

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

21 MARCH 2013

REPORT OF HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1. HOUSE TO HOUSE COLLECTIONS

1.1 Issue for Decision

1.1.1 To consider the policy relating to House to House collections within the Borough.

1.2 Recommendation of the Head of Democratic Services.

1.2.1 That the report be noted.

1.3 Reasons for Recommendation

1.3.1 Members may recall that following the end of the last meeting the Chairman asked that a report be submitted to the Committee on the Council's policy relating to House to House collections and in particular whether the policy indicates that house to house collections would only be for local charities.

1.3.2 An application for a house to house collection can only be refused on the specific grounds stated in Section 2(3) of the House to House Collections Act 1939, the details of which are set out below:-

(3) A 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 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.

1.3.3 House to House Collections come in 3 different types as follows:-

- (1) Holders of exemption orders from the Home Secretary – these are usually the larger Charities who operate on a national basis and the object is to relieve those Charities of the burden of applying separately to a large number of authorities at the same time. The only requirement they have to fulfil is to notify each Local Authority of the dates during which they propose to collect.
- (2) Those collections which, because they are purely local in character are likely to be completed within a short period are authorised by the Police who issue their own Local Exemption Certificate.

(3) House to House Collections for which permits are required from the Council.

1.3.4 Only one of the above gives power to the Council to issue permits and the discretion to refuse to issue a permit is as set out in Section 2(3) of the House to House Collections Act 1939, see 1.3.1. There is no power for the Council to refuse on the basis that it would only accept applications from local charities and not charities outside the Maidstone area. However, it should also be noted that most of the national charities will already have an exemption from the Home Secretary to allow them to be able to undertake collections in the area anyway. In fact the likelihood is that most applications to the Council are from local charities but it is not exclusive to them.

1.4 Alternative Action and why not Recommended

1.4.1 The Council currently operates its House to House collections scheme on the basis set out within the House to House Collections Act 1939 and has no flexibility to change the way that it is administered. To operate outside the statutory requirements would not be within the Council's powers and would be subject to challenge.

1.5 Impact on Corporate Objectives

1.5.1 There is no impact on the Councils corporate objectives.

1.6 Risk Management

1.6.1 There are no particular risks regarding the House to House collections policy.

1.7 Other Implications

1.7.1

1.	Financial	<input type="checkbox"/>
2.	Staffing	<input type="checkbox"/>
3.	Legal	<input checked="" type="checkbox"/>
4.	Equality Impact Needs Assessment	<input type="checkbox"/>
5.	Environmental/Sustainable Development	<input type="checkbox"/>
6.	Community Safety	<input type="checkbox"/>
7.	Human Rights Act	<input type="checkbox"/>

- 8. Procurement
- 9. Asset Management

1.7.2 The legal implications are dealt with in the report.

1.8 Relevant Documents

House to House Collections Act 1939.

1.8.1 Appendices

None.

1.8.2 Background Documents

None.

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....