

STREET COLLECTIONS POLICY – COMMENTS FOLLOWING MEMBER
CONSULTATION

15 JUNE 2017

5 JULY 2017

REPORT OF PORTFOLIO HOLDER: Cllr Jan Warwick, Portfolio Holder for
Environment

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WARD(S): ALL

PURPOSE

This report is to consider a new Draft Street Collection Policy (“Policy”) which formally seeks to set out both the current practice and to incorporate those views arising from a recent member consultation held on 31 March 2017.

‘Street Collections’ are the collection of money on a defined Street or public open space to raise funds for registered charities.

RECOMMENDATIONS:

1. That Members approve the Draft Street Collection Policy as attached at Appendix 1 for adoption by Cabinet.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The report relates to the Effective and Efficient outcome; that a formal and practical process is in place to ensure that collections are administered in a fair and open way and in compliance with legislation.

2 FINANCIAL IMPLICATIONS

- 2.1 There is no charge for the issue of a Street Collection Permit. The cost of administering Street Collections is already borne by the Licensing Service and this policy simply adopts existing practice so there will be no additional cost to the Council.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 There is no right of appeal for the refusal of a Street Collection Permit. However, refusals of Street Collection Permits are extremely rare.
- 3.2 Although not required by law, it is nevertheless good practice to have a Policy setting out how applications will be dealt with so that those applying for permits have a clear understanding of expectation.
- 3.3 Although the administration of street collections is a non-executive function (outside the scope of Cabinet), and dealt with by the Licensing and Regulation Committee, any policy on the administration or enforcement of such functions *is* an executive function, and therefore will need to be formally agreed by Cabinet. It is however appropriate for the draft policy to be considered by Licensing and Regulation Committee before being put before Cabinet for formal adoption.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 During the Licensing and Regulation Committee held on 16 March 2017, Officers presented LR 494 to Members. It was immediately apparent that some Members held strong views on Street Collections, mainly in terms of the total number of permits to be permitted and the number of days permitted for certain charities. In recognition of this, the Head of Environmental Health and Licensing suggested that the decision be deferred pending the convening of a joint Member-Officer Working Group to scrutinise the proposed policy and make amendments where seen to be appropriate. The working group took

place on 31 March 2017 and this paper presents the amended policy for consideration.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

8 EQUALITY IMPACT ASSESSMENT

8.1 None

9 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<i>Community Support</i>	The Council acknowledges the need for organisations to raise funds for charitable causes and therefore grants Street Collections Permits wherever possible.	
<i>Timescales</i>	N/A	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	N/A	
<i>Innovation</i>		The Council may seek to introduce a new online application form in the future to enable the application process to be more efficient. Applicants can currently download an application form via gov.uk but cannot apply online..
	N/A	
<i>Other</i>	N/A	

SUPPORTING INFORMATION:

10 Background

10.1 It is understood from historic committee reports that there has been a policy in place with regard to the issue of street collection permits in the town area since at least 1974. In the report titled 'Street Collections in Winchester town

Area' dated 20 September 1984, it states that permits issued in respect of Winchester town are limited to twenty collections each year which included the Mayor's charities, special events such as the Hat Fair and additional dates for the "British Legion Poppy Day".

10.2 The current practice, which has been in place for several years, is:

- a) A maximum of 36 street collections permits are issued for collections taking place in High Street, Winchester, a defined Street under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972, unless additional applications are issued with the permission of the Mayor.
- b) Daily street collection permits are not issued during the month of December as collections take place in conjunction with carol singing at the Buttercross.
- c) Street collection permits are issued for a maximum of one day per charity in High Street, Winchester, with the exception of Royal British Legion (poppy appeal) which is granted a permit for 8 days.
- d) Provisional bookings can be made as long as a completed application form is returned within 7 days.
- e) The Licensing Authority does not accept applications for street collection permits for the following year until after 1 September. For example, applications for collections to take place in 2017 were not considered until after 1 September 2016.

11 Proposed Policy

- 11.1 To ensure that all applications are dealt with in a fair and open way, Officers have produced a draft Street Collection Policy as shown in Appendix 1.
- 11.2 The draft Policy details the expectations of the applicant/promoter and sets out restrictions to ensure a balance is drawn between charities raising money for good causes whilst protecting the public from the continuous presence of street collectors.
- 11.3 Members should be aware that there is no legislation to regulate direct debit collections on the street, otherwise known as 'chuggers'. However the Licensing Section do have an informal agreement with the direct debit collection companies that requires them to inform the Council of any proposed street collection dates so that officers can try to ensure that not more than one collection takes place in any location at any one time. Officers have included the current administrative process for Members' approval in the Policy at Appendix 1.

- 11.4 Historically, direct debit collections have only been sought in Winchester town centre. Companies do also carry out direct debit house to house collections and these are regulated under the House to House Collections Act 1939.
- 11.5 The draft Policy seeks to adopt a consistent approach for all charities by permitting a street collection in the High Street and The Broadway, Winchester, at the same time allowing for additional collection days for prescribed charities with whom the City Council has an established relationship, either through the Armed Forces Community Covenant or by virtue of being a long established event within the City's calendar. It is considered, however, that this should be relaxed for special events which draw crowds of people to Winchester city centre, such as the Hat Fair.
- 11.6 A slight change proposed under the draft Policy is the date in which the Licensing Authority will accept applications for collections held the following year. It is proposed that this is amended from the current date of 1 September to 1 October, each year.
- 11.7 As there has been inconsistency on the part of applicants/promoters in sending a completed financial return to the Licensing Authority, the Policy includes a provision that no future permits will be granted until such time as a financial return is up to date. Where an applicant fails to comply with the regulations in respect of financial returns on two occasions they will be refused any subsequent request for a permit.
- 11.8 The draft Policy also sets out the procedure for administering street collection permits in conjunction with carol singing in Winchester High Street.
- 11.9 Officers are aware that there has been a lack of compliance with the regulation that requires promoters to place a public notice in a newspaper which states the amount of money raised during the collection. This is due to be addressed in future. It is possible that one of the reasons is that the cost of publishing a public notice is high. Newspapers such as the Hampshire Chronicle and Southern Daily Echo charge over £100 plus VAT. For some collections, this could be a significant amount of the funds raised. Officers have therefore suggested in the Policy that for collections where less than £200 has been raised, the promoter will no longer be required to comply with this regulation.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

PR 1054 – Street Collections in Winchester town area – 20 September 1984

PR 1274 – Grant of Street Collections Permits – 9 July 1985

LR 494 – Street Collections Policy – March 2017

Both initial two documents are archived at Hampshire Records Office, Winchester and the latter can be found on Winchester City Council's web pages

Other Background Documents:-

Street Collection Policies from other Hampshire Licensing Authorities.

APPENDICES:

Appendix 1 Revised Draft Street Collection Policy – June 2017



STREET COLLECTIONS POLICY

Introduction

Winchester City Council (the Licensing Authority) is responsible for issuing permits for street charitable collections within the District.

Charitable street collections are regulated under The Police, Factories, etc (Miscellaneous Provisions) Act 1916 [“the Act”] which regulates collections of money or sales of articles for charitable purposes in streets and public places.

The Act allows Local Authorities to make Regulations in respect of the administration of charitable street collections. These are available on the Council’s website or by contacting the Licensing Section.

The aim of this policy is to provide guidance on the law relating to charitable street collections and how Winchester City Council administers applications for permits when applying the law and regulations, and to ensure fairness to charities.

Policy Objectives

The Policy aims are:

- To ensure applications are made in a timely manner whilst setting out a clear and robust application process.
- To ensure impartiality and fairness in determining applications.
- To accommodate applications where possible, having regard to other activities occurring at locations applied for, to avoid conflict.
- To prevent nuisance or other detrimental impacts on the public using the streets.
- To ensure that all monies collected are rigorously handled, transferred and accounted for.

1. Administration of applications for charity Street Collection permits

- 1.1. Any cash collection, undertaken in any street or public place, shall be licensed by way of a permit from the relevant Licensing Authority in accordance with the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972.
- 1.2. Street is defined in the Act as follows; *“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.*

- 1.3. Charitable collections in stores, supermarkets or on private land where the public do not have free access at any time do not require a Street Collection permit from the Licensing Authority. Collections will require permission from the store or private land owner to allow the collection to take place.
- 1.4. The Licensing Authority does not issue permits to collect in the Brooks shopping centre, which is privately owned and the public do not have free access at all times. In such cases, permission will be required from the Brooks Centre manager in advance of any charity collection.

1.5. For street collections taking place in the High Street and The Broadway, Winchester, charities will be restricted to one collection for a maximum of one day per calendar year, with the following exceptions:

- The Royal British Legion, who will be permitted to undertake a Street Collection for a period of up to eight consecutive days on one occasion per annum;
- The Hat Fair, who will be permitted to undertake a Street Collection for a period of up to four consecutive days on one occasion per annum.
~~- In exceptional circumstances, such as annual local events, additional days may be granted.~~

It should be noted that these charities have been given preferential status in recognition of their special relationship and status with the city, either by virtue of the Armed Forces Community Covenant or for being long established in the city's annual events calendar.

1.6. For the purposes of complying with section 1.5, the High Street and the Broadway shall be held to mean the contiguous highway between Jewry Street and the King Alfred statue and up to 10 metres along each lateral highway adjoining that route.

4.5.1.7. Daily street collection permits will not be issued during the month of December in Winchester city centre due to permits being issued for fundraising by way of Christmas carol singing at the Buttercross. See paragraph 1.26 below.

4.6.1.8. Pre booking: - The Licensing Authority will accept written requests to check availability and provisionally reserve a date and location prior to applying. This should be undertaken where possible by emailing licensing@winchester.gov.uk or telephoning 01962 848 238 stating the date and times requested. Alternatively contact can be made in writing to the address at the end of this Policy document. Once a date has been provisionally reserved, an application form must be received within **7 days or the provisional reservation will be cancelled.**

4.7.1.9. Applications will only be accepted on the Licensing Authority issued application form available by downloading from the Council's website at www.winchester.gov.uk or from www.gov.uk. All applications must be submitted no later than one month before the requested date of collection.

- ~~4.8.1.10.~~ Where applications are submitted in response to national or international disasters, shorter application and determination periods will be allowed wherever possible and on a case by case basis. However the Licensing Authority cannot guarantee that a permit will be issued.
- ~~4.9.1.11.~~ So as to ensure fairness for all charities, Applications to hold street collections for the next calendar year will not be accepted prior to the 1st October. ~~each year. This is to ensure fairness for all charities.~~
- ~~4.10.1.12.~~ Applicants may list multiple dates in order of preference on the application form if they are flexible on when the collection can take place. The location, date and time must be clearly stated on the application form.
- ~~4.11.1.13.~~ Where applications are made for collections along a route, such as in a procession, full details of the route and number of collectors must be provided. A permit will not be issued without this information.
- ~~4.12.1.14.~~ Where more than one application is received for the same date and location, preferential treatment will be given to local charities or charities collecting for local beneficiaries.
- ~~4.13.1.15.~~ Allocation days per calendar year for the High Street and The Broadway, Winchester shall be limited to ~~4036~~. In exceptional circumstances, such as in response to national or international disasters, this may be extended at the Licensing Authority's discretion, in consultation with the Chairman or Vice Chairman of the Licensing and Regulation Committee, or where they are unavailable a Member of the Licensing and Regulation Committee.
- ~~4.14.~~ ~~No collections shall take place in the immediate vicinity of any market stall. This does not include permits issued for carol singing during the month of December due to the location of the Christmas tree.~~
- ~~4.15.1.16.~~ No collection shall be permitted in Winchester's High Street, or the Broadway Winchester on the same day ~~that where~~ a Street Collection permit has already been issued for a collection to take ing place either on the High Street, the Broadway or in St Maurice Covert, with the exception of the Winchester Round Table who shall be permitted to undertake a Street Collection on the same day as the Royal British Legion only. This is in recognition of its links with the Council and its efforts in running the city's popular bonfire night, the date of which is often in close proximity to Remembrance Day.
- ~~1.17.~~ A Street Collection permit will not allow the collector to use Aamplifiers, musical instruments, gazebos or any type of street furniture, with the exception as set out in 1.18, -shall not be permitted whilst a street collection is taking place. Street furniture includes:
- furniture
 - Pop up signs
 - Displays

- equipment

~~4.16.1.18.~~ A single small table only, will be allowed during a street collection, so long as it does not cause an obstruction to the free flow of pedestrian traffic in its immediate vicinity.

~~4.17.1.19.~~ No animals, other than assistance dogs, may accompany a collector at any time.

~~4.18.1.20.~~ The legislation does not include any statutory criteria for the approval or rejection of an application for a permit. The granting or refusal of an application will be at the Licensing Authority's discretion having regard to the individual application, the date and any potential impact with other activities and the history of conduct during previous charity collections made by the applicant.

~~4.19.1.21.~~ Where a financial return is not received within one month as required under section 16(1) of the Regulations no further permits shall be granted until such time as financial return is up to date. Where an applicant fails to comply with the regulations in respect of financial returns on two occasions, the Licensing Authority reserves the right to refuse any subsequent request for a permit by that applicant.

~~4.20.~~ Without prejudice to the Licensing Authority's discretion in respect of applications, As required under section 16(2) of the Regulations, the promoter must publish in a newspaper the details of the collection within one month. This must be published in a local newspaper (including free newspapers/village circulars) to the location of where the collection took place. For collections where less than £200 has been raised, the promoter shall not be required to comply with this section/Regulation.

~~4.21.1.22.~~ the Licensing Authority may also choose to refuse an application for one or more of the following reasons:

- a) The collection is considered not to be for charitable purposes
- b) The application contravenes the provisions of the street collection legislation and regulations
- c) To limit the number of collections
- d) The proceeds allocated for expenses is considered to be too high
- e) Inaccurate information was provided on the application
- f) The promoter or any other person involved has been convicted of certain criminal convictions, in particular offences of dishonesty, theft, blackmail or fraud.

A permit may be revoked after issue for any of the above or other relevant reasons.

~~4.22.1.23.~~ Permits will only be granted to charities that are registered with the Charity Commission. Any applicants who are not working for a charity but who wish to apply for a street collection permit must obtain a letter of authorisation from the applicable charity.

~~1.23.1.24.~~ The Licensing Authority may wish to make additional checks on a particular charity or promoter named on an application and reserves the right to do so. Enquiries may also be made with the Police and the Charity Commission where it is deemed appropriate.

~~1.24.1.25.~~ Details of the applicant for a street collection permit may be shared with other Licensing Authorities within Hampshire and Isle of Wight for the investigation of an offence or where there are concerns regarding any part of the collection.

~~1.26.~~ Permission will be required for carol singing in Winchester via the Licensing Section at Winchester City Council. Bookings will only be taken during the month of December and will allow for singing for a maximum of 2 hour time slots at the Buttercross or the location of the High Street Christmas tree only. ~~and timings are for a maximum of 2 hour slots~~. Weekend allocations will be restricted to a maximum of two time slots sessions per applicant to ensure fairness to all charities. A form of statement return will not be required for carol singing for short durations.

~~1.27.~~ The Licensing Authority reserves the right to deviate from this policy with the permission of either the Chairman or Vice Chairman of the Licensing and Regulation Committee, or where they are unavailable a Member of the Licensing and Regulation Committee.

~~1.25.~~ Without prejudice to an applicant's right to make a formal complaint, all decisions made by the Licensing Authority under this policy, shall remain final.

~~1.26.1.28.~~

2. Administration of Direct Debit collections

2.1. Requests to collect direct debit information must be given in writing using an official email address or letter headed document and shall include the name of the charity for which the collection will take place on behalf of, the number of collectors, the proposed location and dates. Requests shall not be submitted more than one calendar month in advance of the proposed collection date.

2.2. Companies may check dates and location availability by emailing licensing@winchester.gov.uk or telephoning the licensing section on 01962 848 238.

2.3. Companies collecting direct debit information will be given permission to do so in Winchester town centre on no more than one occasion per company per month.

2.4. No direct debit collection shall take place on the same date and location of where a street collection permit has been issued.

2.5. No collection shall take place in the immediate vicinity of any market stall.

2.6. No company shall permit a person under the age of sixteen to act as a collector.

- 2.7. Companies shall ensure that all collectors are aware of the code of conduct as prescribed in the Code of Fundraising Practice.

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