

Appendix 2

COLCHESTER BOROUGH COUNCIL STREET COLLECTION LICENSING POLICY

1. Introduction

- 1.1 Colchester Borough 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 Colchester Borough Council.
- 1.3 “Street” is defined as including any highway and any public bridge, road, lane, square, court, footway, passage or alley 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, 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 person 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 Permit 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 Essex 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 items held in conjunction with a Pedlar's Licence will not be permitted in the Colchester 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 Colchester 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 2.9 with regard to street collections).
- 1.12 At present there is no statutory charge for the issue of a Street Collection Permit. A nominal charge will however be made for replacement permits due to loss or damage to the original permit.

2. Aims of the Policy

- 2.1 The aims of the Licensing Authority and this policy are to:
- safeguard the interests of public donors and beneficiaries.
 - facilitate well organised collections by bona fide charitable organisations and to ensure that good standards are met.
 - prevent unlicensed collections taking place.
 - ensure money is collected in appropriate vessels only.
 - ensure that collectors are properly authorised.
 - ensure that the proceeds of the collection are properly accounted for.
 - ensure that the Licensing Authority receives, within the prescribed Statutory timescales, a statement of the sums received during the collection.

3. Objectives

- 3.1 To achieve its aims, the Local 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 undue nuisance to the public.
 - set 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

4. Collection areas and collection times

- 4.1 Applications to carry out street collections may be made primarily for Colchester Town centre, Wivenhoe, Tiptree, Dedham and any of the other villages within the Colchester district. Any collection taking place in Red Lion Square or Culver Square in the Town Centre will also require the permission of the relevant management company as well as a Street Collection Permit.
- 4.2 Applications for street collections may be made for any of the out of town stores or supermarkets with regard to paragraphs 1.4 to 1.6 above.
- 4.3 Only two street collections will be permitted per day in Colchester town centre and one street collection per day in any of the towns or villages within the Colchester Borough Council district. However, exceptions may be made in the following circumstances:
- where the charitable collection is part of a national/countrywide event and the collectors are just passing through the Colchester district.
 - where the collection is part of a carnival procession or similar event involving the collection of donations from the public along a route.
 - for very small scale collections in a limited area.
 - for organised one day charitable events.
 - during the pre Christmas period.
- 4.4 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.
- 4.5 Street collections will normally be expected to take place between the hours of 09.00 and 18.00.
- 4.6 Colchester Borough Council discourages the use of animals in conjunction with street collections. Consideration will however be given to the use of some animals such as assistance dogs on written request.
- 4.7 The Licensing Authority will not require any charity collection or sale of Charitable items made in the open air at events such as School and Village fetes, dog shows, boot sales and the like to be issued with a street collection permit. Collectors are required to seek permission from the event organiser and after collection / sale has taken place advise the organiser of the amounts raised and the amounts provided for charitable purposes.

5. Regulations

- 5.1 Charities must be registered with the Charity Commission or be a charitable organisation based in or close to the Colchester Borough Council district. Priority will be granted to local charitable organisations.
- 5.2 All street collections will be conducted in strict accordance with the Regulations (see Appendix A) made by Colchester Borough Council with regard to the grant of a street collection permit.
- 5.3 Where a statement of return has been “Nil” or there has been a failure to return a statement of return to the Licensing Authority within the statutory period, subsequent applications will be refused for a two year period.
- 5.4 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 to take place. Failure to do so will result in subsequent applications being refused for a two year period.
- 5.5 Deductions for travel expenses to and from the place of collection will not be permitted.

6. Application Procedure

- 6.1 Application must be made on the Council’s prescribed form.
- 6.2 Charitable organisations will be limited to a maximum of *(to be added)* Street collections per annum in Colchester town centre, Dedham, Tiptree and Wivenhoe.
- 6.3 Application for a street collection cannot be made more than six months in advance.
- 6.4 Application for a street collection permit will be considered and dealt with on a “first come, first served” case by case basis.
- 6.5 A minimum of 28 days notice must be given between the application and the proposed date of collection. Should there be an exceptional reason as to why this notice could not be given, this requirement may be waived at the discretion of the Licensing Officer. An example of exceptional circumstances would be street collections required in times of national and international disasters or national street collections such as “Children in Need” where the public are encouraged to carry out spontaneous collections.
- 6.6 A copy of the contract between the benefiting charity and the street collection organiser must be provided with the application.

- 6.7 Where the proposed collection is to take place outside a store or supermarket, written permission from the store manager must be provided with the application.
- 6.8 Where the proposed collection is to sell charitable items in a street or other public place using a stall or table, written permission to erect such a stall or table from Essex County Council Highways Department must be provided with the application.
- 6.9 Proof of public liability insurance cover of £2 million must be provided with all street collection applications.
- 6.10 In a case where permission is sought for an animal to be used during a street collection, proof of £2 million public liability insurance cover must be provided with the application and must specifically include the use of animals in connection with the collection.. In addition a health and safety risk assessment relating to the use of an animal at the proposed location at the time and date of the collection must also be supplied.

7. Allocation of permits

- 7.1 Consideration to the following will be given to the following when deciding whether to grant a Street Collection Permit:
- If the collection is linked to a specific event(s) within the Borough
 - If the collection will benefit local good causes, local hospices, community causes etc
 - if the collection is on behalf of a national charity, is there likely to be some benefit for the residents of the Borough
 - If the collection is linked to a nationwide campaign such as Remembrance Day, Children in Need, Comic Relief etc
 - If the collection applied for is in connection with an outdoor challenge sponsorship event
 - What proportion of funds collected will be for charitable purposes
 - Has a permit been previously refused by Colchester Borough Council or any other local Authority.
- 7.2 Any application for street collection permits relating to outdoor challenge Sponsorship events will be considered on a case by case basis, in order to assess whether the proportion of funds collected to be applied to 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 in respect of emergency disasters will be considered on a case to case basis, even if they do not fall within any of the considerations listed above.

8. Sale of small society lottery tickets

8.1 The sale of small society lottery tickets under the authorisation of a street collection permit is not allowed unless:

- That separate permission to do so has been granted by the Licensing Authority
- The organisation holds a valid small society lottery registration
- The sale of tickets will only take place from behind a counter or stall
- The lottery tickets have been printed in accordance with the legislation
- The sale of the tickets will be in accordance with any Gambling Commission code of practice
- Proof of public liability insurance of £5,000,000 has been provided with the application.

9. Regulations relating to street collections

9.1 Colchester Borough Council have adopted regulations governing how street collections are undertaken and how funds are accounted for and these are set out in the Council's Street Collection regulations which can be found at Appendix 1 of this policy.

10. Enforcement

10.1 It is recognised that well directed enforcement activity by the Council benefits both the public and responsible street collection permit holders.

10.2 The responsibility for the overall supervision of street collections lies with the Head of Professional Services.

11. Departure from Policy

11.1 In exercising its discretion in carrying out its regulatory functions, Colchester Borough Council will have regard to this policy document.

11.2 Notwithstanding the existence of this policy, each application will be considered on its own merit based on the principles detailed in this policy.

12.3 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons to do so must be given. The Planning and Licensing Service 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.