



North Hertfordshire District Council

Street Collections Policy

Proposed Implementation Date: 2nd April 2012

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1.0 INTRODUCTION

1.1 The Policy

1.1.1 This document states North Hertfordshire District Council's policy on the regulation of Street Collections. District Councils, and other specified authorities, may make regulations in respect of Street Collections by virtue of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972.

1.2 The Objectives of this Policy

1.2.1 This Policy has been adopted with view to securing the following objectives:

- (i) To enhance the towns centres of Baldock, Hitchin, Letchworth Garden City, and Royston;
- (ii) To ensure that promoters and collectors are properly authorised;
- (iii) To ensure that the money collected is done so in a secure way and the total proceeds collected are properly accounted for;
and
- (iv) To minimise nuisance to residents and visitors to the District of North Hertfordshire

1.3 The Law

1.3.1 It is unlawful in the United Kingdom to collect money or sell articles, for the benefit of charitable or other philanthropic purposes, on any street or public place other than in accordance with regulations made by a local authority such as North Hertfordshire District Council.

1.3.2 A 'street' is defined as '*any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not*'.

1.3.3 A 'public place' is defined as a '*place where the public has access*'.

1.3.4 It is often assumed that collections can be held in shop doorways or car parks without a permit because they are being held on privately owned land and so do not constitute a street or public place. This is not the case as the legislation does not mention the ownership of the land or treat collections on privately owned land as exempt from the regulations. Indeed a street or public place could be indoors, for example the communal area of a shopping arcade or shopping centre.

1.3.5 Local authorities issue Street Collection Permits under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972. This type of licence does not attract an application fee but typically councils impose the following types of restrictions:

- (i) Street collections are usually to be made by charities only;
- (ii) Collections are to take place in town centres only;
- (iii) Money is to be collected in appropriate vessels only; and
- (iv) The person organising the collection is required, after it has taken place, to make a statement to the licensing authority as regards the sums received.

1.3.6 The purpose of these restrictions is to ensure that collectors are properly authorised, that donations are receipted and stored in a secure way, and that the total proceeds are properly accounted for. Additionally, councils often impose limitations on how many Street Collection Permits will be granted for a specific area at any one time. This is to prevent collections from becoming a public nuisance.

1.3.7 The Charities Act 2006 provides for a new regulatory regime to control charitable collections in public places although there is no current indication of any secondary legislation required before the new Act can take effect. The new Act will apply to all public collections including both face-to-face collections and requests for the public to sign direct debit mandates. There will be a new role for the Charity Commission in checking whether or not charities and other organisations are 'fit and proper' to carry out public collections. The Charity Commission will be responsible for issuing Public Collection Certificates which will be valid for up to five years. This new procedure will mean that local authorities will no longer need to assess the suitability of individual applicants and will ensure a more consistent approach to such assessments nationally. Once a charity or other organisation has a Public Collections Certificate it will be able to apply to a local authority for a permit to hold collections at certain times in certain places within that local authority area. Local authorities will assess applications to ensure that collections do not clash and that the public are not annoyed by excessive collection activity. At the time of writing there is no indication of when these new provisions are likely to take effect.

1.3.8 Once the Charities Act 2006 takes effect, this Policy will be reviewed to ensure that it is consistent with the requirements of the new Act whilst retaining the policy objectives in paragraph 1.2.1 above.

1.4 Policy Duration

1.4.1 This Policy will take effect from 2nd April 2012 for a maximum period of five years.

1.4.2 Prior to the end of the five year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than 3rd April 2017.

1.4.3 The Policy will be kept under constant review and amended as and when necessary to reflect changes in legislation and case law.

2.0 APPLICATIONS FOR A STREET COLLECTION PERMIT

2.1 Advice for New Applicants

2.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.

2.2 Applications

2.2.1 All applications must be made on the Council's prescribed application form and can be made either electronically or by hard copy.

2.2.2 Applications must be received at least twenty-eight (28) days before the requested collection date.

2.3 Processing of an Application

2.3.1 On receipt of the application form, an acknowledgment will be sent to the applicant. Once the application has been determined, the applicant will either receive a permit or a letter explaining the reason why the application has been refused.

2.3.2 If you make your application electronically, tacit consent will apply. If a valid electronic application is received and not determined within a specified period, the application will be deemed to be granted. Further details of tacit consent and timescales are available on the Council's website.

2.4 Key Considerations

2.4.1 In addition to the requirements of the Regulations contained with **Appendix A**, the Council has the following policy regarding the grant of Street Collection Permits:

- (i) The Council will grant Street Collection Permits only in respect of the town centres of Baldock, Hitchin, Letchworth Garden City, and Royston.
- (ii) A maximum of two (2) Street Collection Permits will be granted in the same town centre on the same date.
- (iii) Collections will ordinarily be expected to take place between the hours of 10:00hrs and 18:00hrs.
- (iv) The use of animals in conjunction with street collections will not ordinarily be permitted, however, consideration will be given to the use of animals on request where integral to the charitable organisation (for example, guide dogs when collecting for Guide Dogs for the Blind).
- (v) Deductions for travel expenses to and from the place of collection are not ordinarily allowed.

- (vi) Moving collections, such as carnival processions and other similar events, which involve collecting from the public along a route will require a Street Collection Permit. These permits, however, may be granted in addition to those specified in sub-paragraphs 2.4.1 (i) and 2.4.1 (ii) above.

3.0 REGULATIONS PERTAINING TO STREET COLLECTIONS IN NORTH HERTFORDSHIRE

- 3.1 On 21st March 1974, North Hertfordshire District Council adopted the Model Street Collection Regulations made under The Charitable Collections (Transitional Provisions) Order 1974. Paragraph 5 of this Order provided for the Model Street Collection Regulations, if adopted, to be deemed to be street collection regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
- 3.2 Having reviewed the Model Street Collection Regulations adopted on 21st March 1974, the Council are satisfied that they are still relevant and appropriate for street collections in North Hertfordshire.
- 3.3 The Model Street Collection Regulations, applicable to all Street Collection Permits issued by North Hertfordshire District Council, are presented in **Appendix A**.

4.0 ENFORCEMENT

- 4.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible permit holders.
- 4.2 In pursuing its objectives as detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Housing and Environmental Health Statement of Enforcement Policy and Practice.
- 4.3 The responsibility for the overall supervision of street trading lies with the Head of Housing and Public Protection.

5.0 DEPARTURE FROM POLICY

- 5.1 In exercising its discretion in carrying out its regulatory functions, North Hertfordshire District Council will have regard to this Policy document and the principles set out therein.
- 5.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the principles detailed in this Policy.
- 5.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Head of Housing and Public Protection may authorise a departure from the Policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors of such decisions via the Members Information Service (MIS).

6.0 AMENDMENTS TO THIS POLICY

6.1 Any significant amendment to this Policy will only be implemented after further consultation with existing permit holders, relevant stakeholders and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution. For the purpose of this section, any significant amendment is defined as one that is likely to have:

- (i) a significant financial effect on permit holders, or
- (ii) a significant procedural effect on permit holders, or
- (iii) a significant effect on the community.

6.2 Any minor amendments to this Policy may be authorised by the Portfolio Holder for Housing and Environmental Health and undertaken in accordance with the Council's Constitution. For the purpose of this section, any minor amendment is defined as one that does not fall within the scope of a significant amendment defined in paragraph 6.1.

7.0 FEES AND CHARGES

7.1 North Hertfordshire District Council makes no charge for the processing of a Street Collection Permit.

7.2 The Council will, however, make a nominal charge for the production of replacement Permits.

8.0 DEFINITIONS

| TERM | DEFINITION |
|---|---|
| Authorised Officer | An officer of the Council authorised by it to act in accordance with the provisions of the Police, Factories, etc (Miscellaneous Provisions) Act 1916. |
| collection or street collection | A collection of money or a sale of articles for the benefit of charitable or other philanthropic purposes. |
| Head of Housing and Public Protection | the current post holder (or the Head of Service of the appropriate Service Area following any Subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation |
| Portfolio Holder for Housing and Environmental Health | the Elected Member responsible for Housing and Public Protection (or the appropriate Service Area following any subsequent restructure), who is a member of Cabinet |

| | |
|--------------|---|
| public place | a place where the public has access, including private land and indoor communal areas of shopping centres, arcades, etc |
| street | any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not |
| the Council | North Hertfordshire District Council |

DRAFT POLICY (as referred to LAC)

APPENDIX A

REGULATIONS MADE BY NORTH HERTFORDSHIRE DISTRICT COUNCIL WITH REGARD TO STREET COLLECTIONS

In pursuance of Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972, the North Hertfordshire District Council (hereinafter referred to as "the Council") hereby make the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the District of North Hertfordshire to collect money or sell articles for the benefit of charitable or other purposes.

1. In these Regulations, unless the context otherwise requires:
 - 'collection' 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;
 - 'the licensing authority' means North Hertfordshire District Council;
 - '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 District of North Hertfordshire unless a promoter shall have obtained from the licensing authority a permit.
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 doing so.
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 carriage way 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 carriage way where such 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.
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 from 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 a qualified accountant;
- (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 that person and after a qualified accountant has given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit was 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.
- (3) The licensing authority may, if satisfied that there are special reasons for so doing extend the period of one month referred to in paragraph (1) above.
- (4) For the purposes 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 collection taken at a meeting in the open air; or
 - (b) to the selling of articles in any street or public place when such articles are sold in the ordinary course of trade.
18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding [level 1 on the standard scale]¹.

¹ Words substituted by Criminal Justice Act 1998 c.33 Pt V s.55 (October 12, 1988 as SI 1988/1676)

DRAFT POLICY (as referred to LAC)

FORM OF STATEMENT

Name of the person to whom the permit was granted:

Address of the person to whom the permit was granted:

Name of charity or fund which is to benefit:

Date of collection: _____

| Proceeds of Collection | | Expenses and Application of Proceeds | | |
|------------------------|---|--------------------------------------|------------------------|---|
| | £ | p | £ | p |
| From collecting boxes: | | | Printing & stationery | |
| | | | Postage | |
| | | | Advertising | |
| | | | Collecting boxes | |
| | | | Badges | |
| | | | Emblems | |
| | | | Other items: | |
| | | | | |
| | | | | |
| Interest on proceeds: | | | | |
| | | | | |
| Other items: | | | Payment approved under | |
| | | | Regulation 15(2) | |
| | | | Disposal of Balance: | |
| | | | (insert particulars) | |
| Total | | | Total | |

CERTIFICATE OF THE PERSON TO WHOM THE PERMIT WAS GRANTED

I certify that to the best of my knowledge and belief the above is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: (Signed)

CERTIFICATE OF ACCOUNTANT

I certify that I have obtained all the information and explanations required by me and that the above is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: (Signed)

Qualifications: