



NORTHAMPTON
BOROUGH COUNCIL

Street Collection Policy

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Section 1 Introduction

1.1 The Policy

This document states Northampton Borough Council's policy on Street Collections as defined by Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972.

1.2 The Objectives of this Policy

This policy has been adopted with view to securing the following objectives;

- To ensure that promoters and collectors are properly authorised
- To ensure that money collected is done so in a secure way and the total proceeds collected are properly accounted for
- To minimize nuisance to residents and visitors to the Northampton Borough

1.3 The Law

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. A 'Public Place' is defined as a 'place where the public has access and this need not be in public ownership.

Local authorities issue Street Collection Licences under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972. This type of licence does not attract an application fee but typically councils impose the following types of restrictions:

- Street collections are usually to be made by charities only
- Collectors abide by the code of practise in relation to collecting
- Collections are to take place in town centres only
- Money is to be collected in appropriate vessels only
- The person organising the collection is required, after it has taken place, to make a statement to the licensing authority as regards the sums received.

The purpose of these limitations is to ensure that collectors are properly authorised, that donations are receipted and stored in a secure way, and that the total proceeds are properly accounted for. Additionally, councils often impose limitations on how many Street Collections Licences will be granted for a specific area at any one time – this is to prevent street collections from becoming a public nuisance.

Details for applicants regarding Northampton's locally adopted policy can be viewed at 2.3 and full details are contained within **Appendix A**

The Charities Act 2006 provides for a new regulatory regime to control charitable collections in public – **this new framework is still pending enactment**. It applies to all such collections including face-to-face fundraising and where requests are made for members of the public to sign direct debit mandates. There is a new role for the Charity Commission in checking whether charities and other organisations are fit and proper to carry out public collections. The Charity Commission will be responsible for issuing Public collections Certificates, which will be valid for up to five years. This new procedure will mean that local authorities no longer need to assess the suitability of individual applicant and will ensure a more uniform approach to such assessment nationally. Once a charity has a Public Collections Certificate it will be able to apply to a local authority for a permit to hold collections at certain times in certain places within that local authority area. Local authorities will assess applications to ensure that collections do not clash and that the public are not annoyed by excessive collection activity.

Section 2 Applications for a Street Collection Permit

2.1 Advice for New Applicants

New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows officers to check available dates and make a provisional booking, subject to the application being received within the required timescales and subject to formal approval.

2.2 Applications

All applications must be made on the Council's prescribed postal application form, or may be made online at www.northampton.gov.uk using the prescribed EU online application.

Applications must be received at least 28 days before the required collection date, unless good reason exists and late submission is agreed with the local authority.

Particular attention on the application needs to ensure that full details are given of the requested collection date, times and location. For the online form this information can be included within the additional information box.

In addition any supporting information and documents should be included, having due regard to the relevant local policies detailed in 2.3

2.3 Key Considerations of Local Policies

The key requirements of the regulations contained within **Appendix A**, the council has the following policy regarding the grant of Street Collection Permits;

- Permits will only be issued to nationally recognised charities with a local connection
- Permits will not be issued to purely political campaigning organisations
- The town centre of Northampton will be restricted to a maximum of two charitable organisations on Saturdays
- No collector shall importune any person to the annoyance of such person.
- a collector shall remain stationary; and
- a collector or two collectors together shall not be nearer to another collector than 25 metres
- A returns form must be submitted following each collection

Where applications are received from individuals or organisations collecting on behalf of Nationally Recognised Charities, supporting documentation will be required from the National Charity to demonstrate the collection is supporting their cause.

2.4 Face to Face Fundraising

Northampton Borough Council entered into a voluntary agreement with the PFRA (Public Fundraising Regulatory Association) on the 17th September 2012.

Full information of the agreement can be viewed at:

http://www.northampton.gov.uk/info/870/community_safety/1556/charity_chuggers)

Section 3 Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the permit holders.

In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Councils Enforcement Policy.

Section 4 Departure from Policy

In exercising its discretion in carrying out its regulatory functions, Northampton Borough Council will have regard to this Policy document and the principles set out therein.

Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

Where Licensing Officers consider that there is clear and compelling reasons to depart from this Policy, a report detailing the application will be placed before the Licensing Committee for a decision to be made.

Section 5 Amendments to this Policy

Any significant amendment to this Policy will only be implemented after further consultation with the Permit Holders and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution. For the purpose of this section, any significant amendment is defined as one that:

- Is likely to have a significant financial effect on permit holders, or
- Is likely to have a significant procedural effect on permit holders, or
- Is likely to have a significant effect on the community.

Any minor amendments to this Policy may be authorised by the Portfolio Holder for Customers and Communities and Public Protection and undertaken in accordance with the Council's Constitution.

Section 6 Fees and Charges

Northampton Borough Council does not make a charge for the processing of a Street Collection Permit.

Section 7 Definitions

TERM	DEFINITION
Authorised Officer	An officer of the Council authorized by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Collection	Collection of money or a sale of articles for the benefit of charitable or other purposes.
Collector	Shall be construed accordingly.
Promoter	A person who causes other to act as collectors.
The Licensing Authority	Northampton Borough Council
Permit	A permit issued by the local authority for a collection.
Contributor	A person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes.
Collecting Box	A box or other receptacle for the reception of money from contributors.

Appendix A

Regulations made by Northampton Borough Council Street Collections

In exercise of the powers conferred upon it by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to the Act, Northampton Borough 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 places within the district of Northampton to collect money 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 constructed accordingly;

“promoter” means a person who causes others to act as collectors;

“the Borough Council” means Northampton Borough Council;

“permit” means a permit for a collection;

“contributor” means a person who contributes to a collection for the benefit of charitable or other purposes;

“collecting 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 Borough of Northampton unless a promoter shall have obtained from the Borough Council a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. The Borough Council may reduce the period of one month if satisfied that there are special reasons for so doing.

Note: . Northampton Borough Council will only issue permits for charities that directly benefit the residents of Northampton, or with a local connection.

This will not apply to nationally recognised charities.

4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The Borough Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6. (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 duly authorised officer of the Borough Council or any constable.

7. No collection shall be made in any part of the carriageway of any street which has a footway.

Provided that the Borough 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.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.

9. No collector shall importune any person to the annoyance of such person.

10. (a) a collector shall remain stationary; and
(b) a collector or two collectors together shall not be nearer to another collector than 25 metres;

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

11. No promoter, collector or person who is otherwise connected with a collection shall permit a boy or girl under the age of 16 years to act as a collector, except if such boy or girl is a member of the Boy Scouts, Church Lads' Brigade, Girl Guides, or other similar organisations, and is in the uniform of the unit to which he or she belongs, and during the period of collection is under the charge and direct supervision of an officer of their respective units.

12. (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.

(3) All money received by a collector from contributions shall immediately be placed in a collecting box.

(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.

14. (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, it may be opened by an official of the bank.
 - (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, which shall be certified by that person.
- 15.
- (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 the Borough Council.
- 16.
- (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Borough Council:-
 - (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that promoter and a qualified accountant;
 - (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the Borough 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 has given his certificate under paragraph (1) (a) above, publish in such newspaper or newspapers as the Borough 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.

Note: The Borough Council can waive this condition if the charity in question publishes the result of that collection on the charities web site.

- (3) The Borough Council may, if satisfied there are special reasons for 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 in Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply.
- (a) in respect of a collection taken at a meeting in the open air, or
 - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two hundreds pounds or in the case of second or subsequent offence not exceeding two hundred pounds.
19. These Regulations came into force one month after the date on which they were confirmed by the Secretary of State on 1st April 1974.

Conditions amended on 11th December 2011.

Appendix B

Public charitable collections

1. Regulation of street collections

Public charitable collections in the street are regulated under the Police, Factories Etc Act 1916 (Miscellaneous Provisions).

There is a model of local regulations in the Charitable Collections Order 1974 (Transitional Provisions), though local authorities are not obliged to introduce this system of licensing in their area.

2. Licensing on collections

The Local Government Act 1972 transferred responsibility for licensing both Street and House to House collections from the police to local authorities.

In London, however, the Metropolitan Police and the Common Council of the City of London are still responsible for licensing of collections.

3. Appeals

Organisations can appeal to the Minister for the Cabinet Office if a local authority refuses them a licence to hold a house-to-house collection or if they revoke such a licence. The Cabinet Office processes these appeals.

In the case of street collections, there is currently no equivalent right of appeal. The Charities Act 2006 contains provision for a new licensing scheme for public charitable collections, but these provisions are not yet in force.