

STREET COLLECTIONS

Raising money or selling goods for charity in the street or any other public place requires permission from Bromsgrove District Council. These collections (usually referred to as “street collections”) most commonly take the form of a collector asking members of the public to make a donation in a collecting box.

The Council limits the number of collections taking place in the town, only in certain circumstances will additional collections be authorised.

From experience, it appears that unauthorised collectors often claim that they have permission from the manager of the store outside which they are collecting to carry out such activity in the shop entrance, although in many cases the collector is standing in the street, not in the shop entrance.

Regardless of the exact location of the collector, it is the Council’s view that a “public place” is one to which the public have, or are permitted to have, access at any time (or at least during usual shopping hours), without making payment. This would include a shop forecourt, a supermarket entrance or a privately owned shopping centre. It would not, however, include the area of any shop premises inside the entrance doors.

The sale of goods or articles in the street (usually referred to as Street Trading) is also controlled by the Council, and there are designated sites where street trading may take place.

Direct Debit Collections

Direct Debit Collections are where pledges are collected for direct debit donations. These do not require permission from the Local Authority as there are no legal provisions for this type of collection. It may be possible in the future to enter into an agreement with the Public Fundraising Regulatory Association (PFRA) to regulate this type of collection. In the meantime any complaints or enquires regarding Direct Debit Collections should be referred to the PFRA.

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STREET COLLECTIONS POLICY AND REGULATIONS

The Street Collections Policy and Regulations are designed to ensure that only legitimate charities or organisations are permitted to collect money from people in the street and to ensure that the proceeds are properly accounted for.

A street includes “any highway and public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not”.

It does not matter whether the land is privately owned or owned by the Local Authority if the area is one to which the public have access, without making payment, then it falls under the definition of a street.

Bromsgrove District Council issues a Street Collection Permit for collections of money for charitable purposes and all applications shall be determined in accordance with the policy.

In considering applications received, the Licensing Officer will have regard to the number of collectors, the time of the collection and other events taking place at the same time. Preference will be given to local charities with regards to the application process in the event more than one application is received for the same day. If more applications are received than there are dates available, priority will be given to local charities, or local branches of national charities.

The Authority will only grant one Street Collection Permit in a Ward area on any given date unless circumstances allow for more than one Permit ie one for the morning and one for the afternoon.

Street collection permits will not normally be granted in the Town Centre (St John’s Ward) on Mondays and Wednesdays.

A Street Collection Permit will only be granted to those organisations which have submitted their latest financial returns in accordance with the Council’s Street Collection Regulations, and such returns are considered to be satisfactory.

Only one street collection per charity shall normally be made in any calendar year unless the Licensing Officer considers that circumstances are such that more than one street collection can be permitted. For example additional collections may be permitted where the proposed

collective date remains available close to the normal application deadline. Each case will be assessed on its merits.

All successful applicants must comply with the Council's Street Collection Regulations.

Regulations

In pursuance of section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by section 25 and Schedule 29 of the Local Government Act 1972, the Bromsgrove District Council Licensing Authority hereby makes the following Regulations with respect to where and the conditions under which a person or persons may be permitted in any street or public place within the District of Bromsgrove, to collect money or sell articles for the benefit of charitable or other purposes:

Definitions:

“Local Authority” means Bromsgrove District Council.

“Collection” means collection of money or the sale of articles for the benefit of charitable or other purposes.

“Permit” means Street Collection Permit.

“Collection box” means box, tin or any other receptacle for the collection of money.

“Collectors” means those authorised by the Street Collection Permit to collect money from the public.

“Promoter” means a person authorised by the organisation to allow an application to be submitted.

“Qualified Account” means a current member 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 Association of Certified Accountants, or the Institute of Chartered Accountants in Ireland.

Application Process

A completed Application Form should be submitted to the Licensing Department, Worcester Regulatory Services, The Council House, Burcot Lane, Bromsgrove, Worcestershire B60 1AA.

A completed application should be received by the Licensing Department at least 2 calendar months prior to the collection date unless there are special reasons for considering an application in a shorter time.

There is no fee payable.

The following documentation must also accompany the Application Form:

- i. A covering letter from the Promoter of the organisation confirming that authority has been given by the charity for the application to be made.
- ii. Form of accounts for the last 12 months (unless a Street Collection has been granted in the previous twelve months to the applicant and a form of account has been subsequently submitted).
- iii. Information regarding the organisation or charity including details of what the money is used for and what percentage of the money goes directly to the charitable organisation. Include leaflets and any promotional information

Once a completed application is received the Licensing Officer will establish whether there are any other events taking place on the same day that would conflict with the application or if any other Street Collection Permits have been granted for the same day

If the Street Collection Permit is granted the following documents will be sent to the applicant:

- A covering letter.
- The Permit specifying the date, time and location of the collection. This must be available to be viewed on the day of the collection.
- A copy of the Regulations which must be complied with.

- A Returns Form which must be sent to the Licensing Department no later than 28 days after the collection date. Failure to provide a Return Form will lead to refusal of any future application.

Refusals.

If an application for a Street Collection Permit cannot be granted by the Licensing Officer for any reason, the applicant may ask for the matter to be considered by the Licensing Sub-Committee.

An application may be refused by the Licensing Sub-Committee for the following reasons:

- Insufficient information provided either within the application form or with any of the accompanying documentation.
- The completed application is received after the 2 month process period.
- The charity has already had one Street Collection Permit during the preceding 12 months.
- A Street Collection Permit has already been granted to another charity for the same time.
- Following a previous grant the Returns Form was not provided or was incomplete.
- For any other justifiable reason.

Only those charities/organisations that have been granted a Street Collection Permit may collect money from people in the street using a collection box.

- The Permit is valid only for the date and time specified on the Permit.

- Collections must not in any way be conducted in a manner that would cause inconvenience to pedestrians or passers by.
- Collectors must not obstruct the highway or in any way cause a hindrance or obstruction.
- The Collectors must remain within the location as defined in the Permit and must remain stationary.
- Each Collector must carry a Collection Box.
- All Collection Boxes must be allocated a unique reference number, be properly accounted for and must be securely closed in such a way to ensure it can not be opened without breaking the seal.
- Collectors must be over the age of 16 unless the Licensing Department has previously given permission.
- All money received must be placed in the collection tin/box by the person making the donation.
- The Collectors must display their identity and charitable organisation at all times during the collection time.
- Collectors must have their Permit with them during the collection and must show it if requested to do so.
- The use of tables and chair is prohibited unless agreed with the Licensing Department prior to the date of collection.
- No animals may be used in any street collection unless previously agreed with the Licensing Department.
- A Return Form must be submitted to the Licensing Department within 28 days of the collection date. If the Return Form is not returned or is returned incomplete then this failure will result in any future application being refused.

Return Form

A completed Return Form must be submitted within 28 days of the collection date. This must include the following information:

- The amount received and expenses and payments incurred.
- The details of the Collectors
- The amount in each collecting box.

The Return Form must be certified by a qualified Accountant.

The penalty for an offence arising from a failure to comply with these Regulations is liable to a fine at level 1 on the standard scale.