

# Brentwood Council

## House to house collections – notes for guidance

The House to House Collection Regulations are attached. The following notes provide a summary of the main points of interest to permit holders who do not hold a Home Office exemption for collections of this nature.

These notes refer to collections made by using collection boxes. The Regulations allow for the use of a receipt book for which separate requirements will apply.

### Collectors

1. Permit holders must take reasonable steps to ensure that collectors are over 16 years of age and fit and proper persons to act in this role. They must also try to ensure that collectors comply with the Regulations.
2. Permit Holders must provide collectors with:
  - (a) a certificate of authorisation which has been signed by the permit holder and provides for the signature of the collector
  - (b) a badge which shows the charity or fund which will benefit from the collection and which the collector can sign
  - (c) a numbered and sealed collecting box which shows clearly the name of the charity or fund which is to benefit from the collection

Certificates and badges are obtained from HMSO.

3. Permit holders must maintain lists of the authorization certificates, badges and collecting boxes which have been issued and ensure that all these items are returned at the end of the collection. At the end of the collection the badges and authorization certificates should be destroyed.
4. Collectors must sign the certificate of authorization and the badge provided. The certificate must be produced for inspection at the request of any householder or policeman and the badge must be worn so that it can be easily seen. In addition, collectors must ensure that:
  - (a) they do not importune others in a way which annoys them and that they leave any house immediately the occupant requests them to do so
  - (b) all money is put in the collection box by the person giving it
  - (c) the certificate of authorization, badge and collecting box are returned promptly to the permit holder when the collection has been completed, when requested to do so by the permit holder or when the collector no longer wishes to act as such

## Counting the money

1. At the end of the collection, every box must be opened and the contents counted in the presence of the permit holder and another responsible person. Alternatively, boxes may be opened and counted by a bank official.
2. As soon as the money in a box has been counted, the number of the collecting box and the total amount contained in it must be recorded.
3. When all the money has been counted the permit holder must provide the council, within one month of the collection taking place:
  - (a) the completed return form provided with the collection permit which shows the total amount collected and any expenses or payments made – this form must be countersigned by an independent responsible person as auditor
  - (b) The list of collectors showing the number of the collection box issued and the amount collected in each box
  - (c) Vouchers/receipts for expense and the application of proceeds to the charity concerned

# **The House to House Collections Regulations 1947**

## **1. Interpretation**

(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 collection;
- "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 Brentwood Borough Council 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 at the end of these regulations;
- "prescribed certificate of authority" means a certificate in the form set out at the end of 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 purpose 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.

## **2. Applications for Licences**

An application for a licence 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 local authority 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.

## **3. Responsibility of promoters as respects collects**

Every promoter of a collection shall exercise all due diligence:

- (a) to secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
- (b) to secure compliance on the part of persons so authorised with the provisions of these regulations

#### **4. Certificates of authority, badges, collecting boxes and receipt books**

(1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or 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 collection;
- (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 prescription certified 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 book 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 HMSO, 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 licensing authority for the area in respect of which the licence was granted

#### **5. Duties of collectors in relation to certificates and badges**

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

## **6. Age Limit**

No person under the age of 16 years shall act or be authorised to act as a collector of money.

## **7. Importuning**

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.

## **8. Collection of money**

(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 a 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.

## **9. Duty of collectors to return boxes and books**

Every collector, 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 total amount of the contributions (if any) entered therein.

## **10. Examination of boxes and books**

(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.

## **11. Promoters to furnish accounts**

(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 licensing 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 local authority, a combined account of the collections made in all or any of those areas may, by agreement between the chief promoter and the respective authorities, be made only to such of the respective local authorities as may be so agreed.

(2) The local authority may extend the period within which an account is required to be furnished to the authority, if satisfied that there are special reasons for so doing.

(3) The chief promoter of a collection which is made in connection in whole or in part of a street collection of which an account is required to be furnished to a local authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, insofar 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 so required to be furnished under paragraph (1) of this regulation.

## **12. Form and certificate of accounts**

The account required by the preceding regulation shall be furnished in the form supplied with these regulations and shall be certified by the chief promoter of the collection and by an independent responsible person as auditor.

## **13. Vouching of accounts**

(1) Every account furnished under regulation 13 of these regulations shall be accompanied by vouchers of each items of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purpose of the collection and by the list referred to in paragraph (2) of regulation 4 of these regulations and the list referred to in paragraph 10 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.

#### **14. Disposal of disused certificates of authority, etc**

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 authorised to promote for the same purpose.