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SCARBOROUGH BOROUGH COUNCIL

Street Collections Policy

2015-2018

DOCUMENT CONTROL

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REVIEW HISTORY

Date	Reviewed By	Version	Any Revisions?
11.1.2016	Licensing Services	0.2	Yes

REVISION HISTORY (only required where changes made)

Date	Revised By	Version	Description of Revision
11.1.2016	Una Faithfull	0.2	Paras 4.11 and 4.15 changed to reflect 'Director' and remove 'Director of Service Delivery' Removal of Fax number as not used

DOCUMENT REVISION APPROVALS

Version	Approval	Date

1. INTRODUCTION

- 1.1 The Licensing Authority is empowered under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 to license collections made in 'any street or public place' for 'charitable or other purposes'.
- 1.2 Any person who intends to either collect money or sell articles in aid of a charity or for other purposes in a street or public place, to which the general public have access, requires a permit from the Licensing Authority.
- 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 The definition of a 'public place' includes anywhere that the public has un-restricted access. This includes but is not limited to areas such as parks, car parks, shops (including frontages), public houses and shopping centres.
- 1.5 The Charitable Collections (Transitional Provisions) Order 1974 sets out model street collections regulations which have been adopted by the Licensing Authority.

2. AIMS

- 2.1 The aims of the Licensing Authority in respect of the licensing of charitable collections 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; and
 - Prevent unlicensed collections from taking place.

3. OBJECTIVES

- 3.1 In order to achieve its aims in respect of licensing of charitable collections, the Licensing Authority has identified the major issues and sought to tackle them through this Policy with the intention of:
 - Ensuring impartiality and fairness in determining applications;
 - Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially popular;
 - Providing equality of opportunity for potential collectors;
 - Avoiding causing undue nuisance to the public;

- Setting fair maximum limits for an individual applicant;
 - Achieving a fair balance between local and national causes; and
 - Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as North Yorkshire Police, Trading Standards, the Charity Commission, Parish Councils and local charitable institutions, etc.
- 3.2 This 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

4. GENERAL PRINCIPLES

- 4.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the Scarborough Borough Council area.
- 4.2 Street collections for organisations such as trade and student unions, political organisations, pressure and lobby groups, sects and cults shall not normally be permitted.
- 4.3 No guarantee can be given that an organisation's preferred date(s) shall be allocated to that organisation. If the Licensing Authority is unable to allocate the preferred date, where possible any alternative dates submitted on the application form shall be offered.
- 4.4 In general, organisations shall not be permitted to hold more than six collections throughout the District or part thereof during one calendar year. In addition permits shall normally be issued for a maximum period of one week, with the exception of the Royal British Legion's Poppy Appeal which shall be permitted a maximum of two weeks. In addition the Saturday immediately proceeding Remembrance Sunday shall be reserved for the Poppy Appeal.
- 4.5 Where a permit is issued for more than one day, applicants shall be expected to collect on all days specified on the permit. Alternatively they may contact the Licensing Authority to amend the permit in order to allow other collectors to apply for these dates. Where an organisation fails to use their allocated date(s) and has failed to amend their permit, future applications may be refused. Future applications may also be refused from organisations who fail to notify the Licensing Authority that an authorised collection has been cancelled.
- 4.6 Wherever possible, two or more organisations shall not be permitted to collect in the same locality on the same day. However, a permit may be issued for a site within that locality whilst another collection is taking place in another part of that locality.

- 4.7 Localities where permits shall be granted are:
- Scarborough
 - Whitby
 - Filey
 - Outlying villages
- 4.8 Where two or more organisations wish to collect in the same part of the locality, then consent shall be required from the original organisation. This consent must be in writing either by e-mail or letter to the Licensing Authority.
- 4.9 However, with the exception of the above, the Licensing Authority may issue a permit where the charity or organisation collecting is just passing through the locality e.g. on a sponsored walk or ride etc.
- 4.10 Where a collection is to be conducted on private land or premises such as a supermarket (or any other private place where the public has unrestricted access), prior written authorisation from the proprietor or management of that premises must be submitted with the application. Collections conducted on private premises do not count towards an organisation's total number of permissible collections in a calendar year.
- 4.11 Applications made more than six months in advance shall not be considered, with the exception for events that in the opinion of the Director justify the need for a permit to be issued more than six months in advance. Events falling within this exemption may apply for a permit a maximum of fourteen months in advance of the collection date(s).
- 4.12 No payment must be made to any collector, or to any other person connected with the promotion or conduct of the collection, indirectly or directly, out of the proceeds of the collection without the approval of the Licensing Authority. In general, payments to collectors are discouraged as it is contrary to the objective of maximising income to charitable institutions. Reimbursement of reasonable expenses is generally accepted provided that it is within an acceptable overall proportion of the total collected. All collections shall be considered on an individual basis but all payments shall be subject to agreement with the Licensing Authority in advance.
- 4.13 Where there is any concern or where Officers consider necessary the application may be referred to the Licensing Sub-Committee for determination.
- 4.14 The applicant must forward a financial return form to the Licensing Authority within one month of the date of the collection showing details of the monies collected. No permit shall be issued to any organisation

that has failed to forward the financial return form in respect of previous collections.

- 4.15 All of the matters contained within these principles shall be at the discretion of the Director or Licensing Manager.

5. APPLICATION PROCEDURE

- 5.1 The Licensing Authority operates a diary system to administer collections; therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the available dates for any collection. Dates cannot however be reserved.
- 5.2 Applications are to be made in writing on the form provided by a named individual who is directly concerned in organising the street collection. A permit shall only be issued in the name of that person ('the promoter') who shall be responsible for ensuring compliance with the relevant Acts, Regulations, this Policy and for ensuring that the requirements of the Regulations with regard to the distribution of the proceeds and the submission of returns are complied with. Failure to comply may prejudice any future application by the promoter of the body he/she represents.
- 5.3 Completed applications must be submitted with a letter (no more than two months old at point of application) from the organisation authorising the applicant to undertake a collection on their behalf (unless the applicant is also an official of the organisation). In addition the organisation must acknowledge in the letter that they shall send the Licensing Authority a receipt of all monies received from the collector within one month of the date of the collection.
- 5.4 Applications must be received no later than 28 days before the date of the proposed collection. In order for the necessary checks to be carried out for the permit to be issued, it is advised that applications are submitted a minimum of three months before the proposed date of collection. Any applications received less than the 28 days before the date of collection will normally be refused.
- 5.5 Applications shall be considered on receipt and, where appropriate, additional information may be requested from the applicant to assist in determining the application. The failure to provide adequate information in the application form or upon request shall result in a refusal or a delay in consideration until any outstanding information has been provided.
- 5.6 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:
- (a) Issue a permit specifying the requested date and location; or

(b) Refuse to issue a permit.

- 5.7 There are no restrictions as to the grounds for refusing an application for a street collection permit and there is currently no right of appeal against a decision of the Licensing Authority to refuse or revoke a licence for a collection.
- 5.8 During the collection, the promoter must not allow anyone to collect money, or sell goods, unless they have been given written authority. The promoter must ensure that all people acting as collectors are fit and proper persons and comply with any appropriate legislation.
- 5.9 As soon as possible after the date of any collection (no later than one month after the collection), the promoter must forward to the Licensing Authority a financial return form showing details of the monies collected as prescribed by the regulations.

6. CONTACT DETAILS

- 6.1 Anybody wishing to contact the Licensing Authority with regard to this Policy can do so as follows:

In writing to Licensing Services
 Scarborough Borough Council
 Town Hall
 Scarborough
 North Yorkshire
 YO11 2HG

By email to licensing.services@scarborough.gov.uk

By telephone 01723 232323