

# A Policy for the regulation of Street Collections and House to House Charitable Collections



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Date approved by Cabinet: 7<sup>th</sup> November 2017  
Integrated Impact Assessment: Yes  
Publication date: 7<sup>th</sup> November 2017  
Policy Review Date: 7<sup>th</sup> November 2020

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# 1 Introduction

Ceredigion County Council regulates charitable collections of money or sales of articles for charitable purposes in the street and public places as well as house to house charitable collections. Some matters relating to these collections are at the discretion of the Council. It is important, therefore, that the Council has a policy to address these matters.

This policy is designed to ensure that:

- a) applications are made in a timely manner,
- b) an individual or a collecting organisation gets a fair opportunity to make collections, and
- c) members of the public are not subject to excessive charitable requests

## 2 General Policy Matters

### 2.1 Sharing of Information

The Council will share with other relevant 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 may be under the relevant Information Sharing Protocol, e.g. the Wales Accord on the Sharing of Personal Information (WASPI).

### 2.2 Policy Application

This document contains the policy adopted by Ceredigion County Council for the grant of permits and licences. This policy will normally be applied in every case but where there are exceptional or unusual circumstances this policy may be departed from. Any departure from this policy will be in accordance with the approval of the Head of Service with direct responsibility for the Council's Licensing function or in the case of an emergency collection from the Chairman or Vice Chairman of the Licensing Committee (see para. 4.2 (5)). 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](http://www.institute-of-fundraising.org.uk)

### 2.3 Enforcement

Failure to comply with legislative requirements is an offence. In determining what enforcement action to pursue in respect of offences, regard will be had to the individual circumstances of each case, the Council's Enforcement Policy and other national guidance such as the Code for Crown Prosecutors.

## **3 Street Collections**

### **3.1 Introduction**

The Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, empower local authorities to regulate collections made in the street. It should be noted that a collection means a collection or a sale of articles for the benefit of charitable or other purposes.

### **3.2 Policy**

All collections shall be carried out in accordance with the Regulations made by the Council in accordance with the relevant legislation. This policy shall be in addition to those Regulations. The Regulations are attached at Appendix A.

- 1) Collections may not be carried out in any public street or public place, apart from at an open air meeting, unless the promoter has first obtained a permit from the licensing authority. This includes collections as part of processions. The carrying out of such activity without a permit is likely to result in a criminal offence being committed. This does not prevent collections taking place on land which is not a public place but some land that is privately owned to which the public generally have access may well constitute a public place.
- 2) Only one charity shall be allowed to collect within any one town centre or within a designated zone in that town centre on any one given day. Where a charity wishes to collect in a particular location or zone in a town centre, then other charities may be permitted to collect in the rest of that town centre. Charitable organisations are encouraged to be flexible and to enter into informal arrangements with each other to share space at popular events. The ultimate decision to grant approval will always lie with the licensing authority.
- 3) Permits to collect shall only be granted for periods not exceeding seven consecutive calendar days with a period of seven clear days between permits.
- 4) Permits will not be granted to any organisation which has any direct political allegiance or affiliation or is involved in, or advocates any form of direct action which intimidates or threatens any person, or group or person, or which involves or encourages any illegal activity.
- 5) Where applications are received from more than one organisation for the same day, or for periods which overlap, then a permit will only be granted to one organisation.
- 6) Dates cannot be provisionally booked. An application must be submitted to the Licensing Team to request a street collection (see para 3.3).
- 7) Aberystwyth Town is divided into two zones as outlined in the map at Appendix B to this policy. Preference will be given to local charities or charities with a local connection where applications have been made but not yet granted for the same or an overlapping period. Exceptions to this shall be for the following national charities whose collections are linked to specific dates in the year to which preference shall be given: Children in Need, Royal British Legion, Round Table, Lions and Rotary Clubs and the RNLI.

- 8) At the discretion of the Head of Lifestyle Services, permits may be limited to such streets or public places or such parts thereof as is considered appropriate.
- 9) Applications to collect to raise funds for the purpose of financing personal expeditions shall not be permitted, even where a proportion of the funds raised are donated to charity.
- 10) Moving collections, such as carnival processions, fun runs, bike rides, or similar events which involve collecting from the public along a route, require a street collection permit.

### **3.3 Applications, Fees and Forms of Statement**

Only applications which have been submitted on the Council's designated application form will be considered. Currently there is no fee for making an application for a permit and there is no fee payable on being granted a permit.

All applications shall be made at least one calendar month prior to the proposed start date of the collection. Applications received after this time will not generally be considered unless there are very exceptional reasons for doing so. Such an example would be where a major charitable need has suddenly arisen, which could not have been foreseen, and which requires urgent assistance e.g. tsunami relief aid or earthquake or severe local flooding aid.

Applications for permits or waivers will not be considered more than twelve months in advance of the proposed date of the start date of the collection.

Following the collection, a form of statement must be returned to the Council within one month, giving an account of the monies raised. Where a statement of return has been nil or there has been a failure to return the statement of return, this will usually result in subsequent applications being refused for a one year period.

Where a permit for a collection has been issued and the collection is not to take place, the permit must be returned to the licensing service at least 7 days before the collection was due to take place, failure to do so will usually result in subsequent applications being refused for a one year period.

### **3.4 Waivers and consents**

The Council's Regulations makes allowance for the Regulations to be departed from in some case under specified circumstances.

### **3.5 Regulations**

Applicants for permits and those who have been granted a permit shall comply with the Council's Regulations which are included at Appendix A to this policy. Any person who acts in contravention of these Regulations is guilty of an offence which on conviction is punishable by a fine not exceeding Level One on the Standard Scale.

### **3.6 Appeals**

There is no formal right of appeal against any decision made by the Council to grant or refuse an application for a street collection permit. However, in the interests of fairness, if an organisation or individual collector wishes to lodge a request for a decision to be reviewed then the matter should be put in writing to the Head of Lifestyle Services who will review the decision taken.

## Appendix A – Street Collections Regulations

Regulations made by Ceredigion County Council regarding 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 that Act, Ceredigion County Council has made the following Regulations with respect to the places where and the collections under which persons may be permitted in any street or public place within the County of Ceredigion to collect money or sell articles 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 construed accordingly;
"promoter" means a person who causes others to act as collector;
"The Licensing Authority" means the Ceredigion County Council;
"permit" means a permit for a collection;
"contributor" means 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" 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 County of Ceredigion unless a promoter shall have obtained a permit from the licensing authority.
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, provided that the licensing authority may reduce the period of one month if satisfied there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority 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 a duly authorised officer of the licensing authority 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 licensing authority 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 any person.

9. No collector shall importune any person to the annoyance of such person.
10. No collector shall, without the consent of the licensing authority, be accompanied by an animal other than an Assistance Dog or a well behaved dog that represents the collector's charitable cause.
11. While collecting:
  - 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 licensing authority 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.
12. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
13.
  - 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 contributors shall immediately be placed in a collecting box.
  - 4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
14. 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.
15.
  - 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.
16.
  - (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority:-
    - a) a statement in the form set out in Schedule C 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 licensing authority, 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 licensing authority 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 or sale, the amount collected and the amount of the expenses and payments incurred in connection with such collection. The Form of Statement template can be found at Appendix C to this policy.

(3) The licensing authority may, if satisfied there are special reasons for so 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 of Scotland;

The Institute 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 Level 1 on the Standard Scale.



**FORM OF STATEMENT**

Name of the person to whom the permit was granted: .....

Address of the person to whom the permit was granted: .....

Name of the charity or fund which is to benefit: .....

Date of collection: .....

**SHOW NIL ENTRIES**

<b>Proceeds of Collection</b>	<b>Amount</b>	<b>Total</b>	<b>Expenses &amp; Application of Proceeds</b>	<b>Amount</b>	<b>Total</b>
From Collecting boxes			Printing & Stationery		
			Postage		
			Advertising		
Interest on Proceeds			Collecting Boxes		
			Badges		
			Emblems		
Other Items			Other Items		
.....			.....		
.....			.....		
			Payments approved under Regulation 15(2)		
			Disposal of Balance (insert particulars)		
<b>TOTAL (£)</b>			<b>TOTAL (£)</b>		

**Certificate of the person to whom the permit was granted**

I certify that to the best of my knowledge and belief the above is a true account of the proceeds, expenses and application of proceeds of the collection.

**Date:** ..... **Signed:** .....

**Certificate of Accountant/Qualified Person**

I certify that I have obtained all the information and explanations required by me and that the above is in my opinion an account of the proceeds, expenses and application of the proceeds of the collection.

**Date** ..... **Signed:** .....  
**Qualifications:** .....

## **4 House to House Collections**

### **4.1 Introduction**

Public charitable collections conducted on a house-to-house basis are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. An extract of these Regulations is included at Appendix D. No collection for a charitable purpose may be made unless the provisions of the Act and the Regulations are complied with; otherwise a criminal offence is committed. If any person or organisation promotes a charitable collection then they must have a licence to do so. Anyone acting as a collector where there is not a licensed promoter also commits a criminal offence. Offences are punishable by penalties ranging from a fine and/or up to six months imprisonment.

The Minister for the Cabinet Office is responsible for a national exemption order scheme for house-to-house collections under the current law. National exemption orders are generally available to organisations which have obtained house to house collection licences in at least 70-100 local authority licensing areas for the two preceding years. As of 2015 there are 45 national exemption order holders.

Special provisions relate to collections which are local to an area and which are to take place over a short period. In such circumstances the Police are able to issue a local exemption certificate as an alternative to the Council issuing a licence.

It should be noted that selling goods from door to door on the basis that the proceeds will go to charity constitutes a door to door collection.

It should be noted that the Council has no power to attach conditions to a licence, nor to limit the number of house to house collections taking place at any one time nor to restrict them to a particular locality.

### **4.2 Policy**

- 1) Amount devoted to charity.

The grounds of refusal by the Council, which are detailed in the Act, of an application for a licence include where the total amount likely to be applied for charitable purposes as a result of the collection is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).

- 2) Fit and proper person.

The grounds of refusal include where the applicant is not a fit and proper person by virtue of having been convicted of certain offences. The policy of the Council shall be that generally anyone convicted of an offence of dishonesty shall not be granted a licence or shall have their licence revoked.

- 3) Exercising due diligence.

Where the applicant for or the holder of a licence fails to exercise due diligence in ensuring that collectors authorised by him were or are fit and proper persons, then the Council may refuse to grant the licence or may revoke the licence. It is the policy of this Council that, where the Council is satisfied that due care or diligence has not been

exercised, a licence will be refused or revoked.

#### 4) Additional information.

Where the applicant or the holder of a licence refuses or neglects to provide the Council with such information as the Council reasonably requires, then the Council will normally refuse the application or will revoke an existing licence.

#### 5) Late applications.

Applications must be made no later than the first day of the month preceding the month in which it is proposed to carry out the collection. This period is specified in the legislation. Late applications may be considered but only where there are special reasons for doing so. The policy of this Council is that late applications will not generally be considered unless there are exceptional reasons for doing so. Such an example would be where a major charitable need has suddenly arisen, which could not have been foreseen, and which requires most urgent assistance e.g. Tsunami Relief Aid, Earthquake Aid or severe local flooding or storm damage. Emergency collections for national/ international disasters will be authorised by the Chairman of the Licensing Committee or in his absence the Vice Chairman if the collection falls outside of the stated policy.

### **4.3 Applications and Fees**

There is no fee for applying for a licence, nor is there any fee for the grant of a licence. Once a licence has been granted the collection promoter must ensure that their collectors are issued with prescribed certificates of authority and badges, blank copies of which must be obtained from HM Stationery Office. It is an offence for any collector to collect without being in possession of the required signed authority and badge.

Please note that collections are carried out by regional or national charitable organisations under the authority of a Cabinet Office exemption.

### **4.4 Appeals**

There is a right of appeal to the Minister for the Cabinet Office against the decision of the Council to refuse an organisation a licence to hold a house to house collection or to revoke such a licence.

Appeals should be made in writing to:  
Office of the Civil Society,  
2nd Floor, Admiralty Arch, South Side  
The Mall, London SW1A 2WH

An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was given to the applicant for, or the holder of, a licence.

## **Appendix D**

### **Extract from the House-to-House Collection Regulations 1947**

The numbered paragraphs relate to the numbered paragraphs in the original regulations.

#### **Responsibility of promoters as respects collectors**

5. Every promoter of a collection shall exercise all due diligence -
- (a) to secure that person authorised to act as collectors for the purposes of the collection are fit and proper persons: and
  - (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

#### **Certificates of authority, badges, collecting boxes and receipt boxes**

6. (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person -
- (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
  - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
  - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.
- (2) Every promoter of a collection shall exercise all due diligence to secure -
- (a) that no prescribed certificate of authority, prescribed badge, collection box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
  - (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- (3) In case of a collection in respect of which a licence has been granted -

- (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
- (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by the chief officer of police for area in respect of which the licence was granted.

### **Duties of collectors in relation to certificates and badges**

7. Every collector shall -

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

### **Age Limits**

8. No person ... under the age of sixteen years shall act or be authorised to act as a collector of money.

### **Importuning**

9. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

### **Collecting of Money**

10. (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person forthwith and in the presence of such a person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil of

duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the persons from whom he received the contribution.

### **Duty of collectors to return boxes and books**

11. Every collector, to whom a collecting box or receipt book has been issued shall -
- (a) when the collecting box is full or the receipt book is exhausted, or
  - (b) upon the demand of a promoter of the collection, or
  - (c) when he does not desire to act as a collector, or
  - (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

### **Examination of boxes and books**

12. (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered to a bank unopened, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

### **Disposal of disused certificates of authority, etc.**

17. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.