name, and if any person fails to comply with a requirement duly made to him under this section, he shall be guilty of an offence.

7 Delegation of functions.

(1)

[(2) The functions conferred on a chief officer of police by this Act, or regulations made thereunder may be delegated by him to any police officer not below the rank of inspector.]

8 Penalties.

(1) Any promoter guilty of an offence under subsection (2) of section one of this Act shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding [level 3 on the standard scale], or to both such imprisonment and such fine.

(2) Any collector guilty of an offence under subsection (3) of section one of this Act shall be liable, on summary conviction, in the case of a first conviction, to a fine not exceeding [£25], or in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding [£50], or to both such imprisonment and such fine.

(3) Any person guilty of an offence under subsection (3) of section four of this Act shall be liable on summary conviction, to a fine not exceeding [level 1 on the standard scale].

(4) Any person guilty of an offence under section five of this Act shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding [level 3 on the standard scale], or to both such imprisonment and such fine.

(5) Any person guilty of an offence under section six of this Act shall be liable, on summary conviction, to a fine not exceeding [level 1 on the standard scale].

(6) If any person in furnishing any information for the purposes of this Act knowingly or recklessly makes a statement false in a material particular, he shall be guilty of an offence, and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding [level 3 on the standard scale], or to both such imprisonment and such fine.

(7) Where an offence under this Act committed by a corporation is proved to have been committed with the consent or connivance of, or to be attributable to any culpable neglect of duty on the part of, any director, manager, secretary, or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

9 Application to metropolitan police district.

(1)

(2) The functions which may be delegated by a chief officer of police by virtue of subsection (2) of section seven of this Act shall not include any functions conferred on the [Commissioner of Police for the Metropolis by virtue of his being a licensing authority within the meaning of section 2 of this Act.]

10 Application to Scotland.

This Act shall apply to Scotland subject to the following modifications: —

[(a) sections 1, 2 and 4 shall apply as if for references to the police authority for the police area comprising a locality and to the chief officer of police of such an area there were substituted respectively references to the islands or district council for the area comprising a locality and to the proper officer of such a council;]

(b) in paragraph (c) of subsection (3) of section two for references to section three of the Vagrancy Act 1824 there shall be substituted references to sections four hundred and eight or four hundred and ten of the Burgh Police (Scotland) Act 1892 or to the corresponding provisions of any local Act.

(c) in subsection (1) of section three of the word “England,” there shall be substituted the word “Scotland”.

(d) any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1908, having jurisdiction in the place where the offence was committed.

11 Interpretation.

(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say: —

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

“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, in relation to a collection, a person who makes the appeal during such visits as aforesaid.

“house” includes a place of business.

“licence” means a licence under this Act.

“prescribed” means prescribed by regulations made under this Act.

“proceeds” means, in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal made.

“promoter” means, in relation to a collection, a person who causes others to act, whether for remuneration or otherwise, as collectors for the purposes of the collection, and “promote” and “promotion” have corresponding meanings.

(2) For the purposes of this Act, a collection shall be deemed to be made for a particular purpose where the appeal is made in association with a representation that the money or other property appealed for, or part thereof, will be applied for that purpose.

12 †Short title, commencement, interpretation and extent.

(1) This Act may be cited as the House-to-House Collections Act 1939.

(2)

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

(4) This Act shall not extend to Northern Ireland.

Appendix 3a

ST. ALBANS CITY & DISTRICT COUNCIL REGULATIONS MADE BY THE COUNCIL WITH REGARD TO STREET COLLECTIONS (Model Regulations)

In pursuance of Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act of 1972, the City and District of St. Albans 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 place within the City and District of St. Albans 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 construed accordingly;

“**promoter**” means a person who causes others to act as collectors;

“**contributor**” means a person who contributes to a collection and includes a purchaser of articles for sale 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 St. Albans District unless a promoter shall have obtained a permit from St. Albans City and District Council.

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:

Provided that St. Albans City and District Council may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated in the permit.
5. St. Albans City and District 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 a duly authorised officer of St. Albans City and District 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 St. Albans City and District Council may, if it thinks fit, allow a collection in the said carriageway where such a collection has been authorised to be held in connection with a procession.

8. No collection shall be made in such a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.

10. While collecting:

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not come nearer to another collector than 25 metres;

Provided that St. Albans City and District 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 person who is under the age of sixteen years to act as a collector.

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 contributors 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 display 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 St. Albans City and District 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 St. Albans City and District 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 a collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to St. Albans City and District Council;

(b) a list of the collectors;

(c) a list of the amounts collected in each collecting box;

and shall, if required by St. Albans City and District 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 St. Albans City and District 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.

(3) St. Albans City and District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of these Regulations, “**a qualified accountant**” means a member of one of more of the following bodies:

The Institute of Chartered Accountants in England and Wales

The Institute of Chartered Accountants of Scotland
The Association of Certified Accountants
The Institute of Chartered Accountants in Ireland

17. These Regulations shall not apply:

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

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

18. The Regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State.

Appendix 3b

House-to-House Collections – Model Regulations 1947

House-to-House Collections – Model Regulations 1947 No. 2662

In pursuance of the powers conferred upon me by section 4 of the House-to-House Collections Act, 1939, I hereby make the following regulations: -

1. (1) These regulations may be cited as the House-to-House Regulations, 1947, and shall come into operations on the twenty-ninth day of December 1947.
- (2) These regulations shall not extend to Scotland.

Interpretation

2. (1) In these regulations, unless the context otherwise requires,

“**The Act**” means the House-to-House Collections Act, 1939.

“**Chief promoter**”, in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of subsection (2) of section 1 of the Act as respects that collections.

“**Collecting box**” means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal.

“**licence**” means a licence granted by a police authority under section 2 of the Act.

“**order**” means an order made by the Secretary of State under section 3 of the Act.

“**Prescribed badge**” means a badge in the form set out in the Fourth Schedule to these regulations.

“Prescribed certificate of authority” means a certificate in the form set out in the Third Schedule to these regulations.

“Receipt book” means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered.

“Street collection” means a collection or sale to which regulations made under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act, 1916, apply.

- (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
- (3) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of parliament

Local Collections of a transitory nature

3. (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose of specified on the certificate, within the locality and within the period specified, to the person to whom the certificate is granted or to any person authorized by him to act as a collector for the purposes of that collection.

Applications for licences and orders

4. (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations and shall give the particulars there specified.

- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection:

Provided that the police authority or the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.

Responsibility of promoters as respects collectors

5. Every promoter of a collection shall exercise all due diligence –
- (a) to secure that persons authorized to act as collectors for the purposes of the collection are fit and proper persons; and
 - (b) to secure compliance on the part of the persons so authorized with the provisions of these regulations.

Certificates of authority, badges, collecting boxes and receipt books

6. (1) No promoter of a collection shall permit any person to act as a collector, unless he is issued are caused to be issued to that person –
- (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collections.
 - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.

- (2) Every promoter of a collection shall exercise all due diligence to secure –
- (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt box issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- (3) In the case of a collection in respect of which a licence has been granted –
- (a) every prescribed certificate of authority shall be given on a form obtained from His Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
 - (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by the chief officer of police for the area in respect of which the licence was granted.

Duties of collectors in relation to certificates and badges

7. Every collector shall –
- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection.
 - (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and

- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

Age limit

- 8. No person in the metropolitan police district or the City of London under the age of eighteen years, or elsewhere under the age of sixteen years, shall act or be authorised to act as a collector of money.

Importuning

- 9. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

Collection of money

- 10. (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by another promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

Duty of collectors to return boxes and books

- 11. Every contributor, to whom a collecting box or receipt book has been issued, shall
 - (a) when the collecting box is full or the receipt book is exhausted, or
 - (b) upon the demand of a promoter of the collection, or
 - (c) when he does not desire to act as a collector, or

(d) upon the completion of the collection, return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the amount total of the contributions (if any) entered therein.

Examination of boxes and books

12. (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

Provision for envelope collections

13. (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation –
 - (a) every envelope used shall have a gummed flap by means of which it can be securely closed.

- (b) no collector shall receive a contribution except in an envelope which has been so closed; and
 - (c) these regulations shall have effect subject to the following modifications: -
 - i. sub-paragraph © of paragraph (1) of regulation 6 shall not apply.
 - ii. regulation 10 shall not apply
 - iii. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collection box.
 - iv. in regulation 11 for the words “with the seal unbroken” there shall be substituted the word “unopened”.
 - v. in paragraph (3) of regulation 12 for the words “As soon as a collecting box has been opened” and with the words “with the distinguishing number of the collecting box” shall be omitted.
- (3) In this regulation “envelope collection” means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

Promoters to furnish accounts

14. (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the police authority by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one police area, a combined account of the collections made in all or any of those police areas may, by agreement between the chief promoter and the respective police authorities, be made only to such of the respective police authorities as may be so agreed.

- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.

- (3) The police authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him if satisfied that there are special reasons for doing so.
- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a police authority by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, may, if the said police authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

Form and certification of accounts

15. The account required by the preceding regulation –
 - (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
 - (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

Vouching of accounts

16. (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and list referred to in regulation 12 of these regulations.
- (2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

Disposal of disused certificates of authority etc.

17. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorized to promote for the same purpose.

Appendix 4

All applications can be found on the council website or the gov.uk website

<https://www.gov.uk/find-licences/street-collection-licence>

<https://www.stalbans.gov.uk/charity-collections>

Code of Practice: Direct Debit Mandate Collectors on the Street ("Chuggers")

The activities of direct debit mandate collectors on the street (so-called "chuggers") are not regulated by law and are not therefore subject to any licensing provision. However, the Council has in place a voluntary code of practice as follows:

- Only one visit by each d/d fundraising company per month to each town in the district
- Only one fundraising d/d company on the street at any one time
- No d/d fundraising companies to visit on the same day and place as a national or local charity street collection
- No d/d fundraising companies to visit on Charter Market days (Wednesdays and Saturdays) in St Albans or during the month of December
- No d/d fundraising companies to visit during the University of Herts Graduation Week (usually early September)

HOUSE TO HOUSE COLLECTIONS ACT 1939

The Minister for the Cabinet Office is responsible for the national exemption order scheme for house-to-house collections under the House-to-House Collections Act 1939 (as amended). National exemption orders are generally available to charitable organisations that have obtained house to house collection licences in at least 70-100 local authority licensing areas for the two preceding years and are able to provide evidence of licences and collection returns.

Details of the application process are available from: ocs.info@cabinet-office.gsi.gov.uk (please state 'Exemption Orders' in the email subject line).

List of Holders of an Exemption Order

The 40 holders of Orders of Exemption made under Section 3 of the House-to-House Collections Act 1939 are:

<https://www.gov.uk/government/publications/national-exemption-order-scheme/list-of-national-exemption-order-holders>

CabinetOffice
Office for Civil Society

4/16
1 Horse Guards Road
London
SW1A2HQ

Telephone 020 7271 6298
Email helen.morgan@cabinet-office.gsi.gov.uk
Web WWIN.cabinetoffice.gov.uk

Your ref: JPD/HRISW/Support4133

Glamorgan Law LLP
15 St Andrews Crescent
Cardiff
CF10 308

30 March 2012

Dear Sirs

House to House Collections Act 1939: Appeal by Support Pen-y-Bont Ltd against the decision of Cardiff Council to refuse a House-to-House Collection Licence

I refer to your clients' appeal against the decision of Cardiff Council to refuse an application for a house-to-house collections licence under the House-to-House Collections Act 1939 (the 1939 Act). I am sorry it has not been possible to resolve this matter before now.

The Minister for Cabinet Office has considered this appeal afresh on its merits and has looked carefully at all the information supplied by both parties. The Minister has decided to allow the appeal. In reaching this decision the Minister has noted the grounds set out in section 2(3)(a) and (b) of the 1939 Act on which the application was refused but has not confined his consideration to these grounds alone.

As far as the test in section 2(3)(a) of the 1939 Act ("the proportionality test") is concerned, it is appreciated that, for a number of reasons, the costs of conducting house to house collections of second-hand clothing tend to be higher than, for example, collections of cash. In this case Support Pen-y-Bont Ltd is a commercial company collecting on behalf of Y Bont, but charities that undertake these types of collection in-house are likely to face similar costs of distributing leaflets/collection bags, collecting goods that have been left out for them, and sorting/grading donated items. In relation to collections of second-hand goods for re-sale, the value of the goods at the point of donation may be low, and it is through the collection and sorting process that value is added, resulting in a saleable product. Taking these costs into account, the

Minister does not consider the proportion of the proceeds that will go to the charity to be adequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).

As for the test in section 2(3)(b) of the 1939 Act ("the excessive remuneration test"), the Minister is not persuaded that remuneration or expenses that would be paid out to any persons involved in organising or conducting the collection are at a level that is unreasonable given the work involved in undertaking this type of collection.

The tests in section 2(3)(c)-(f) have also been considered but it has been concluded that there are no grounds for refusal based on these.

Therefore, following section 2(6) of the 1939 Act, the Minister for Cabinet Office has decided that the appeal should be allowed, and that Cardiff Council should forthwith issue a licence to Support Pen-y-Bont Ltd.

The original application was for a licence for the period from 1 January to 31 December 2011. As this time has elapsed, the period for which the licence is granted should be determined by the Council, in consultation with your clients, according to its usual criteria.

A copy of this letter goes to Cardiff Council.

Yours faithfully

Helen Morgan
Charities and Sector Support Team

Department for
Digital, Culture,
Media and Sport.

Ministerial Support Team
4th Floor
100 Parliament Street
London SW1A 2BQ

T: 020 7211 6000
E: enquiries@culture.gov.uk

www.gov.uk/dcms

Judith Adamson
St Albans City and District Council
judith.adamson@stalbans.gov.uk

28 February 2020

Dear Ms. Adamson,

RE: House to House Collections Act 1939: Appeal by Clothes Aid (Services) Ltd against the decision of St Albans City and District Council

Thank you for your assistance in providing information with regard to the above-mentioned appeal. I apologise for the delay in concluding this appeal.

The Minister has considered this appeal afresh on its merits including the information supplied by both parties. The Minister has decided to uphold the appeal. In reaching this decision the Minister noted the grounds set out in section 2(3)(a) and (b) of the House-to-House Collections Act 1939 on which the application was refused but has not confined consideration to these grounds.

As far as the test in section 2(3)(a) of the 1939 Act ("the proportionality test") is concerned, it is appreciated that, for a number of reasons, the costs of conducting house to house collections of second-hand clothing tend to be higher than, for example, collections of cash. In this case, Clothes Aid is a commercial company collecting on behalf of Cancer Support UK. All charities that undertake these types of collections, including those that do so in-house, are likely to face significant costs in distributing leaflets/collection bags, collecting goods, and sorting/grading donated items. In this instance the Minister did not consider the proportion of the proceeds that will go to the charity to be inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).

As for the test in section 2(3)(b) of the 1939 Act ("the excessive remuneration test") the Minister considered that the expenses that would be paid out to any persons involved in organising or conducting the collection are not at a level that is unreasonable.

The tests in section 2(3)(c)-(f) have also been considered but the Minister has concluded that there are no grounds for refusal based on these.

The Minister has decided that the appeal should be upheld. The local licensing authority may wish to monitor collection returns, although of course that is a matter for the local licensing authority. Should you have any questions regarding the outcome of the appeal, please contact Ben Harrison at: Ben.Harrison@Culture.gov.uk.

Yours sincerely,

Darren Bell
Ministerial Support Team