

## **Wychavon District Council**

### **Street Collection Policy**

#### **Legislation**

The licensing of street collections is regulated by the Council under Police, Factories, & c. (Miscellaneous Provisions) Act 1916 gives District Councils powers to write regulations and policies to control street collections. Under this legislation the Council regulates collections of money or sales of articles for charitable or other purposes in streets and public places.

The legislation and regulations stipulate that any collection to be undertaken in a street or public place requires a permit. It is a criminal offence to conduct a collection in any street or public place within the District without first obtaining such a permit from the Council.

#### **Aims and Objectives of Policy**

This policy sets out how Wychavon District Council approaches the regulation of street collections taking place in the District.

This policy aims to promote the following aims and objectives in reference to street collections:

- To have a clear and transparent policy governing street collections in the District.
- To enable the Council to effectively regulate all street collections.
- To ensure that street collections are genuinely charitable/not for profit in nature.
- To facilitate bone fide charitable organisations to seek donations from the general public without causing undue annoyance or nuisance to them.
- To provide for a fair distribution of street collection permits amongst charitable organisations wishing to carry out collections.

#### **Where collections can take place**

Street collections can be permitted to take place anywhere within the District, however in practise most charitable organisations normally wish to carry out street collections in the towns of Pershore, Evesham and Droitwich Spa or within the Parish of Broadway.

#### **Application Process**

Applications should be submitted as early as possible and no later than one month before the date on which the applicant would like to carry out the collection.

Applications should be submitted on the Council's standard form provided for the purpose and must identify the preferred collection date and location.

Applications are considered on a “first come, first served” basis. Therefore organisers of street collections are encouraged to check if a preferred collection date is available before submitting an application.

Applications should be accompanied by a covering letter from the person organising the collection confirming that the charitable organisation concerned has given them authorisation to make the application to collect on their behalf.

Applications should also be accompanied by details of what the money collected by the charitable organisation is used for and what percentage of the money goes directly to the charitable organisation. This can include leaflets and any promotional information produced by the charitable organisation.

No fee is payable to apply for a permit to carry out a street collection.

### **Criteria for Granting Permit / Licence**

An application for a permit will normally be granted by officers providing the application meets the following criteria:

- The collection is being made on behalf of a bone fide registered charity.
- The collection is to take place in one or more of the following: Pershore, Evesham, Droitwich Spa and/or Broadway.
- The collection is to take place on a Saturday.
- No other collection has permitted to take place in the relevant town or parishes on the same day.
- The relevant charity has not already been granted a permit to carry out a collection in the relevant town or parish during the same calendar year.
- The collection will last no longer than one day.
- The collector has submitted their latest financial returns for previous collections in accordance with the Council’s Street Collection Regulations, and such returns have been deemed to be satisfactory.

The relevant Town or Parish Council will be notified of all street collection permits granted in respect of collections taking place in their area.

## **Consultation Arrangements on Applications Outside Policy**

If an application for a collection falls outside of the criteria above, the Council will consult the relevant Town or Parish Council on the application.

For example, if the charitable collection is proposed to take place on a day other than a Saturday, last longer than one day or take place outside of Pershore, Evesham, Droitwich or Broadway, then consultation with the relevant Town or Parish Councils will take place.

If the relevant Town or Parish Council does not object to the application being granted, a permit will be issued.

If the relevant Town or Parish Council objects to the application being granted, the application will be referred to the Licensing Committee for determination.

## **Licensing Committee Decisions**

The Licensing Committee will consider the application and any objections received and will decide whether to grant or refuse the application.

Each application will be considered on its own merits and with a view to promoting the aims and objectives contained within this policy.

Reasons will be given for any decision taken by the Licensing Committee.

## **Appeals**

There is no direct right of appeal against a decision to refuse an application for a permit to carry out a street collection. An aggrieved applicant can however consider applying for Judicial Review of the decision.

## **Street Collection Regulations**

Those granted a permit to carry out a street collection are required to comply with the Councils Regulations for the Control of Street Collections which are reproduced at Annex A to this Policy.

## **Direct Debit Collections**

Collections in the street that involve the soliciting of direct debit donations on behalf of charitable organisations are not regulated under current legislation.

However the Council may consider entering into voluntary site management agreements with the Public Fundraising Regulatory Association (PFRA) to control this form of fundraising if it is shown to be causing significant concern within parts of the District.

## Wychavon District Council Street Collection Regulations

1. In these Regulations, unless the context otherwise requires:-
  - "**the licensing authority**" means the Wychavon District Council;
  - "**collections**" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "**collector**" shall be construed accordingly;
  - "**promoter**" means a person who causes others to act as collectors;
  - "**permit**" means a permit for a collection;
  - "**contributor**" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
  - "**collecting box**" means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Wychavon District unless a promoter shall have obtained a permit from the licensing authority.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6.
  - (1) No person may assist or take part in any collection without the written authority of a promoter.
  - (2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway; provided that the licensing authority may, if it thinks fit allow a collection to take place on the said carriageway where such a collection has been authorised to be held **IN CONNECTION WITH A PROCESSION.**
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting:-
  - (a) a collector shall remain stationary; and

- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres.

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the **AGE OF SIXTEEN YEARS** to act as a collector provided that the licensing authority may permit persons of **FOURTEEN YEARS OF AGE OR MORE** to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.
12. (1) Every collector shall carry a collecting box;
- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken;
- (3) All money received by a collector from contributors shall immediately be placed in a collecting box;
- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14. (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.
- (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector.
- (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of services connected therewith, except such payments as may have been approved by the licensing authority
16. (1) Within **ONE MONTH** after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority:-
- (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the

amount received and the expenses and payments incurred in connection with such collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to the licensing authority;

- (b) a list of the collectors;
- (c) a list of the amounts contained in each collecting box;

And shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall, also, within the same period at the expense of the person and after the certificate under paragraph (1)(a) above has been given, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses and payments incurred in connection with such collection provided that the licensing authority may, if it thinks fit, waive the requirements of the sub-paragraph in respect of a collection in which the total amount collected does not exceed £150.00.
- (3) The licensing authority may, if satisfied there are special reasons for doing so extend the period of one month referred to in paragraph (1) above.
- (4) For the purpose of this Regulation, "**a qualified accountant**" means a member of one or more of the following bodies:-
  - the Institute of Chartered Accountants in England and Wales;
  - the Institute of Chartered Accountants of Scotland;
  - the Association of Certified Accountants;
  - the Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply -

- (a) in respect of a collection taken at a meeting in the open air; or
- (b) to the selling of articles in any street or public place where the articles are sold in the ordinary course of trade.