

Contents

INTRODUCTION & OVERVIEW.....	1
GUIDANCE FOR STREET COLLECTIONS.....	2
STREET COLLECTIONS POLICY.....	4
STREET COLLECTIONS REGULATIONS.....	10
GUIDANCE FOR HOUSE TO HOUSE COLLECTIONS.....	13
HOUSE TO HOUSE COLLECTIONS POLICY.....	15
HOUSE TO HOUSE COLLECTIONS REGULATIONS.....	17
APPENDIX A – MONITORING AND ENFORCEMENT.....	20

1. Introduction & Overview

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

2. Guidance for Street Collections

Submission of the Application

- 2.1 An application for a Street Collection Permit must be made to the Council in writing on the prescribed application form provided not later than one month before the proposed collection date.
- 2.2 Street Collection Permit Application forms may be downloaded from the Council's website together with a copy of the street collection regulations or alternatively obtained from the Council's Licensing Section at the following address: **Licensing Section**, Environmental Health and Trading Standards, County Offices, PO Box 233, Blue school House, Hereford, HR1 2ZB; **Office Tel No:** 01432 260105; **Email:** licensing@herefordshire.gov.uk
- 2.2 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a street collection permit, it needs to have as much information as possible about the charity, its promoters and collectors. For processions and walks, details of the proposed route must be provided with the application.
- 2.3 If the Charity has not previously applied for a permit to conduct a collection and/or sale within Herefordshire, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of street collection permits approved or refused (other than within the Herefordshire Council area); a copy of the organisation's most recently audited accounts; and any other relevant information requested by the Council.
- 2.4 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided (see section 3.15 regarding appeals to the Council's Regulatory Committee).

Checks/Consultations on the Application

- 2.6 The Council reserves the right to make more detailed enquiries about an applicant and the proposed collection in certain circumstances. For example:
- i. A new collector of concern to the Council;
 - ii. An organisation's / individual's past conduct;
 - iii. Concerns about the integrity of the collection activity (e.g. suspected bogus charity collection);
 - iv. Complaints from local residents, businesses or other charity organisations;
 - v. Where the activity raises safety or nuisance/harassment concerns; etc.
- 2.7 Enquiries may be made to the local police and/or the Charity Commission for comment/investigation prior to consideration.
- 2.8 The Council may also consult with other internal council departments responsible for highways or street trading. Where the application for a street collection permit includes a street procession or placing a structure or vehicle on the street/highway; or where the proposed collection relates to the sale of articles in a street/public place, permission

should be sought in advance from Highways and/or the Street Trading Department of the Council .

Determination of the Application

- 2.9 The Council has delegated to its officers the authority to consider and determine applications for street collection permits, subject to the criteria set out in the regulations and in this policy document, including any objections/observations/comments received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.
- 2.10 Each case will be assessed on its merits and individual circumstances.
- 2.11 The legislation does not include statutory criteria for the approval or rejection of a permit request. This is a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations.
- 2.12 For the purposes of clarification, applications will be considered by Licensing Officers with reference to the following guidelines:
- i. Information provided by the applicant in the application or such further information provided upon request;
 - ii. Any comments received from the Police, the Charity Commission, other local authorities, etc;
 - iii. The organisation's past conduct and the integrity of its collection activities etc., where known, when undertaking collections in the District or in other Districts;
 - iv. Whether the person applying for the licence is a fit and proper person to hold a licence;
 - v. Whether the organisation/its objectives may be considered to be charitable in character;
 - vi. Whether a particular collection is considered to be in the public interest;
 - vii. The organisation's connection to the local community;
 - viii. How the organisation's work meets the Council's objectives for the District;
 - ix. The Council's street collection policy and regulations; and
 - x. Any other relevant considerations

The Council will then either:

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

3. Street Collections Policy

Introduction

- 3.1 This part of the document sets out how the Council will deal with charitable organisations that wish to collect monies or sell articles for charitable or other purposes in streets and public places.
- 3.2 Definition of “charity”, “charitable purpose” and “promoters”

Meaning of “charity”

For the purposes of the law of England and Wales, “charity” means an institution which

- a) is established for charitable purposes only, and
- b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Meaning of “charitable purpose”

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

Meaning of “promoters”

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

Statutory Powers

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

Policy Statement

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

Allocation of street collection days

- i. The designated areas for street collections in Herefordshire will be on streets and/or public places in the towns of Bromyard, Hereford, Kington, Ledbury, Leominster; and Ross-on-Wye. The Council will also permit collections in other areas in the District, including villages.
- ii. The Council will permit a maximum of one collection in any of the above designated areas at any one time, i.e. no more than one organisation can collect or fund raise in the same area on the same date, except by written (e.g. email) agreement from the Council (see 3.8 viii).

Street Collection Days

Collection Town	Designated Day 1	Designated Day 2
Bromyard	Saturday	Friday
Hereford	Saturday	Wednesday
Kington	Saturday	Tuesday
Ledbury	Saturday	Tuesday
Leominster	Saturday	Friday
Ross-on-Wye	Saturday	Thursday

Other areas	By arrangement	By arrangement
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- iv In order to allow as many organisations as possible an opportunity of collecting, no organisation will be permitted more than one collection per town or village within any one calendar year.
- vi The Council operates a diary booking system on a “first come first served” basis for the allocation of street collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation’s preferred date(s) will be allocated to that organisation. Where an organisation’s preferred date(s) cannot be granted, alternative dates may be suggested where practicable.
- vii Transitory collections, i.e. those whose collections pass through the District, will be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.
- viii In exceptional circumstances, such as an emergency appeal or a national special event, consideration may be given to the grant of additional permits or reduced notice time, at the discretion of the Licensing Team of the Council.

Consultations on applications made

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

Applicant’s suitability to conduct charitable collections

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

The integrity of an applicant’s collection activities/the general public interest

- xv The Council will not issue permits to an individual or organisation whose aims do not appear to be charitable or of a closely allied nature. Where there is any doubt

about the aims of the collecting body, it may be asked to provide further evidence to clarify that doubt.

- xvi Whilst it is not the Council's policy to require an organisation applying for a permit to collect to be a registered charity, where an application is received that is considered in the Council's judgment not to fulfil the Council's aims, the Regulatory Services Manager or the Head of Environmental Health & Trading Standards may refuse the application. If necessary, the application will be brought to the Regulatory Committee for a decision.
- xvii The Council will only issue permits to an individual or organisation which provides adequate information so that the application can be considered properly. This may include any information, which might lawfully be requested by the Council in addition to that given on the application form.

Direct Debit Collections

- xviii The Council does not control collections where pledges are collected for direct debit donations (clipboard collectors or 'chuggers') because they do not collect actual money and there are no legal provisions for collections of this type at present.

Approval of the Application – Issue of Street Collection Permit

- 3.9 On approving the application, a Street Collection Permit will be issued to the applicant along with:
 - i. A copy of the Council's Conditions/Regulations for a street collection which must be adhered to during and after collections; and
 - ii. A copy of the street collections Form of Statement>Returns Form which must be completed not later than one month from the collection date
- 3.10 As a second option on approval of the application, the Council may impose a number of conditions, such as:
 - i. specifying the date, time or frequency of the collection;
 - ii. Specifying the area within which the collection is to take place;
 - iii. Specifying the form of collection boxes, other containers and any other articles to be used; and
 - iv. Specifying any other restriction relating to the circumstances and conduct of the collection.

After a Collection – Submission of Form of Statement

- 3.11 Attention is drawn to section 16 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this regulation must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to apply may prejudice any future applications.

Duration of Permit

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

Refusal/Revocation of Application/Licence

- 3.13 There are no statutory grounds for refusing an application for a street collections permit. However, there is an implied power to refuse if the Council considers that the collections:
- i. Are not for “charitable or other purposes”
 - ii. Contravene the provisions of the Street Collection legislation and regulations
- 3.14 In addition, the Council can refuse any application that is inconsistent with its general policy requirements for the issue of permits in the District. Some of these reasons may include:
- i. To limit the number of collections
 - ii. If too high a proportion of the proceeds is likely to be spent on expenses
 - iii. If inaccurate information was provided on the licence application
 - iv. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.
 - v. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised

Appeal to Regulatory Committee

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

Appeals Generally

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

For the purpose of this guidance and policy document, this section reiterates the Street Collection Policy historically granted by Herefordshire Council for reference and completeness:

4. STREET COLLECTIONS 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 1972, Herefordshire 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 Herefordshire to collect money or sell articles for the benefit of charitable or other purposes:

1. In these Regulations, unless the context otherwise requires –

‘**Collection**’ means a collection of money 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;
‘**Permit**’ means a permit or licence for a collection;
‘**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 Herefordshire unless a promoter shall have obtained from Herefordshire 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. Herefordshire 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 stated in the permit.
5. Herefordshire Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (a) No person may assist or take part in the collection without the written authority of a promoter.

(b) Any person authorised under paragraph (a) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of Herefordshire Council or any constable.
7. No collection shall be made in any part of the carriage-way of any street which has a footway (unless authorised to do so by Herefordshire Council 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 a person.
10. While collecting –

(a) A collector shall remain stationary unless consent is received to move as part of a fund raising activity; and

- (b) A collector or two collectors together shall not be nearer to another collector by less than 25 metres, unless consent is received as part of a fund raising activity.

Herefordshire 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 under the age of sixteen to act as a collector.
- 12.
 - (a) Every collector shall carry a collecting box.
 - (b) 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.
 - (c) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - (d) 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.
 - (a) Subject to paragraph (b) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (b) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (c) As soon as a 'collection 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.
 - (a) No payment shall be made to any collector.
 - (b) 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 Herefordshire Council.
- 16.
 - (a) Within one month after the date of any collection the person to whom a permit has been granted shall forward to Herefordshire Council –
 - (i) a statement in the form as supplied by Herefordshire Council 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 Herefordshire Council;
 - (ii) a list of collectors;

- (iii) a list of the amounts contained in each collecting box; and shall, if required by Herefordshire Council, satisfy it as to the proper application of the proceeds of the collection;
- (b) The said person shall also, within the same period, at the expense of that person and after the certificate under paragraph (a)(i) above, has been given, publish in such newspaper or newspapers as Herefordshire 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.
- (c) Herefordshire Council may, if satisfied that there are special reasons for so doing, extend the period of one month referred to in paragraph (a) above.
- (d) 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 Institution 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.

5. Guidance for House to House Collections

Submission of the Application

- 5.1 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 House to House Collections Act 1939.
- 5.2 House to House Application forms may be downloaded from the Council's website together with a copy of the house to house collection regulations or alternatively obtained from the Council's Licensing Section at the following address: **Licensing Section**, Environmental Health and Trading Standards, County Offices, PO Box 233, Blue School House, Hereford, HR1 2ZB; **Office Tel No:** 01432 260105; **Email:** licensing@herefordshire.gov.uk
- 5.3 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a house to house collection permit, it needs to have as much information as possible about the charity, its promoters and its collectors.
- 5.4 If the Charity has not previously applied for a permit to conduct a collection and/or sale within Herefordshire, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of house to house collection licences approved or refused (other than with the Herefordshire Council area); a copy of the organisation's most recent audited accounts; and any other relevant information requested by the Council.
- 5.5 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.
- 5.6 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.

Exemptions

- 5.7
 - a) Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales, and is committed to promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
 - b) If the Chief Constable for the Police Area 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 the 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 below) shall not apply to a collection made in conformity with such Certificate.

6. House to House Collections Policy

Introduction

- 6.1 This part of the Policy sets out how the Council will deal with charitable organisations that wish to collect money or other articles by means of going from house to house which includes places of business such as shops and public houses.
- 6.2 Definition of “charity”, “charitable purpose” and “promoter”:

Meaning of “charity”

For the purposes of the law of England and Wales, “charity” means an institution which

- a) is established for charitable purposes only, and
- b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Meaning of “charitable purpose”

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

Meaning of “promoters”

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

Statutory Powers

- 6.3 House to House Collections, as set out under Section 2 of the House Collections Act 1939 and the House to House Collections Regulations 1947, are required to be licensed and regulated by Local Authorities.
- 6.4 In accordance with its powers, the Council has made regulations under this legislation for the control of house to house collections in the area of Herefordshire District Council.
- 6.5 The above Act and the Regulations made there under contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE PURPOSES, and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.
- 6.6 Except in the cases specified in Paragraphs 6.9 and 6.10:- 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 If the Chief Constable 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 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 the 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 shall not apply to a collection made in conformity with such Certificate.

For the purpose of this guidance and policy document, this section reiterates the House to House Collection Policy historically granted by Herefordshire Council for both reference and completeness:

7. HOUSE TO HOUSE COLLECTIONS REGULATIONS

Except in the cases specified in Paragraphs 3 and 4:-

The above Act and the Regulations made there under contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE

PURPOSES, and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.

1. Except in the 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 from 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 a 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.

4. If the Chief Constable 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 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 the 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 persons authorised to act as collectors are fit and proper persons; 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 prescribed Certificate of Authority shall be given on a form obtained from H.M. Stationary 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 requested to leave by any 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 responses to the appeal.

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

The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

Data Protection Act 1998: Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act. If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer: Data Protection Officer, Legal Services, Herefordshire Council, Brockington 35 Hafod Road, Hereford HR1 1SH

Appendix A: Monitoring & Enforcement

Introduction

1. This section of the Licensing Policy details the council's commitment to enforcing the provisions contained within the charitable collections legislation.

The Council's Enforcement Policy

2. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own Licensing Enforcement Policy.
3. The Enforcement Concordat is based on the principles that licence/permit holders should:-
 - i. receive clear explanations from enforcers of what they need to do and by when;
 - ii. have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
 - iii. receive an explanation of their rights of appeal.

The Council's Enforcement Policy is freely available from the Council, as are this Policy and details of the Council's corporate complaints' procedures. These documents can also be viewed on the Council's website: www.herefordshire.gov.uk

Enforcing the provisions of the legislation

Licensing officers aim to work closely with other enforcement authorities when investigating unauthorised collections and promoters of those collections and persons causing a nuisance, annoyance or harassment to the public.

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