

# **EPSOM & EWELL BOROUGH COUNCIL**

## **STREET COLLECTIONS POLICY**

Effective from:

## **1. BACKGROUND INFORMATION**

It is unlawful in this country to hold a street collection to collect money or sell articles for the benefit of charitable or other purposes without obtaining a Street Collection Permit from the Council if it is held in a 'street or public place'.

Epsom and Ewell Borough Council issues regulations under statutory powers. These are attached to this Policy. Failure to comply with these regulations can render a person liable on summary conviction to a fine not exceeding level one (currently £200.00).

There is no fee for making an application for a permit.

A Pedlars Licence, issued by the Police cannot be used for this purpose.

## **2. THE AIMS OF THE POLICY**

2.1 The aims of the licensing authority are to;

- Ensure applications are considered in a timely way;
- Ensure impartiality and fairness in determining applications;
- Accommodate all eligible requests, subject to capacity, bearing in mind that certain days are especially sought after;
- Safeguard the interests of both public donors and beneficiaries;
- Facilitate well organised collections by bona fide charitable institutions and ensure that good standards are met;
- Prevent unlicensed collections;
- Ensure that wherever possible, no more than one organisation will be permitted to collect in the same area on the same day;
- Ensure money is collected securely and proceeds properly accounted for;
- Reduce nuisance to residents and visitors;
- Achieve a fair balance between local and national causes.

This Policy covers the whole of the Borough of Epsom and Ewell.

## **3. POLICY ON THE NUMBER OF COLLECTIONS PERMISSIBLE**

Permits for Street Collections are in great demand and as such the numbers need to be controlled, so that shoppers, workers and visitors are not approached every time they visit the Town Centre. To prevent this and yet to allow as many different organisations the chance to fund raise, the Council operates a policy of allowing one collection per day with the exception of ;

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- a national disaster where a major charitable need has arisen which could not have been foreseen that requires urgent assistance.
- During the month of December one street collection and one carol singing collection may be allowed.

Where Street Collection Permits are granted in exceptional circumstances Regulation 3 of the Council's Street Collections Regulations makes provision that applications under these circumstances need not be made one month before the date on which it is proposed to make the collection. Wherever possible the requested dates will be allocated, however this is not guaranteed.

### 3. DEFINITION OF STREET COLLECTIONS

- 2.1 The Licensing Authority licences collections made in 'any street or public place' for 'charitable or other purposes' in accordance with Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended.
- 2.1 **Street** is defined as including any highway and any public bridge, road, land, foot-way, square, court, alley, or passage, whether a thoroughfare or not.
- 2.3 A **public place** is defined as a place where public have access and will include shopping centres and the entranceways to shops. The foyer of a supermarket, cinema could be considered to be behind closed doors therefore would only require the consent of the Manager. If the collection took place outside or in the car park, a street collection permit would be required.

The Ashley Centre in Epsom Town Centre is not a public place.

**Charitable purposes** The description of 'charitable purpose' is given in the Charities Act 2011, ss.2-3,. The words 'charitable purpose' are also given a wider interpretation in s11 of the House to House Collections Act 1939, which states that 'charitable purposes' means any charitable, benevolent or philanthropic purpose whether or not the purpose is charitable within the meaning of any rule of law.

### 2. GENERAL RULES

- 2.1 If you want to collect money or sell articles in any street or public place within the Borough of Epsom and Ewell, for the benefit of charitable or other purposes, then you must hold a street collection permit issued by Epsom and Ewell Borough Council.
- 2.2 A street collection permit will only usually be granted to a charity registered with the Charity Commission unless they are an exempt charity.
- 2.3 An exempt charity is defined as one that has been established for charitable purposes and is included in S.22 and Schedule 3 of the Charities Act 2011.
- 2.4 If you wish to collect by Direct Debit (Face to Face Collection), one collection may be approved for Wednesdays.

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Epsom and Ewell Borough Council will issue Permits for Direct Debits. Collectors of face to face collections will need to contact the Licensing Authority to book their chosen date, and if this is not available then the next available date will be offered.

### **3. APPLICATION PROCESS**

- 3.1 An application must be made, by completing the prescribed form, giving the name, permanent address of the Applicant or, where the Applicant is a business, the name and registered or principal office address of the Charity and the names and private addresses of its directors or others responsible for the management of the company.
- 3.2 The Council maintains a list of available dates. Your chosen date will not be confirmed until we have received the completed application form. If we do not receive the application form within one week of reserving the date, then we cannot guarantee that the date will remain available.
- 3.3 Applications will be considered in order of receipt but not more than 12 months before the proposed collection date.
- 3.5 Each application will be considered on its own merits. No guarantee can be given that a charity's preferred day will be allocated to that organisation.

Exceptions to this will be for the following national charities whose collections are linked to specific dates in the year and to whom preference will be given: Children in Need, The Royal British Legion and Christian Aid Week.

- 3.7 Where more than one charity applies for a permit on the same date, the allocation of that date will be determined on a first come first served basis. If the Council is unable to allocate the preferred date, wherever possible, alternatives will be offered.
- 3.8 There must be a minimum of 28 days' notice given between the application and the proposed date of the collection. This requirement may be waived in exceptional circumstances at the discretion of the Licensing Authority.
- 3.9 For online applications tacit approval applies to this application. If you apply on line you will be able to treat your application as granted if you have not heard from the Authority by the end of the target completion period of 28 days.
- 3.10 Whilst Epsom and Ewell Borough Council does not place a specific limit on the number of applications per charity per calendar year, the number of applications will be monitored to ensure fairness.
- 3.11 A calendar year runs from 1<sup>st</sup> January to 31<sup>st</sup> December each year.
- 3.12 Applications to raise funds through street collection for the purpose of financing personal expeditions may be accepted by the Council in exceptional circumstances.
- 3.14 The use of stalls, trailers, vehicles, animals or other displays or advertising in connection with a Street Collection will not be permitted unless the collection is part of a separate promotion or activity approved by the Licensing Authority.

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- 3.15 Once the street collection has taken place, the permit holder must within **one month** of collection date or period submit the statement of return form issued by Epsom and Ewell Borough Council).
- 3.15 No further permit will be processed if there are outstanding financial statements due to the Council.
- 3.16 Collections may only take place between the hours of 09.00 (10.00 hours on Sundays and Bank Holidays) and 21.00 hours unless fundraisers have written permission from the Licensing Team.
- 3.17 Cadets, Boy Scouts, Girl Guides and members of similar organisations are permitted to collect for their particular organisation. They must collect or sell under the direct supervision of a responsible adult, and they dress in the uniform of their organisation.

#### **4. ON GRANT OF A PERMIT**

On receiving the permit it is expected:

- that you have retained and understood the council's street collection regulations controlling your collection
- that you have provided written authority for your collectors to take part in the collection
- that your collectors are over 16 years of age (subject to 3.17)
- that you make arrangements for the return of the statement of return form showing the details of monies raised to be countersigned by an accountant or other independent, responsible person (see 5 below)
- every collector shall carry a collecting box

#### **5. RETURNS**

- 5.1 Within one month of the date of the collection, the person to whom the permit was granted shall forward the following return to the Licensing team:
- the statement of return form of the proceeds of the collection which has been certified by that person and either a qualified accountant.
  - a list of collectors
  - a list of the amounts contained in each collecting box

The statement of return forms will be sent to you when your permit is issued, but if you need further forms they will be supplied on request.

Failure to submit the above statement of return forms is an offence and may result in any future applications being refused by the council.

#### **6. REFUSAL OF PERMIT**

Requests for collections which are contrary to this policy will be refused unless the Local Authority considers the circumstances to be exceptional.

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## 7. RIGHT OF APPEAL

There is no formal right of appeal against any decision made by the Local Authority to grant or refuse an application for a street collection permit. However, in the interests of fairness, if the organisation wishes to lodge a request for a decision to be reviewed then the matter should be put in writing to the Licensing Authority who will review the decision that has been taken.

## 8. RULES AND STANDARDS

The Licensing Authority recommends that all organisations adhere to the Institute of Fundraising Best Practice and the Public Fundraising Regulatory Association Rule Book. A copy of this code can be found at [www.institute-of-fundraising.org.uk](http://www.institute-of-fundraising.org.uk), and the Public Fundraising Regulatory Associations Best Practice (Code and Rules) which can be found at [www.pfra.org.uk](http://www.pfra.org.uk)

The following is a sample of the rules/best practice that should be followed:

- Collectors **ought not** to pressurize the public to give their support, but they can use reasonable persuasion.
- Collectors **ought not** to approach individuals that may reasonably be considered to be vulnerable adults.
- Collectors **ought to**, when asked to do so, terminate their approach in a polite manner.
- Collectors must not follow a person for more than three steps.
- Collectors must not stand within 3 metres of a shop doorway, cashpoint, pedestrian crossing or station entrance.
- Collectors must not knowingly sign up to a Direct Debit anyone unable to give informed consent through illness, disability, or drink or drugs.
- Collectors must not approach any members of the public who are working, such as tour guides or newspaper vendors.

Further to this, Collectors must always terminate an engagement when they are clearly and unambiguously asked, by speech or body language to do so.

## 10. SHARING OF INFORMATION

The Council may share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.

## 11. MONITORING AND REVIEWING PROGRESS

Effective from:

This policy will be actively monitored in its first year of introduction to determine its impact and will be reviewed if necessary.

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