



# Street Collections Licensing Policy

Effective from: 5 February 2018

## Contents

|   | <b>Section</b>  | <b>Page(s)</b> |
|---|---|----------------|
| 1 | Introduction  | 2 - 3          |
| 2 | Applications for a Street Collection Permit                         | 3 - 4          |
| 3 | Regulations Pertaining to Street Collections in North Hertfordshire | 4 - 5          |
| 4 | Enforcement   | 5              |
| 5 | Departure from Policy   | 5              |
| 6 | Fees and Charges  | 5 - 6          |
| 7 | Definitions   | 6              |

### **Appendices**

|   |  |       |
|---|--|-------|
| A | Regulations made by North Hertfordshire District Council with regard to Street Collections | 7 – 9 |
| B | List of specific pitches   | 10    |
| C | Form of Statement  | 11    |

## **1.0 INTRODUCTION**

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.

## **1.4 Policy Duration**

1.4.1 This Policy will take effect from 5 February 2018 and will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.

1.4.2 Administrative amendments to this Policy, required by virtue of legislative changes, revised statutory guidance or a Council restructure, may be made by the Licensing Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

1.4.3 The Policy will be periodically reviewed to ensure it remains fit-for-purpose and either amend where necessary or approved for continuation by the Executive Member for Housing and Environmental Health, save for subsection 1.4.4.

1.4.4 In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing and Appeals Committee who will make a recommendation for consideration by Cabinet.

For the purpose of this section, a significant amendment is defined as one that:

- (i) will have significant financial impact on applicants, licence holders or the public;
- (ii) will have a significant procedural impact on applicants, licence holders or the public; or
- (iii) may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

## **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 fourteen (14) days before the requested collection date. In exceptional circumstances such as a national emergency or the unforeseen urgent need of a local charity, an application may be accepted with only seven (7) days notice at the discretion of the Licensing Manager.

- 2.2.3 The application form will need to include the location from which they would like the collector(s) to be located (including an alternative in the case of a collection already being authorised in that location) during the date/time of the collection and the number of collectors to be used. The locations for the allocated collection points can be found at **Appendix B** to this policy.

## **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.
- 2.3.3 The permit issued will designate the area that the permit applies to and the number of collectors permitted for the duration of the collection period.

## **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.
  - (vii) No collection will be permitted to take place within twenty-five (25) metres of any cash withdrawal facility (e.g. cashpoints, banks, etc.)

## **3.0 REGULATIONS PERTAINING TO STREET COLLECTIONS IN NORTH HERTFORDSHIRE**

- 3.1 On 21<sup>st</sup> 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 21<sup>st</sup> 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 Public Protection Statement of Enforcement Policy and Practice.

## **5.0 DEPARTURE FROM POLICY**

5.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.

5.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.

### 5.3 Substantial departure from Policy

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).

### 5.4 Minor departure from Policy

Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing Manager may authorise a licence to be issued.

## **6.0 FEES AND CHARGES**

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

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

## 7.0 DEFINITIONS

| <b>TERM</b>   | <b>DEFINITION</b>   |
|---|---|
| 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 |
| Executive Member 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  |

## **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 fourteen (14) days before the date on which it is proposed to make the collection, provided that the licensing authority may reduce said period if satisfied that there are exceptional 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 Appendix C, 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]<sup>1</sup>.

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

## **APPENDIX B**

### **ALLOCATED COLLECTION SITES**

#### **Baldock**

1. Outside of Baldock Community Centre
2. In front of the War Memorial
3. High Street (between Whitehorse Street and Simpson Drive)
4. Outside of Tesco
5. Outside of the Methodist Church in Whitehorse Street
6. At the High Street Farmers' Market (2nd Saturday of every month only)
7. At the High Street Market (Wednesdays only)

#### **Hitchin**

1. Outside of Sainsbury's
2. Outside of Waitrose
3. Junction of Hermitage Road and Bancroft
4. Junction of Brand Street and High Street
5. Outside of the Church House in Church Yard
6. Outside of the St Mary's Church entrance in Church Yard (by the War Memorial)
7. At the junction of Churchgate and Market Place
8. At the junction of The Arcade and the High Street

#### **Letchworth Garden City (Town Centre)**

1. On the Broadway between Morrison's and Arena Parade
2. Outside of Sainsbury's on Eastcheap
3. On Eastcheap opposite the entrance to Garden Square Shopping Centre
4. Outside of The Colonnade on Station Road
5. At the entrance to The Arcade on Station Road
6. On Leys Avenue near the entrance to Garden Square Shopping Centre
7. Outside of the National Spiritual Church on Leys Avenue

#### **Letchworth Garden City (Garden Square Shopping Centre)**

1. At the junction of Central Approach and Eastcheap
2. On the central courtyard of Garden Square Shopping Centre

#### **Royston**

1. On Angel Pavement
2. On the High Street between the junctions with John Street and George Lane
3. Outside of The Jolly Postie on The Cross
4. In Fish Hill Square
5. In the Market Place
6. Outside of Morrison's
7. Outside of Tesco Extra (Tesco Metro at Market Hill is not suitable for collections)

**APPENDIX C**

**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:  |        | Payment approved under Regulation    |        |
| .....                  |        | 15(2)                                |        |
| Other items:           |        | Disposal of Balance:                 |        |
| .....                  |        | (insert particulars)                 |        |
| .....                  |        |                                      |        |
| .....                  |        |                                      |        |
| <b>Total</b>           |        | <b>Total</b>                         |        |

**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: .....