



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

STREET COLLECTION LICENSING POLICY

Effective: TBC

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1.0 Introduction

1.1 The Policy

1.1.1 This document states East Cambridgeshire 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 Policy Aims

1.2.1 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

1.3 Policy Objectives

1.3.1 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.

1.4 The Law

1.4.1 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 who is responsible for the area where you wish to collect.

- A street is defined as "any highway, and any public bridge, road, lane, footway, square court, alley or passageway whether a thoroughfare or not".
- A 'public place' is defined as a 'place where the public has access' although this need not be in public ownership (for example a shopping centre ,or shop doorway) and can include indoor spaces.

1.4.2 Permit holders are not restricted to the collection of money - they can also sell articles.

- 1.4.3 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 a small fee may be charged if a replacement permit is requested.
- 1.4.4 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.
- 1.4.5 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.
- 1.4.6 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.
- 1.4.7 Face to face direct debit collecting/ prospecting is not permitted within any publicly owned areas of the district. Permission would be required from the owner of any privately owned land.
- 1.4.8 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

2.0 Applications for a Street Collection Permit

2.1 Applications

- 2.1.1 All applications must be submitted on the Council's prescribed application forms which can be found at www.eastcambs.gov.uk. Applicants are requested to complete an online form to assist officers to process their request quicker.
- 2.1.2 Applications must be received at least 28 days before the requested collection date. Exceptions to this may be possible, but applicants must contact the Licensing Authority for permission prior to submitting an application in such circumstances. Without permission being sought, the application will be deemed invalid and will be refused.
- 2.1.3 Applications will not be accepted where the requested collection date falls outside of the current or following calendar year.
- 2.1.4 Street collections will ordinarily be expected to take place between hours of 9:00am and 8:00pm.
- 2.1.5 Applications from persons collecting on behalf of a registered charity must be accompanied by a letter of authorisation from the charity's head office.
- 2.1.6 Applications for collections/sales taking place outside a store or supermarket must be accompanied by a letter of authorisation from the store manager.
- 2.1.7 Applications for collections/sales taking place on Market Place must be accompanied by a letter of authorisation from the Market's manager.

- 2.1.8 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.
- 2.1.9 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.
- 2.1.10 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.
- 2.1.11 Each application will be considered on its own merits, however, priority will be given to local charitable organisations in cases where more than one application is in the process of being determined for the same requested date(s).

2.2 Processing of an application

- 2.2.1 Upon receipt of an application, it will be checked by an Officer for compliance with this policy and associated regulations. Confirmation of receipt of a valid application or an invalid/incomplete application will be given where an email address, or contact number has been provided. Applicants will be given 14 days to resolve any issues in order to have their application validated, at which point any applications which remain invalid will be disposed of, and the applicant will need to submit a further application.
- 2.2.2 There is no right of appeal over the refusal of a collection permit.

2.3 Key considerations

- 2.3.1 When considering an application, in addition to ensuring compliance with the regulations contained in Appendix 1 to this policy, the Council will take into account the following:
- (i) Applications will only be accepted from charities registered with the Charity Commission, or from charitable organisations based in the East Cambridgeshire District boundary.
 - (ii) Applications from individuals or charities where a return for a previously granted collection has not been provided will normally be refused.
 - (iii) Applications seeking to hold a collection to raise funds for personal challenge type events will normally be refused. Exceptions will be made where the applicant can prove that they can comply with this policy, and in particular paragraph (iv) below.
 - (iv) Applications must be considered charitable in nature. Although each case will be assessed on its own merits, the Licensing Authority would require convincing that the proposed collection or sale is to be held for charitable purposes where less than 80% of the proceeds of the collection were to go to the purposes for which the collection is taking place, and the application will normally be refused.
 - (v) Deductions for travel expenses to and from the place of collection are not permitted.
 - (vi) Applications may be made for Ely City Centre and Littleport and Soham Town

Centres and any of the villages within the East Cambridgeshire district.

- (vii) 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**

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.

* Applicants wishing to collect or sell items for charitable purposes on the Market Place must first obtain permission from the Market's team at markets@eastcambs.gov.uk.

** Due to the limited space available in the Cloisters Shopping Mall applicants are only permitted to collect from the designated locations as detailed in appendix ?? of this policy, and are restricted to collection vessels only, no articles may be sold.

- (viii) Applications for street collections may be made for any of the out-of-town stores or supermarkets. Applicants are referred to paragraph 1.4.5 above regarding obtaining consent from the land/store owner(s) affected.

- (ix) 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, where the collection would not cause a nuisance to members of the public, or impact on any other collection taking place on that day;
- for small local charities to collect on specific defined days during the pre-Christmas period;
- for organised one-day charitable events;
- for Ely Market Place, where the number of collections permitted will be at the discretion of the Market's manager.

- (x) 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.

- (xi) To enable a fair distribution of collections, no more than five permits will be
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issued to any one charity per calendar year for any one area of the district. For the avoidance of doubt this limitation does not affect applications supported by written permission given by the Market's team, or for collections taking place on private land where permission has been given.

- (xii) 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.

2.4 Charitable events

- 2.4.1 The Licensing Authority will not require any charity collection or sale of charitable items made at meetings in the open air to be issued with a Street Collection Permit, as these collections are not captured by the regulations. To fall within this exemption, the collection or sale must take at an event or gathering for a specific purpose that occurs in a non-covered location, for example collections or sales at events such as a car boot sale, a school/village fete, or a dog/car show. Collectors at such events must seek permission from the event organiser, and advise the organiser of the amounts raised and the amounts provided for charitable purposes after the collection/sale has taken place.

3.0 Enforcement

- 3.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible street collection permit holders.
- 3.2 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.
- 3.3 The responsibility for the overall supervision of Street Collections lies with the Environmental Services Manager.

4.0 Departure from policy

- 4.1 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.
- 4.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Environmental Services Manager may authorise a departure from the Policy in accordance with this section if it is considered necessary to do so in the specific circumstances.
- 4.4 Where the Environmental Services Manager chooses to depart substantially from the policy, Members of the Licensing Committee shall be updated at the next formal meeting of the Committee.

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.