

Street Collections Policy

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Public Health and Protection Services	Last reviewed:	November 2016
Licensing	Ref and issue No:	3
Policy in respect of Street Collections	Next Review Due:	November 2019
	Originating Officer:	Matthew Evans
	Authorised By:	Keith Nicholson Director of Public Places

1.0 Aim of Policy

The aim of this policy is to:

- protect the public from unscrupulous organisations
- control street collection activities to ensure they are properly authorised so as to guarantee that public places in the City are free from potential nuisance caused by frequent or intrusive collecting activity

2.0 Background

Chelmsford City Council has local regulations in place with regard to street collections. These were made under powers conferred by the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended) on 23/11/1973 and confirmed by the Secretary of State on 2/1/1974.

This policy should be read in conjunction with the regulations, a copy of which is attached at appendix A.

The regulations mean that anyone wishing to make a public collection or sell articles for a charitable purpose must first have a Street Collection Permit from the local authority in whose area it wishes to collect. Amongst other things, this process enables a local authority to ensure that the charity is legitimate and to regulate the method of collection and the number of collections that are taking place at any one time.

There is no statutory right of appeal against the refusal of a street collection permit. However, the licensing authority's actions can be challenged by application to the High Court for a review of their decision.

3.0 Scope of Policy

This policy affects any person, society, committee or other body of persons responsible for any collection of money or sale of any article for charitable purposes in any street or public place. Permits will be issued in line with this policy and granted for a specific date for a specified locality. Operating outside the conditions of the permit or the requirement of the regulations will be an offence.

The regulations, and therefore this policy, do not extend to:

- collections or sale of articles for charitable purposes in non-public places
- collections made incidental to meetings held in the open air
- the selling of articles in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of the sale will be devoted to charitable purposes

The grant of a permit to collect does not absolve the applicant from his or her responsibilities to the public. All applicants for a street collection permit should be aware of their need to ensure that they have adequate insurance and public liability cover. If applying to collect in the City centre, it is advisable to contact the City Centre Management to ensure that their permitted day does not conflict with any other activity occurring in the area. The grant of a permit does not allow the placing of any vehicle, stand, tables, chairs, items of equipment or independent display material and the applicant should be aware that such items on the highway may constitute an obstruction. The applicant should seek permission for the placing of any such items from the landowner or City Centre Manager as appropriate.

The policy will be implemented by the Licensing Section of Environmental Services.

4.0 Current policy of the Council's charitable collections

4.1 Chelmsford City Council will:

1. Require all applications for a permit to be made in writing on the Council's agreed form (copy attached at appendix C.), or online via an approved online application process.
2. Deal with all applications on a 'first come first served' basis.
3. Only process applications that are fully complete and return to sender any that are deemed incomplete.
4. Process any applications received for the following calendar year on the first working day of the year in question, unless the collection date requested occurs in the first three months of that year.
5. Normally only grant a permit to charities registered with the Charity Commission. However, an application will be considered from in respect of an activity which, although not charitable by strict definition, is charitable or non-profit making in character. (Proof of charitable status or the charitable nature of the organisation or activity will be required with the application).
6. Require the applicant, where appropriate, to gain written permission to collect in an area from the owner or controller
7. Only issue permits in respect of a Saturday except where specified in appendix B to this policy.
8. Only grant each charity one collection per year in each of the four zones within Chelmsford City Centre (High Chelmer Shopping Centre, Meadows Shopping Centre, Moulsham Street, and High Street); as shown in appendix E. Applications for a permit may also be made for any area outside Chelmsford City Centre subject to the limitation of one permit per area per charity each year
9. Refuse any application that is received less than three months before the date that the permit is requested except in exceptional circumstances. However, no application will normally be considered under any circumstances if received less than one month before the requested date.
10. Abide by any request or conditions made by a landowner in respect of applications for permits on private land. Current conditions relating to specific areas of public space in private ownership are included in Appendix B.
11. Refer to legal services any organisation that fails to present a properly completed statement form detailing the amount collected and other matters as required by the Regulations (Copy of this form is at appendix D).

4.2 Chelmsford City Council will not:

1. Issue a permit to the organisation or body if a return (as in appendix D) has not been received in relation to any permit granted in any previous year.
2. Charge for the issue of a permit for a street collection.

Comments and Review

This policy will be subject to review at two year intervals unless there is a change in legislation or guidance is issued that might affect elements of this policy before that time. Anyone wishing to comment on this policy may do so in writing to the Environmental Services Manager, Chelmsford City Council, Civic Centre, Duke Street, Chelmsford Essex CM1 1JE or via the Council's Comments, compliments, complaints page on the Council's website at www.chelmsford.gov.uk

Appendices

- Appendix A: part 1: Exemptions to issuing Saturday-only permits (point 7 above) and part 2: conditions relating to private land (point 11)
- Appendix B: Copy of application form
- Appendix C: Copy of form required for the statement of amount received.
- Appendix D: Map to show four zones for street collection within Chelmsford City Centre

Signed _____

Date _____

(Environmental Services Manager on behalf of Director of Safer Communities)

Part 1:**Exemptions:**

Some organisations' collecting activity needs to take place in the context of a Nationally marked day: therefore Chelmsford City Council will issue permits on days apart from Saturdays or to the following organisations in respect of the following:

- The Royal British Legion will be granted a permit for a week to collect in November
- Organisations or persons collecting locally to support 'Children in Need' or 'Red Nose Day' will be granted a permit to collect on the relevant dates

An organisation may make representation by letter or email to the Public Health and Protection Services Manager at Chelmsford City Council, to request a deviation from policy. This will only be granted if there are significant and material reasons.

The following deviation from the Council's 'first come first served' policy has been agreed in respect of the following:

- RAFA (the Royal Air Force Association) will be granted a permit for a street collection for its Wings Appeal on the Saturday following the 15th September (Battle of Britain Day) – or on the 15th if that date falls on a Saturday.
- A religious organisation that can demonstrate that the 'Saturday only' policy would indirectly discriminate against them may seek authorisation which will generally be granted provided that another charity is not already authorised to collect within the same area on the Saturday of the same weekend. Where that Sunday collection is authorised, no further collection will be authorised within the same area over that same weekend.

Part 2:**Requirements imposed by other parties:**

When places are in private ownership, we will issue a permit with the permission of the landowner. The landowner may stipulate conditions to which this authority will abide. We are currently aware of the following restrictions with regard to privately owned land:

- Asda, South Woodham Ferrers: only allows one collection per month and no collections for animal charities are permitted.

Street Collection Policy: Appendix B

Licensing Section, Public Places, Civic Centre, Duke Street, Chelmsford Essex CM1 1JE (01245-606727)

STREET COLLECTION APPLICATION FOR PERMIT

I/WE being the person(s) named in '1' below hereby apply for a permit to make a street collection and/or sale as follows:

1 (a) Names and address & telephone number of person(s) responsible for the collection and/or sale

(b) Position(s) within society

2 Name of Charity or Fund for the benefit of which the collection and/or sale is to be made

3 Address of administrative centre of Charity or Fund

4 Objective(s) of Charity or Fund

5 Area or areas of Chelmsford City within which it is desired to make the collection and/or sale

6 If you intend to collect in Chelmsford City Centre, please indicate your preferred area for collection below

High Chelmer Meadows Moulsham Street High Street

7 **Date on which it is desired to make the collection and/or sale**

8 Hours between which it is desired to make the collection and/or sale

9 Method to be adopted in making the collection and/or sale (i.e. sale of flags, emblems etc. or collection of money)

Signature of applicant _____ Date _____

If you are not in any way directly connected with the Charity named above but are a charitable collection, your attention is drawn to the following:

The Law requires that you make the following declaration to each and every person making a donation to you, that

- You are not a charity but that you are charitable collectors
- You will be making a remuneration from the money you are about to donate
- Furthermore, you must indicate the percentage of the monies from the last collection made by you which was donated to charity

Please refer to the notes below

Once completed, this application must be submitted to the Council's Licensing Section, Safer Communities, at the address given at the top of the application form not later than **three months** before the date on which it is proposed to make the collection and/or sale.

If the Charity named overleaf has not previously applied for a permit to conduct a collection and/or sale within the Chelmsford City, the following must accompany the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than with the Chelmsford City Council); and
- (c) a copy of the organisation's most recent audited accounts.

If you are not in any way directly connected with the Charity named overleaf but intend to collect on their behalf, you must also submit a letter from the Charity on whose behalf you are collecting authority you to undertake the collection.

Street Collection Policy: Appendix C

 Public Places
 Civic Centre, Duke Street, Chelmsford, Essex, CM1 1JE

FORM OF STATEMENT

 Street Collection

 House to House Collection

Name and Address of Person responsible for Collection and/or sale:

Name and Address of the Society benefiting from the collection and/or sale:

Date of Collection or Sale: _____

STATEMENT OF INCOME AND EXPENDITURE

Income	Amount	Total	Expenditure	Amount	Total
From Collection or Sale as per list of Collectors and Vendors and amounts attached hereto			Printing & Stationery		
			Postages		
			Advertising		
From other sources			Street Collection Boxes & Carriage		
Bank Interest			Badges or other adornments		
Other items, viz			Other items (if any)		
			Disposal of balance (insert particulars)		
£				£	

CONTINUED OVERLEAF

CERTIFICATION

Certified by: _____ Hon. Treasurer
Address: - _____ _____ _____
on the: _____ day of _____ 20____
_____ Chairman
Certificate and Address of Auditor: _____ _____ _____ _____

This form must be returned to the Council's Licensing Section, Public Health and Protection Services at the address at the top of the front page, together with:

- (a) a list of collectors
- (b) details as to the content of each collection box/envelope
- (c) a copy of advertisement placed in local newspaper relating to the collection and/or sale.

Map to show four zones for street collection: Appendix D

