

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 23 December 2024

Report Title

Review of the Rotherham MBC House to House Collection Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Andrew Bramidge, Strategic Director of Regeneration and Environment

Report Author(s)

Alan Pogorzelec, Licensing Manager
01709 254955 or alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Council's current House to House Collections Policy was adopted by Cabinet in December 2023 and is due to be formally reviewed in 2029. As the policy has now been in place for 12 months, it is considered appropriate for officers to carry out a review to assess the effectiveness of the policy in delivering its aims and objectives, and to establish whether any amendment is required in advance of the 2029 formal review.

Recommendations

1. That the findings of the officer review of the House to House Collection Policy are noted.
2. That the House to House Collection Policy is further reviewed in December 2029.

List of Appendices Included

Appendix 1 Rotherham MBC House to House Collection Policy (2024 review)
Appendix 2 Initial Equality Screening Assessment
Appendix 3 Carbon Impact Assessment

Background Papers

Rotherham MBC House to House Collection Policy – 2023 review report

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
No

Exempt from the Press and Public
No

Officer review of Rotherham MBC House to House Collection Policy

1. Background

- 1.1 House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities.
- 1.2 The House to House Collections Act 1939 requires all charitable collections, which collect door to door, to be licensed in the form of a permit from the Local Authority.
- 1.3 The House to House Collections Policy provides for a clear approach to the licensing of house to house collections, setting out the Council's expectations to both collectors and the public.
- 1.4 The current policy was introduced in 2023, and is due to be formally reviewed in 2029. However, as the policy has now been in place for 12 months, it is considered appropriate for the effectiveness of the policy to be reviewed by officers and any necessary amendments identified. This report outlines the findings of the review.

2. Key Issues

- 2.1 Whilst legislation prescribes the process for the licensing of house to house collections, it does not provide clear information in relation to the application process or guidance in relation to the interpretation of the legislation at a local level and this is where the Policy adds value.
- 2.2 The absence of a valid policy in relation to house to house collections may lead to a lack of transparency in relation to the application process and increase the likelihood of inconsistent decision making in relation to applications that are received.
- 2.3 In addition, it is important that the policy is not inappropriately restrictive as many local and national charitable organisations rely upon the funding gained as a result of house to house collections.
- 2.4 The current policy sets out the Council's requirements with regard to the application process, outlines obligations placed upon permit holders, details the potential reasons for refusal, sets out how financial information will be considered and provides detail on the administration / enforcement arrangements within the Authority.
- 2.5 Since the introduction of the current policy, 13 applications for a House to House Collection permit have been considered – all of which were granted. Licensing officers have included these applications and decisions within the overall review of the 2023 policy.
- 2.6 Applications for a House to House Collection permit are considered by a Sub-Committee of the Licensing Board. The views of Licensing Board

Members have been obtained, as have the views of those organisations / individuals that have applied for a permit since the introduction of the current policy. Furthermore, licensing officers involved in the processing of applications have been asked to provide feedback with regard to the current process and policy requirements. All respondents have indicated their satisfaction with the current policy and confirmed that the amendments made in 2023 when the new policy was introduced have had a positive impact on the application process.

2.7 Taking all of the above into account, it is the opinion of the reviewing officers that the Council's 2023 policy strikes the correct balance between ensuring that permits are only granted in appropriate circumstances, and setting out proportionate application criteria that do not introduce unnecessary barriers for legitimate and well-meaning individuals and organisations.

2.8 As a result of this review, officers are not proposing any amendment to the current policy in advance of the formal review scheduled for 2029.

3. Options considered and recommended proposal

3.1 Option 1

As the Council is not required to have a House to House Collection Policy, it remains an option for officers to recommend that the current policy is disregarded and the Council would instead rely on the statutory text.

This option would likely limit the clarity of the process and Council expectations, including the value of collections that is returned to charities, and the times at which collections might be considered to be unreasonable.

3.2 Option 2

Although the reviewing officers' opinion is that the current policy remains fit for purpose, it is nonetheless an option for a full formal review to be carried out prior to the scheduled 2029 review. This involve full consultation with stakeholders and consideration of the review by Cabinet.

This option would be unlikely to result in any amendments to the policy, as the findings of the consultation carried out in 2023 have been incorporated into the current policy and feedback from applicants, officers and members of Licensing Board is that the current policy is delivering its aims and objectives and therefore a further review is unnecessary.

3.3 Option 3

The findings of this officer review are accepted, and the current House to House Collection Policy remains in place until a further review at some point in the future (2029 at the latest).

This option will maintain the current position which provides clarity and transparency to the process of licensing collections, and strengthen the Council's influence on what is acceptable.

3.4 The preferred option is option 3.

4. Consultation on proposal

4.1 Consultation has taken place with a selection of key stakeholders, including:

- Direct contact with individuals / organisations that are directly affected by the policy.
- Discussions with Members of the Licensing Board and the Cabinet Member for Transport, Jobs and the Local Economy.
- Mini-focus groups with licensing officers that are involved in the processing of applications for House to House Collection Permits.

5. Timetable and Accountability for Implementing this Decision

5.1 If option 3 is agreed, the current policy will remain in place until a further review (the next formal review is scheduled for 2029).

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 There are no financial implications directly arising from this report. A fee cannot be charged for the activity, as the Council has a statutory obligation to provide this service, with no legal provision to charge a fee. Therefore, all costs associated with the implementation of this policy are contained within the approved revenue budget of the Service.

6.2 There are no direct procurement implications arising from the recommendations detailed in this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 The House to House Collections Act 1939 sets out the requirements in relation to House to House Collections.

7.2 Section 4 of the Act provides for the Secretary of State to prescribe regulations regarding the manner in which collections may be carried out, including the conduct of promoters and collectors. There is no opportunity for local authorities to prescribe additional regulations or attach additional licence conditions.

7.3 The House to House Collections Regulations 1947, subsequently amended by the House to House Collections Regulations 1963, took effect from 29th December 1947. These regulations apply to all licences issued by the Council under the House to House Collection Act 1939.

7.4 There is no statutory requirement for the Council to implement a House to House Collection Policy, however the Policy was implemented in 2023 and in adopting option 3 the Council ensures that the current Policy is fit for purpose and continues to provide clarity regarding procedures and expectations insofar as the licensing of House to House Collections are concerned.

8. Human Resources Advice and Implications

8.1 There are no HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no additional implications for Children, Young People or Vulnerable Adults.

10. Equalities and Human Rights Advice and Implications

10.1 An Equalities Screening Assessment has been carried, and this demonstrates that this decision will have no implications for equalities or human rights.

10.2 The Equalities Screening Assessment is attached at Appendix 2.

11. Implications for CO2 Emissions and Climate Change

11.1 There are no implications for carbon dioxide emissions or climate change, but it is recognised that a well-functioning House to House licensing system supports the Borough's circular economy and can help to divert unwanted items from going to waste. Collectors are encouraged to use environmentally sustainable bags e.g., for clothing collections, wherever practicable.

11.2 A Carbon Impact Assessment is attached at Appendix 3.

12. Implications for Partners

12.1. There no implications envisaged from this report for partners or other Directorates.

13. Risks and Mitigation

13.1 The Policy is a fundamental element of consistent decision making which subsequently, if it was not fit for purpose, would increase the risk of judicial challenge.

13.2 Consequently, it is essential that the Policy takes into account the views of decision makers, enforcement officers, the general public and those that may be affected by the introduction of this policy.

14. Accountable Officers

Alan Pogorzelec, Licensing Manager

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	Click here to enter a date.

Report Author: Alan Pogorzelec, Licensing Manager
01709 254955 or alan.pogorzelec@rotherham.gov.uk
This report is published on the Council's [website](#).