



Charitable collection licensing policy

Organisation	Somerset Council
Title	Charitable collection licensing policy
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Owner	Licensing
Protective Marking	N/A
Primary Legislation	Police, Factories, & c. (Miscellaneous Provisions) Act 1916 House to House Collections Act 1939

Version History

Revision Date	Author	Version	Description of Revision
15 th May 2025	John Rendell	1.0	1 st draft begun

Document Notification

Approval	Name	Date

Issued by:

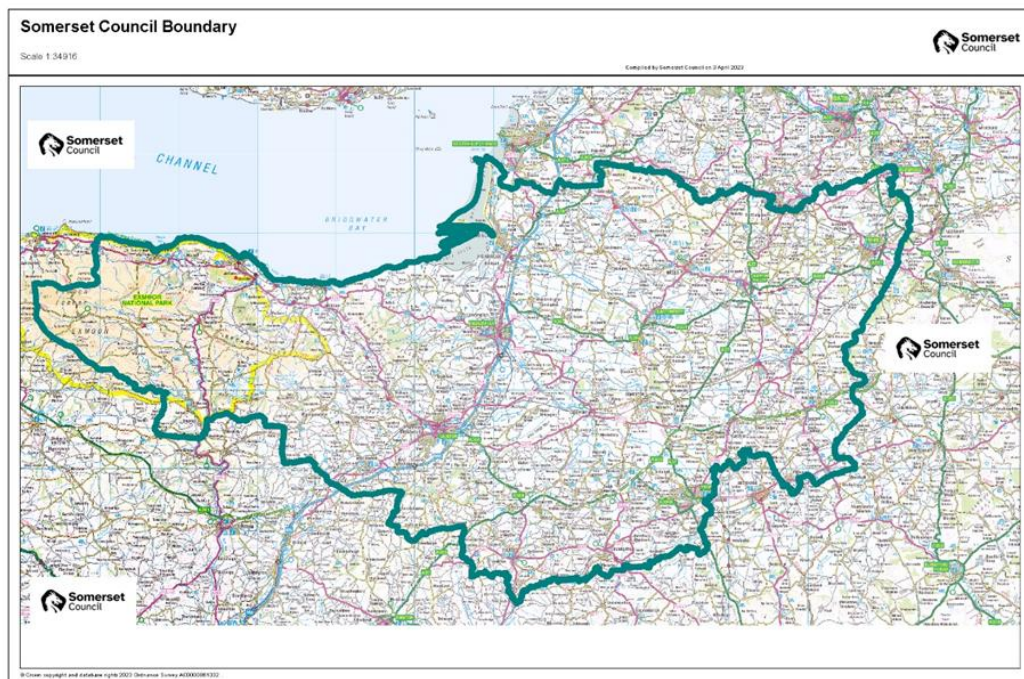
Issued Date:

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Somerset Council covers the administrative area of Somerset, formerly served by four district councils – Mendip, Sedgemoor, South Somerset and Somerset West and Taunton, and Somerset County Council - and is one of the largest unitary authorities in the UK. Somerset Council serves 572,000 residents; covers 3,500 square Kilometres; has a 5,000-strong workforce; 110 elected members and a gross budget of £1bn. Consequently, there is considerable variation demographically within the area when considering matters of policy. Because of its sheer size, Somerset Council has many different and diverse communities, neighbourhoods and economies from low carbon electricity generation at Hinkley Point C and Gravity, to world-leading aerospace industry, alongside small market towns, food and farming industries and National Parks.

Noted for its stunning rural countryside ranging from rolling hills, Levels and Moors to coastal resorts, it is also well served by strategic transport links. Alongside neighbouring North Somerset and Bath and North East Somerset, these three unitary councils serve the historic county of Somerset.



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1. Introduction

1.1 Definitions

2.3.1 Throughout this document:

- i. 'Authorised officer' means an officer of the Council that is authorised to carry out the Council's licensing functions in accordance with the Council's constitution and scheme of delegation.
- ii. 'CA1992' means the [Charities Act 1992 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1992/41).
- iii. 'CA2006' means the [Charities Act 2006 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2006/15), as amended.
- iv. 'Charity' is as defined in section 1 of the [Charities Act 2011 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2011/33), being 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.
- v. 'Charitable purposes' is as defined in section 2 of the [Charities Act 2011 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2011/33), being for the public benefit and a purpose which falls within the following:
 - (a) the prevention or relief of poverty;
 - (b) the advancement of education;
 - (c) the advancement of religion;
 - (d) the advancement of health or the saving of lives;
 - (e) the advancement of citizenship or community development, including rural or urban regeneration and the promotion of civic responsibility and volunteering;
 - (f) the advancement of the arts, culture, heritage or science;
 - (g) the advancement of amateur sport, being sports or games which promote health by involving physical or mental skill or exertion;
 - (h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;

- (i) the advancement of environmental protection or improvement;
- (j) the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage;
- (k) the advancement of animal welfare;
- (l) 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;
- vi. 'Chugging' means face to face fundraising where a person is asked to subscribe or commit to regular direct debit donations.
- vii. 'The Council', 'the Authority' and 'Licensing Authority' mean Somerset Council.
- viii. 'The Committee' means the Licensing & Regulatory Committee of the Council, made up of various elected councillors who have been trained on Licensing matters.
- ix. 'HHCA1939' means the [House to House Collections Act 1939 \(legislation.gov.uk\)](https://legislation.gov.uk), being the legislation which gives local authorities the power to license house to house collections for charitable purposes.
- x. 'HHR1947' means the [House to House Regulations 1947 \(legislation.gov.uk\)](https://legislation.gov.uk).
- xi. 'House to house collection' is as defined in section 1 of the HHCA1939, being an appeal to the public, made by means of visits from house to house, to give money or other property for a charitable purpose.
- xii. 'The local authority' and means the relevant administrative body in local government e.g. the district council, county council, unitary council etc.
- xiii. 'PF(MP)A1916' means the [Police, Factories, & c. \(Miscellaneous Provisions\) Act 1916 \(legislation.gov.uk\)](https://legislation.gov.uk) being the legislation which gives local authorities the power to make regulations permitting street collections.
- xiv. 'Promoter' is as defined in section 11 of the HHCA1939, being a person who causes others to act, whether for payment or voluntarily,

as collectors for the purposes of the collection. 'Promote' and 'promotion' have corresponding meanings.

- xv. 'Registered charity' means a charity registered with the Charity Commission for England and Wales.
- xvi. 'Street collection' is as defined in section 5 of the PF&C(MP)A1916, being the collection of money or selling of articles for the benefit of charitable or other purposes on any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not. Street collections for 'other purposes' are those which are for causes similar to charitable purposes but are not connected to a registered charity. Excluded from this definition are:
 - (a) the sale of items as part of the running of a business or earning a livelihood, which would be street trading – see street trading licensing policy.
 - (b) busking.
 - (c) begging (an offence under the Vagrancy Act 1824).

1.2 Policy justification

- 1.2.1 Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement should at least be matched by the benefit it will provide to the public.

1.3 Aims

- 1.3.1 The Council exercises its charitable collection licensing functions with the aim of ensuring:
 - (a) public donations are used to support legitimate charitable causes.
 - (b) collections are carried out to high standards.
 - (c) proceeds of collections are properly accounted for.
 - (d) prevent collections causing a nuisance to the public.
 - (e) simplify the licensing process for both the customer and Council.

1.4 Purpose

- 1.4.1 The purpose of this policy is to give detailed guidance on the application of the law relating to charitable collections and 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.
- 1.4.2 In addition, this policy will assist the Council when determining applications and enforcement issues, by setting out the matters that will normally be taken into account.

1.5 Consultation

- 1.5.1 Before adopting this policy, the Council will consult with, and consider the views of:
- The public.
 - Registered charities working specifically in Somerset (as opposed to working throughout England and Wales).
 - [The Fundraising Regulator \(fundraisingregulator.org.uk\)](http://fundraisingregulator.org.uk)
 - [The Chartered Institute of Fundraising \(coif.org.uk\)](http://coif.org.uk)
 - The licensing services of Councils that share a border with Somerset.
 - Parish and Town Councils.
 - Somerset Council ward Councillors.
 - Avon and Somerset Constabulary.
 - Heart of the South West Trading Standards Service.

1.6 Decisions

- 1.6.1 The Council will have regard to this policy when carrying out its charitable collection licensing functions.
- 1.6.2 Be that as it may, each application or case will be considered on its own merits. Where it is necessary for the Council to depart from this policy, clear and substantive reasons for doing so will be given.
- 1.6.3 The Council's constitution and scheme of delegation enables authorised officers to grant and refuse licences and permits.

1.7 Review

- 1.7.1 This policy will be kept under regular review and will be updated from time to time, to reflect changes in legislation, statutory guidance and so forth.

1.8 Whistle blowing

- 1.8.1 Where there are concerns that Council staff are not applying policies correctly, it is vital that these can be raised, investigated and corrective action taken if required.
- 1.8.2 The Council has a 'whistleblowing' policy in place to reassure workers (and members of the public) that concerns about serious misconduct can be raised without fear of victimisation, discrimination, disadvantage or dismissal. For more information on whistleblowing or to raise a concern, visit the ['Whistleblowing' page on the Council website \(somerset.gov.uk\)](https://www.somerset.gov.uk/whistleblowing).
- 1.8.3 Complaints from customers about matters such as the standard of service received or response to a request for a service are dealt with separately. More information can be found on the ['Complaints, comments and compliments' page on the Council website \(somerset.gov.uk\)](https://www.somerset.gov.uk/complaints).

2. Street collections

2.1 Introduction

- 2.1.1 The PF(MP)A1916 gives Councils the power to introduce regulations to control street collections in their area. These are collections for money or the selling of articles for the benefit of charitable or other purposes on any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.
- 2.1.2 To support the aim of this policy, Somerset Council has made regulations which control collections that take place in Somerset and benefit any and all purposes and causes – not just those carried out for charitable causes.
- 2.1.3 Face to face fundraising in public which involves asking for people to subscribe or commit to direct debit donations does not constitute a street collection and does not require a permit. This form of fundraising is sometimes called 'chugging' with collectors known as 'chuggers'; a slang term derived from blending the words 'charity' and 'mugger'.

2.2 Regulations for Somerset

- 2.2.1 The Council's street collections regulations can be found at [Appendix 1](#).
- 2.2.2 As part of the regulations, the Council will only grant permits to collections which are being organised by or on behalf of a registered charity.

- 2.2.3 Collections carried out without a street collection permit constitute a breach of these regulations, which is an offence. The maximum penalty, if convicted of this offence, is a fine up to level 1 on the [standard scale of fines in the UK \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk).
- 2.2.4 There are no restrictions on when or for how long collections may take place. The Council does not limit how many collections may be carried out in a particular city, town or village at any one time.
- 2.2.5 The regulations set out rules which must be followed by people who are granted street collection permits. Key things a permit holder must do include using sealed collection boxes and keeping a record of the proceeds.

2.3 Applying for a permit

- 2.3.2 Where a person is applying for a permit to collecting money on behalf of a registered charity, they must provide written proof of being authorised by, or having had the consent of, that charity.
- 2.3.3 Applications can be submitted [on the Council website \(somerset.gov.uk\)](https://www.somerset.gov.uk). Applicants must be aged 18 or over.
- 2.3.4 There is no fee to apply for a permit.

3. House to house collections

3.1 Introduction

- 3.1.1 A house to house collection is a collection of money or property where collectors visiting homes and/or business premises.
- 3.1.2 All house to house collections must be licensed, except for:
- (a) a number of national charities who have been made exempt as part of the [National exemption order scheme \(GOV.UK\)](https://www.gov.uk).
 - (b) where the chief constable for a police area has granted a collection certificate.
- 3.1.3 It is an offence for a person to promote a house to house collection without a licence. The maximum penalty, if convicted of this offence, is up to six months imprisonment and/or a fine up to level 3 on the [standard scale of fines in the UK \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk).

3.1.4 It is also an offence for a person to carry out a house to house collection without a licence. The maximum penalty, if convicted of this offence, is as follows:

- (a) Fine of £25 for the first conviction.
- (b) Fine of £50 and/or up to three months imprisonment for each conviction after the first.

3.2 Key principles

3.2.1 The Council will only grant permits to collections which are being organised by or on behalf of a registered charity.

3.2.2 The HHCA1939 allows for licences to be granted a period up to twelve consecutive months.

3.2.3 The HHCA1939 allows the Council to refuse to grant or, where a licence has been granted, revoke it, if it appears to the Council that:

- (a) Not enough of the money collected will go to the charity.
- (b) The collectors will receive too much of the money collected.
- (c) Granting the licence is likely to lead to breaking the law or has already done so.
- (d) The applicant or licence holder is not a suitable person because they have been convicted of an offence involving fraud or dishonesty, or an offence under the HHCA1939.
- (e) The applicant or licence holder has not made sure that their collectors are suitable or that they have followed the requirements of the HHR1947.
- (f) The applicant or licence holder has not provided the information necessary to assess the application and ensure compliance with the HHR1947.

3.3 Applying for a licence

3.3.1 Applications can be submitted [on the Council website \(somerset.gov.uk\)](https://www.somerset.gov.uk). Applicants must be aged 18 or over.

3.3.2 There is no fee to apply for a permit.

3.4 Regulations

- 3.4.1 All licences are subject to regulations introduced by the Secretary of State which came into force on the 29th of December 1947. These can be found at Appendix 2.

4. Enforcement

4.1 Introduction

- 4.1.1 Concerns about collections which may be unlicensed or are not being carried out in accordance with the relevant regulations can be reported online: [Complaints about a licensed person, vehicle or premises \(somerset.gov.uk\)](https://www.somerset.gov.uk/complaints-about-a-licensed-person-vehicle-or-premises).

4.2 Enforcement policy

- 4.2.1 Charitable collection licensing is the responsibility of the Licensing service, which is one of a number of regulatory functions within the Council which are carried out in accordance with the Council's [corporate enforcement policy \(somerset.gov.uk\)](https://www.somerset.gov.uk/corporate-enforcement-policy).
- 4.2.2 Two of the overarching principles of this policy are that the Council will take an open, fair and proportionate approach to dealing with non-compliance, and that *“Best efforts will be used to resolve any issues where the law may have been broken without taking formal action or referring the matter to the courts, when the circumstances indicate that a minor offence may have been committed and the council is confident that appropriate corrective action will be taken.”*

Appendix 1

Street Collection regulations

In accordance with section 5 of the PF(MP)A1916, as amended by Section 251 and Schedule 29 of the Local Government Act 1972, Somerset Council makes the following Regulations about who, where, how and for what causes people may collect money or sell items in any street or public place within the Somerset Council area.

Any breach of these regulations is an offence for which the maximum penalty, if convicted, is a fine up to level 1 on the [standard scale of fines in the UK](https://www.sentencingcouncil.org.uk) ([sentencingcouncil.org.uk](https://www.sentencingcouncil.org.uk)).

1. In these regulations: -

- (a) 'Article' means an individual item or object, including food and drink.
- (b) 'Authorised officer' means an officer of the Council that is authorised to carry out the Council's licensing functions in accordance with the Council's constitution and scheme of delegation.
- (c) 'Carriageway' means the section of road on which vehicles drive.
- (d) 'Collection' means a collection of money or a sale of item for the benefit of any cause in a street or public place but does not include:
 - i. the sale of items as part of the running of a business or earning a livelihood, which would be street trading – see street trading licensing policy.
 - ii. busking.
 - iii. begging (an offence under the Vagrancy Act 1824).
- (e) 'Collection box' means a box or other receptacle e.g. bucket, into which money is deposited when it is donated.
- (f) 'Collector' means a person who receives donations and/or sells articles during a collection.
- (g) 'Licensing authority' means Somerset Council.

- (h) 'Permit' means a street collection permit.
 - (i) 'Promoter' means a person who organises and arranges for other people to act as collectors.
 - (j) 'Public place' means any public land or place that the public have free access to such as parks, beaches and public open spaces, but excludes shopping centres and privately owned land and premises, where permission from the occupier or landowner would be required.
 - (k) 'Qualified accountant' means a member of:
 - i. The Institute of Chartered Accountants in England and Wales.
 - ii. The Institute of Chartered Accountants of Scotland.
 - iii. The Institute of Chartered Accountants Ireland.
 - iv. The Association of Chartered Certified Accountants.
 - (l) 'Street' means any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether it is a thoroughfare or not, as defined by section 5(4) of the PF(MP)A1916.
2. A collection must not take place in any street or public place unless the promoter has been issued a permit by the licensing authority.
 3. An application for a permit must be made online at www.somerset.gov.uk before the date on which the collection is due to take place.
 4. Collections must take only place on the date(s) stated in the permit.
 5. The licensing authority may, when granting a permit, limit a collection to specific streets or public places as it sees fit.
 6. Every collector must have written authority from the promoter to take part in the collection and this must be available for inspection during the collection by an authorised officer or police officer.
 7. A collection must not take place in the carriageway of any street which has a footway, unless it is associated with a procession.
 8. Collectors must not obstruct, inconvenience, annoy, pester or follow members of the public.
 9. Collectors must be aged sixteen years or above.

10. All donations must be deposited in a collection box which bears the name of the charity, is secure, sealed and remains unopened until it is delivered to the promoter.
11. The promoter and collectors must not be paid out of the proceeds of the collection.
12. Within three months of the collection, the permit holder must:
 - (a) complete statement in the form set out in these regulations, documenting the amount received and any expenses and payments incurred in connection with the collection; and
 - (b) Have the statement certified by themselves and a qualified accountant.
 - (c) Keep a record of the statement for a minimum of 12 months, so that a copy of it can be made available to the Licensing Authority with the minimum of delay, if requested.

Street collection statement form

Somerset Council permit no:	
Name of permit holder:	
Date(s) of collection:	
Name of charity collection was for:	

Proceeds of collection			Expenses and application of proceeds (B)		
	£	p		£	p
From donations and/or sale of articles			Printing & stationery		
			Postage		
			Advertising		
From other sources			Collection boxes		
			Badges and other adornments		
Bank interest			Other items, if any		
			Disposal of balance		
Other items, if any					
Total			Total		

Declaration of permit holder	
I certify that, to the best of my knowledge and belief that the above is a true account of the proceeds, expenses and application of the proceeds.	
Name:	
Signature:	
Date:	

Certificate of Auditor	
I certify that I have obtained all the information and explanations required by me as auditor and that the above is in my opinion a true account of the expenses, proceeds and application of proceeds of the collection.	
Name:	
Address:	
Name of Chartered Institute or Association:	
Signature:	
Date:	

Issued by:

Issued Date:

Appendix 2

The House to House Collections Regulations 1947 (as amended)

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.
3. There is a Right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days of the date on which notice is given of the refusal or the revocation.
4. 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.
5. 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 5 below) shall not apply to a collection made in conformity with such Certificate.
6. 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 [The Stationery Office Ltd \(tsoshop.co.uk\)](http://The Stationery Office Ltd (tsoshop.co.uk)), 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 required to leave by the 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:

“Charitable Purpose” is as defined in section 2 of the [Charities Act 2011 \(legislation.gov.uk\)](http://Charities Act 2011 (legislation.gov.uk))

“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;

“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 response to the appeal.

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