

## APPENDIX 1

### House to House Collections Act 1939 House to House Collections Regulations 1947

#### Model Application Form for licence to undertake Charitable Door to Door Collections.

To the [Licensing Authority] for (here insert name of [licensing area]).

In pursuance of section 2 of the House to House Collections Act 1939, I hereby apply for a licence authorising me to promote the collection, of which particulars are given below.

Date ..... (Signed) .....

#### PARTICULARS OF COLLECTION

1. Surname of applicant (in block letters).

Other names.

2. Address of applicant.

3. Particulars of charitable purpose to which proceeds of collection are to be applied. (Full particulars should be given including name of organisation, registered address, registered charity number (if applicable) and appropriate contact details, Furthermore, where possible, the most recent account of any charity which is to benefit should be enclosed).

4. Over what parts of the [licensing area] is it proposed that the collection should extend?

5. During what period of the year is it proposed that the collection be made?

6. Is it proposed to collect money?

7. Is it proposed to collect other property? If so, of what nature? and is it proposed to sell such property or to give it away or to use it?

8. Approximately how many persons is it proposed to authorise to act as collectors in the area of which the application is addressed?

9. Is it proposed that remuneration\*\* should be paid out of the proceeds of the collection-

(a) to collectors

(b) to other persons?

If so, at what rates and to what classes of persons?

10. Is application being made for licences for collections for the same purpose in other [licensing areas]?

If so, to what [licensing authorities]?

And, approximately, how many persons in all is it proposed to authorise to act as collectors?

11. Has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused a licence or order under the Act, or had a licence or order revoked?

12. Is it proposed to promote this collection in conjunction with a street collection? If so, is it desired that the accounts of this collection should be combined wholly or in part with the account of the street collection?

13. If the collection is for a War Charity, state if such charity has been registered or exempted from registration under the War Charities Act 1940, and give name of registration authority and date of registration or exemption.

\*\* Remunerate (definition) - to pay, recompense, or reward for work, trouble, etc.

## APPENDIX 2

### Quick Check List for handling charitable door to door goods collection licence applications.

Below is a quick check list, which has been developed to help licensing officers make decisions on a day to day basis, as to whether a licence should be granted for a charitable door to door goods collection.

This check list forms part of the guidance developed by NALEO in conjunction with the Institute of Licensing, Institute of Fundraising and trade representatives. The guidance expands on the issues dealt with below. It is recommended that licensing officers ensure that they familiarise themselves with the contents of the full guidance as well as make use of the quick check list.

1. Has the applicant answered all the questions in the "Model Application Form" (see below)?

- If yes, go to question 2
- If no, return application form and ask applicant to complete.

2. Who is applying for the licence?

It is important to be aware of who is undertaking the collection to ascertain that applicants are fit and proper.

3. Has the collector clearly identified all tangible costs that they have been asked to provide in the "Model Application Form"?

- If yes, go to question 4.
- If no, return form to applicant.

4. Has a statement been provided by the benefiting charitable purpose stating that they are aware of their legal requirements, that they have exercised due diligence and that the collection will raise the maximum possible benefit for the charitable purpose?

- If yes, go to question 5.
- If no, return form to applicant.

The statement can be signed by someone from the fundraising department, management team or the trustees.

This statement is important as it ensures that the charitable purpose has stated that they have considered whether they have got the best deal. It also means that licencing officers have dealt with their duty to ensure that appropriate returns are going to the charitable purpose, without second guessing or overruling decisions made by the charitable purpose.

5. Is it clear what proceeds (in terms of Pounds Sterling/for every tonne collected) will be going to the charitable purpose?

- If yes, go to question 6.
- If no, see special costs considerations note below.

If you think that the proceeds going for charitable purpose may be too low, then you may wish to consider talking to the applicant to see if this can be reviewed. However, it is important to bear in mind that the commercial or fundraising arm of a charity is not likely to be considered a charitable purpose and collection costs must be considered and deducted, whoever undertakes the collections.

6. Are there any other licensed charitable door to door goods collections proposed to be taking place at around the same time in the same area?

If yes, you may wish to consider deferring the collection to a later date if there is too high a concentration of collections in the area over the period.

If no, go to question 7.

7. Are there any other reasons listed under 1939 House to House Collections Act, section 2, paragraph 3 for refusing a licence? (See Section 3.2)

If no to question 7, and you are happy with the answers to the other questions and the model form then you should be minded to grant a licence. See special cost considerations below.

If no to question 7 but you are not happy around amounts going to charity, please see special costs considerations note below.

If yes to question 7 then you should approach the applicant to see if the matter(s) can be resolved.

### **Special Cost Considerations Note.**

Sometimes it may be difficult to establish what proceeds are being applied for charitable purpose. However, the 1939 House to House Collections Acts requires licensing officers to consider how much is being applied for charitable purpose. For reasons shown below it is important to establish what the associated costs of running the collections are and deduct these so that the amount applied for charitable purpose can be worked out.

Basic formula for working out profit

In economics to work out the profit of any venture, the following formula is applied.

Profits = Revenue Generated – Total Costs incurred by profit making venture.

To work out the amount of money being applied for charitable purpose, the following terms could be substituted and applied to the above formula, so that it would now read.

Profits applied for Charitable Purpose = Revenue Generated (through sales of clothing) – total costs incurred through collections.

Therefore, in order for licenses offices to be able to establish how much money is applied for charitable purpose, they need to know how much revenue is generated and what the collection costs are.

The 1939 House to House Collections Act requires any applicant by law to declare such refusals or revocations truthfully. However, the refusals process has always been done one way and because it was very complex, it was very difficult for to successfully appeal against a decision to refuse a licence. Any refusals which were issued before the review by the Cabinet Office into the appeals process and the issuing of this NALEO guidance should be considered with this in mind.