



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

## STREET COLLECTION LICENSING POLICY

### 1.0 Introduction

- 1.1 East Cambridgeshire District Council, as the Licensing Authority, is empowered under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, to licence collections made in 'any street or public place' for 'charitable or other purposes'.
- 1.2 It is unlawful in the United Kingdom to hold, for the benefit of charitable, benevolent or philanthropic purposes, a street collection on any street or public place without first obtaining a Street Collection Permit from a Licensing Authority such as East Cambridgeshire District Council.
- 1.3 'Street' is defined as including any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not.
- 1.4 A 'public place' is defined as a 'place where the public has access'. The public place need not be in public ownership and includes shopping centres and malls and the entrances to shops.
- 1.5 Charitable collections that take place inside a shop, store, supermarket or other business at the discretion of the manager or relevant individual do not require a Street Collection Permit provided that collectors remain inside the premises and do not collect outside on the premises frontage or in the premises car park, even if the outside area is in private ownership.
- 1.6 Where a charitable collection takes place outside the premises on the premises frontage or in the premises car park, even if the outside area is in private ownership, a Street Collection Permit would be required together with the consent of the store manager.
- 1.7 Street collection permits holders are not restricted to the collection of money only, as a Street Collection Permit also covers the sale of charitable items in a public place, which is exempt from the requirement of a Street Traders' Licence under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.8 If the sale of charitable items in a street or public place requires the use of a stall or table, written permission to erect the stall or table must be obtained from Cambridgeshire County Council's Highways Department or the owner of the land prior to a Street Collection Permit being issued by the Licensing Authority.
- 1.9 A street collection or sale of charitable items held in conjunction with a Pedlar's Licence will not be permitted in the East Cambridgeshire district without an appropriate Street Collection Permit having been issued by the Licensing Authority.
- 1.10 A street collection or sale of charitable items held in conjunction with busking activities will not be permitted in the East Cambridgeshire district without an appropriate Street Collection Permit having been issued by the Licensing Authority. Buskers collecting or purporting to collect for a charitable or benevolent purpose must be able to provide evidence to confirm this, such as a letter from the charity confirming that the busker is acting on their behalf.

- 1.11 Regulations to the Act state that moving collections such as carnival processions and other similar events involving the collection of donations from the public along a route will require a Street Collection Permit (unless the Licensing Authority has waived this requirement pursuant to Regulation 12 with regard to street collections).
- 1.12 Although there is no statutory charge for the issue of a Street Collection Permit, a nominal charge will be levied for replacement permits due to loss of or damage to of the original permit.

## **2.0 Policy aims**

2.1 The aims of the Licensing Authority are to:

- safeguard the interests of both public donors and beneficiaries;
- facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met;
- prevent unlicensed collections from taking place;
- ensure money is collected in appropriate vessels only;
- ensure that collectors are properly authorised;
- ensure that the Licensing Authority receives, within the prescribed statutory timescales, a statement as regards the sums received during the collection; and
- ensure that the proceeds of the collection are properly accounted for.

## **3.0 Objectives**

3.1 To achieve its aims, the Licensing Authority will:

- ensure impartiality and fairness in determining applications;
- accommodate all eligible requests, whilst bearing in mind that certain days and locations are especially sought after;
- provide equality of opportunity for would-be collectors;
- avoid causing undue nuisance to the public;
- set fair maximum limits for each applicant;
- achieve a fair balance between local and national causes.

3.2 The licensing authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at [www.institute-of-fundraising.org.uk](http://www.institute-of-fundraising.org.uk)

## **4.0 Collection areas and collection times**

4.1 Applications to carry out street collections may be made for Ely City Centre

and Littleport and Soham Town Centres and any of the villages within the East Cambridgeshire district.

- 4.2 In the three major city and town centres collectors will only be permitted to carry out collections in the areas stated below:

Ely City Centre: Forehill, High Street, Lynn Road, Market Place, Market Street, Newnham Street, Palace Green, St Mary's Street, The Gallery and the Cloisters Shopping Mall (in a designated collection area to be previously agreed between the Council and the Cloisters managing agency).

Littleport Town Centre: Crown Lane, Ely Road, Globe Lane, Granby Street, High Street, Main Street, Station Road, Victoria Street, Wellington Street and Wisbech Road.

Soham Town Centre: Clay Street, Churchgate Street, Fountain Lane, High Street, Pratt Street, Red Lion Square and Sand Street.

- 4.3 Applications for street collections may be made for any of the out-of-town stores or supermarkets as specified in paragraphs 1.4 to 1.6 above.

- 4.4 Applications may be made to sell charitable items and collect money donations at the allocated Ely Market Place charity stall.

- 4.5 Only one street collection will be permitted per day in each of the city and town centres and any of the villages within the East Cambridgeshire district. However, exceptions may be made:

- where the charitable collection is part of a larger national/countywide event and the collectors are merely passing through the area;
- where the collection is part of a carnival procession or other similar event involving the collection of donations from the public along a route;
- for small-scale collections in a limited area;
- for small local charities to collect on specific defined days during the pre-Christmas period;
- for organised one-day charitable events;
- for the charity stall in Ely Market Place.

- 4.6 Street Collection Permits will be limited to a maximum of two consecutive days only, with the exception of permits issued for the Royal British Legion 'Poppy Appeal' and emergency collections for national and international disasters.

- 4.7 Street collections will ordinarily be expected to take place between hours of 10:00 and 18:00.

- 4.8 The use of animals in conjunction with street collections is discouraged. However, consideration will be given to the use of some animals, such as guide dogs, on

request.

- 4.9 The Licensing Authority will not require any charity collection or sale of charitable items made in the open air at events, such as boot sales, school and village fetes, dog shows, etc., to be issued with a Street Collection Permit. Collectors must seek permission from the event organiser and after the collection/sale has taken place, advise the organiser of the amounts raised and the amounts provided for charitable purposes.
- 4.10 The Licensing Authority requires organisers of large public events such as Christmas late night shopping events or city and town centre festivals to apply for an 'umbrella' Street Collection Permit for the event. The organiser will provide the Licensing Authority with a list of the participating charities and be responsible for ensuring each organisation completes a returns form and all returns forms are returned to the Licensing Authority within the statutory timescale.

## **5.0 Regulations**

- 5.1 Charities must be registered with the Charity Commission or be a charitable organisation based in or around the East Cambridgeshire district. Priority will be given to local charitable organisations.
- 5.2 Where a statement of return has been 'NIL' or there has been a failure to return the statement of return to the Licensing Authority within the statutory timescale, subsequent applications for a two-year period will be refused.
- 5.3 Where a street collection permit has been issued and the collection is cancelled by the organisation, the permit must be returned to the Licensing Authority at least seven days before the collection is due to take place. Failure to do so will result in subsequent applications for a two-year period being refused.
- 5.4 Deductions for travel expenses to and from the place of collection will not be permitted.
- 5.5 All street collections will be conducted in strict adherence to the Regulations made by East Cambridgeshire District Council with regard to the grant of a Street Collection Permit.

## **6.0 Application procedure**

- 6.1 Applications must be made on the Council's prescribed application form.
- 6.2 Charitable organisations will be limited to a maximum of four street collections per annum in each of the major city and towns in the East Cambridgeshire district – Ely, Littleport and Soham. This limit does not include a permit to use the Council's charity market stall or charitable collections at boot sales, school and village fetes, dog shows, etc.
- 6.3 Applications for a street collection permit cannot be made more than six months in advance.
- 6.4 Applications for a Street Collection Permit will be dealt with on a case-by-case basis.
- 6.5 There must be a minimum of 28 days notice given between the application and the proposed date of collection. This requirement may be waived in

exceptional circumstances at the discretion of the Licensing Officer.

6.6 Exceptional circumstances would be:

- street collections required in times of national and international disasters;
- street collections of national importance, such as Children in Need and Red Nose Day where the public are encouraged to carry out 'spontaneous' collections.

6.7 A copy of the contract between the street collection organiser and the benefiting charity must be provided with the application. This will not be required if you are an approved branch co-ordinator for the named charity.

6.8 Where the proposed collection is for outside a store or supermarket, written permission from the store manager must be provided with the application.

6.9 Where the proposed collection is to sell charitable items and collect money at the Ely Market charitable stall, written permission from the Council's Market Supervisor must be provided with the application.

6.10 Where the proposed collection is to sell charitable items in a street or public place using of a stall or table, written permission to erect the stall or table from either Cambridgeshire County Council's Highways Department or the owner of the land must be provided with the application.

6.11 Proof of public liability insurance cover of £5,000,000 must be provided with the street collection application for all proposed street collections in the East Cambridgeshire district, including where permission is sought for a charity stall.

6.12 Where permission is sought for an animal to be used during a street collection, proof of public liability insurance cover of £5,000,000, specifically including the use of animals and a health and safety risk assessment to cover the use of the animals at the proposed location and date, must be provided with the application.

## **7.0 Allocation of permits**

7.1 When deciding whether to grant a Street Collection Permit, consideration will be given to:

- if the collection is linked to specific events within the district;
- if the collection is linked to a nationwide campaign, for example, Children in Need, Comic Relief, Remembrance Day;
- if the collection will benefit local good causes, local hospices, community fund raising, etc;
- if the collection is on behalf of a national charity, is there likely to be some benefit for the residents of East Cambridgeshire;
- if the collection is applied for in connection with an outdoor challenge sponsorship event;
- what proportion of the funds collected will be applied for charitable purposes;
- has a permit been previously refused by East Cambridgeshire District

Council or any other local authority.

- 7.2 Applications for street collection permits relating to outdoor challenge sponsorship events will be considered on a case-by-case basis to assess whether the proportion of funds collected to be applied towards the activity costs comply with the statutory requirement that no payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of the collection.
- 7.3 Applications for street collection permits relating to emergency disasters will be considered on a case-by-case basis, even if they do not fall within any of the considerations listed above.

## **8.0 Sale of small society lottery tickets**

- 8.1 The sale of small society lottery tickets under the authorisation of a street collection permit is forbidden unless:
- separate permission to do so has been granted by the Licensing Authority;
  - the organisation holds a valid small society lottery registration under the Gambling Act 2005;
  - the lottery tickets have been properly printed in accordance with the legislation;
  - the sale of the tickets will only take place from behind a counter or stall;
  - proof of public liability insurance of £5,000,000 has been provided with the application;
  - the sale of the lottery tickets will be in strict accordance with the Gambling Commission codes of practice.

## **9.0 Face-to-face activity**

- 9.1 Face-to-Face activity incorporates traditional face-to-face fundraising (soliciting direct debit donations) and what is commonly termed 'prospecting'. Prospecting is where members of the public are asked to sign-up to a cause which may or may not be followed by a fundraising ask at a later date.
- 9.2 Face-to-face activity can occur on the street or on public and private property such as shopping malls and railway stations.
- 9.3 Different governing bodies have statutory and non-statutory requirements throughout the UK. In most cases the local authority and/or the police will be the relevant statutory authority.
- 9.4 Before embarking on a face-to-face campaign in a public place in the East Cambridgeshire district, potential fundraisers must check the access management requirements and make an application for a street collection permit with East Cambridgeshire District Council.
- 9.5 No face-to-face activity in a public place will be permitted within the East Cambridgeshire district without a Street Collection Permit having first been granted by East Cambridgeshire District Council.

## **10.0 Regulations pertaining to street collections**

- 10.1 East Cambridgeshire District Council has adopted regulations governing how street collections should be undertaken and the funds raised be accounted for and these are set out in the Council's Street Collection Regulations at Appendix 1 of this Policy.
- 10.2 In preparing the Street Collections Licensing Policy, Licensing Officers had regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the international market.
- 10.3 The EU Directive relates to a number of licensing regimes, including the issuing of street collection permits.
- 10.4 In accordance with the EU Directive, the Council has examined existing procedures and formalities relating to street collection permit applications and, where possible, has simplified application procedures, including making provision for on-line applications, and removed any unnecessary conditions or barriers to the grant of a street collection permit.
- 10.5 The EU Directive refers to 'overriding reasons relating to the public interest', which allows for specific application procedures to be introduced and specific conditions to be attached to a street collection permit to uphold such issues as public safety, public security, protection of consumers, combating fraud and the protection of the environment and animals.
- 10.6 Matters contained within the Street Collection Licensing Policy seek to uphold the issues stated in paragraph 10.5, to ensure that all street collections are carried out in a professional and responsible manner and that the general public can be assured that all necessary checks have been undertaken to combat fraud and all monies collected are properly accounted for.

## **11.0 Enforcement**

- 11.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible street collection permit holders.
- 11.2 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 and Practice.
- 11.3 The responsibility for the overall supervision of Street Collections lies with the Head of Environmental Services.

## **12.0 Departure from policy**

- 12.1 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.
- 12.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 12.3 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 Environmental Services may authorise a departure from the Policy in accordance with this section if it is considered necessary to do so in the specific circumstances.

# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

## Regulations made by East Cambridgeshire District Council with regard to Street Collections

In exercise of the powers conferred on it by 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, East Cambridgeshire 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 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 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;

‘collection 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 administrative area of East Cambridgeshire District Council unless a promoter shall have obtained from East Cambridgeshire District Council a permit.
3. Application for a permit shall be made in writing no later than one month before the date on which it is proposed to make the collection (provided that East Cambridgeshire District Council may reduce the period of one month if satisfied that there are special reasons for so doing).
4. Application for a permit cannot be made more than six months in advance.
5. There will be no more than four collections allowed in each calendar year.
6. No collection shall be made except upon the day and between the hours stated in the permit.
7. East Cambridgeshire District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
8. (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 East Cambridgeshire District Council or by any constable.

9. No collection shall be made in any part of the carriageway of any street that has a footway:

Provided that East Cambridgeshire 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.

10. Collections shall not be made in a manner likely to inconvenience or annoy any person.

11. No collectors shall importune any person to the annoyance of such person.

12. While collecting:

- (1) a collector shall remain stationary; and
- (2) a collector or two collectors together shall not be nearer to another collector than 25 metres;
- (3) only one collector or two collectors together will be allowed to stand inside or at any entrance to the Cloisters shopping mall, or if a collector or collectors are inside the Cloisters shopping mall then they should stand no closer than 10 metres from any entrance.

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

13. No promoter, collector or person who is otherwise connected with a collection shall allow a person under the age of sixteen years to act as a collector.

14. (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.

- (4) All money received by a collector from contributors shall immediately be placed in a collecting box.

- (5) Every collector shall deliver, unopened, all collecting boxes in that collector's possession to a promoter.

15. A collector shall not carry or use any collecting box, receptacle or tray that does not bear displayed prominently thereon, the name of the charity or fund that is to benefit or any collecting box that is not duly numbered and/or sealed.

16. (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, an official of the bank may open it.

- (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 that shall be certified by that person.

17. (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 East Cambridgeshire District Council.

18. (1) Within one month after the date of any collection the person to whom a permit has been granted shall send to East Cambridgeshire District Council:

(a) a statement on the form enclosed with the issued street collection permit, 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 East Cambridgeshire District Council;

(b) a list of the collectors;

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

and shall if required by East Cambridgeshire District Council 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 or independent responsible person has given the certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as East Cambridgeshire 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.

(3) East Cambridgeshire District Council may, if satisfied 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.

19. These Regulations shall not apply:

(1) in respect of a collection taken at a meeting in the open air; or

(2) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

20. By virtue of Sections 38 and 46 of the Criminal Justice Act 1982, Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 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 as the fine for infringement of these regulations.

