



WYCOMBE DISTRICT COUNCIL

Street Collections Policy

As of 01 January 2014

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1.0 INTRODUCTION

1.1 The Policy

1.1.1 This document states Wycombe District Council's policy on Street Collections as defined by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and as amended by the Local Government Act 1972.

1.2 The Objectives of this Policy

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

- To ensure that promoters and collectors are properly authorised.
- To ensure that money collected is done so in a secure way and the total proceeds collected are properly accounted for.
- To minimise nuisance to residents and visitors to Wycombe district.

1.3 The Law

1.3.1 It is unlawful in the United Kingdom to hold, for the benefit of charitable or other philanthropic purposes, a street collection on any street or public place without first obtaining a Street Collection Permit from a local authority. A 'public place' is defined as a '*place where the public has access*' although this need not be in public ownership (for example a shop doorway) and can include indoor spaces. Permit holders are not restricted to the collection of money - they can also sell articles.

1.3.2 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. There is no application fee but typically local authorities impose the following types of restrictions:

- Street collections are usually to be made by charities registered with the Charities Commission only
- Collections are to take place in town centres only
- Money must be collected in appropriate vessels
- 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

1.3.3 The purpose of these limitations 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 street collections from becoming a public nuisance (often referred to as “collection fatigue”).

1.3.4 The Charities Act 2006 provides for a new regulatory regime to control charitable collections in public. It applies to all such collections including face-to-face fundraising and where requests are made for members of the public to sign direct debit mandates. There is a new role for the Charity Commission in checking whether charities and other organisations are fit and proper to carry out public collections. The Charity Commission will be responsible for issuing Public Collections Certificates, which will be valid for up to five years. This new procedure will mean that local authorities no longer need to assess the *suitability* of individual applicant and will ensure a more uniform approach to such assessment nationally. Once a charity 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, however, this part of the Act is yet to be implemented.

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.

2.2.2 Applications must be received at least 28 days before the requested collection date.

2.3 Processing of an Application

2.3.1 On receipt of an application form it will be checked by an officer to ensure that it has been properly completed and is valid. Any incomplete or invalid applications will be returned to the applicant with reasons given.

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:

2.4.1.1 Applications will only be accepted from registered charities and a charity number issued by the Charities Commission must be supplied on the application form.

2.4.1.2 Only one Street Collection permit will be granted for the same town / area on the same date.

2.4.1.3 Collections will ordinarily be expected to only take place between the hours of 08:00 and 20:00.

2.4.1.4 Collections will ordinarily only take place on Tuesdays, Fridays and Saturdays.

2.4.1.5 To enable a fair distribution of collections, no more than five permits per year will normally be issued to any one charity.

2.4.1.5 The use of animals in conjunction with street collections is discouraged, although each application will be treated on its own merits in this respect.

2.4.1.6 Deductions for travel expenses to and from the place of collection are not normally allowed.

2.4.1.7 Payments can only be made to collectors or other persons connected with the collection with the approval of the Council.

2.4.1.8 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. However, such permits may be granted in addition to those specified in 2.4.1.2 and 2.4.1.3 and 2.4.1.4 above.

3.0 REGULATIONS PERTAINING TO STREET COLLECTIONS IN WYCOMBE DISTRICT

- 3.1 Wycombe District Council has adopted regulations governing how street collections should be undertaken and how the funds raised are accounted for. A copy of these Regulations is attached 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 the interests of those holding valid permits.
- 4.2 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Statement of Enforcement Policy.
- 4.3 The responsibility for the overall supervision of street collections lies with the Head of Environment.

5.0 DEPARTURE FROM POLICY

- 5.1 In exercising its discretion in carrying out its regulatory functions, Wycombe 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 licensing 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 Environment may authorise a significant departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances.

6.0 AMENDMENTS TO THIS POLICY

- 6.1 Any significant amendment to this Policy will only be implemented after further consultation. Any such amendments will be undertaken in accordance with the Council's Constitution. For the purposes of this section, any significant amendment is defined as one that:
- a) is likely to have a significant financial effect on permit holders, or
 - b) is likely to have a significant procedural effect on permit holders, or
 - c) is likely to have a significant effect on the community.
- 6.2 Any minor amendments to this Policy may be authorised by the Portfolio Holder for Environment and undertaken in accordance with the Council's Constitution.

7.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	An officer of the Council authorised by it to act in accordance with the provisions of the relevant legislation
Collection	Collection of money or a sale of articles for the benefit of charitable or other purposes.
Collector	Shall be construed accordingly.
Promoter	A person who causes others to act as collectors.
The Licensing Authority	Wycombe District Council.
Permit	A permit for a collection.
Contributor	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	A box or other receptacle for the reception of money from contributors.

APPENDIX A

REGULATIONS MADE BY WYCOMBE 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 of the Local Government Act, 1972, Wycombe District Council hereby makes 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 Wycombe 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;
“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 area of Wycombe District Council 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 Wycombe District Council 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 on the permit.
5. The Wycombe District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (i) No person may assist or take part in any collection without the written authority of a promoter;
(ii) Any person authorised under paragraph (i) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Wycombe District Council 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 Wycombe District Council may, if it thinks fit, allow a collection to take place on the said carriageway 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 Wycombe District Council 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. (i) Every collector shall carry a collecting box;
(ii) 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;
(iii) All money received by a collector from contributors shall immediately be placed in a collecting box;

- (iv) 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. (i) Subject to paragraph (ii) below a collecting box shall be opened in the presence of a promoter and another responsible person;
- (ii) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank
- (iii) 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. (i) No payment shall be made to any collector
- (ii) No payment shall be made out of the proceeds of the 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 Wycombe District Council.
16. (i) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Wycombe District Council:-
- (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 a collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to the Wycombe District Council;
 - (b) a list of collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the Wycombe District Council, satisfy it as to the proper application of the proceeds of the collection;
- (ii) That said the person shall also, within the same period, at the expense of that person and after the certificate under paragraph (i)(a) above has been given, publish in such newspaper or newspapers as the Wycombe District Council 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;
- (iii) The Wycombe District Council may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (i) above;
- (iv) For the purposes of this Regulation "a qualified accountant" means a number of one or more of the following bodies:-
- The Institute of Chartered Accountants in England and Wales
 - The Institute of Chartered Accountants in Scotland
 - The Chartered 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 when the articles are sold in the ordinary course of trade.

These Regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State and all other street collection Regulations having effect in Wycombe District Council area are hereby repealed with effect from the date on which these Regulations come into force.