



**HART DISTRICT COUNCIL
CHARITY COLLECTIONS POLICY**



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I **Introduction**

- 1.1 Hart District Council is responsible for issuing permits for street charitable collections within the District.
- 1.2 Charitable street collections are regulated under The Police, Factories, etc (Miscellaneous Provisions) Act 1916 which regulates collections of money or sales of articles for charitable purposes in street and public places.
- 1.3 The Act allows Local Authorities to make Regulations in respect of the administration of charitable street collections. The regulations made by Hart District Council can be found at section 3.
- 1.4 The aim of this policy is to provide guidance on the law relating to charity street collections and how Hart District Council administers application for permits when applying the law and regulations and to ensure fairness to charities.

2 **Policy Objectives**

- 2.1 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.

3 DEFINITIONS

'Charity' – An institution which

- a) Is established for Charitable purposes only, and
- b) Falls to be subject to the control of the high court in the exercise of its jurisdiction with respect to charities.

'Charitable Purpose' -

- a) The prevention of relief or poverty
- b) The advancement of education
- c) The advancement of religion
- d) The advancement of health or the saving of lives
- e) The advancement of citizenship or community development
- f) The advancement of the arts, culture, heritage or science
- g) The advancement of amateur sport
- h) The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
- i) The advancement of environmental protection or improvement
- j) The relief of those in need by reason of youth, age, ill health, disability, financial hardship or other disadvantage
- k) The advancement of animal welfare
- l) The promotion of the efficiency of the armed forces of the Crown, or of the police, fire and rescue services or ambulance services

'Promoters'

- a) A person or organisation who causes others to act as collectors

HART DISTRICT COUNCIL
STREET COLLECTION REGULATIONS

Made in pursuance of Section 5 of the
Police, Factories etc Miscellaneous Provisions Act 1916

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, Hart District Council has made the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place with the District of Hart to collect money or sell articles for the benefit of charitable or other purposes.

I 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

PROMOTOR means a person who causes others to act as collectors.

THE LICENSING AUTHORITY means Hart District Council.

PERMIT means a permit for 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 area administered by Hart District Council unless a promoter shall have obtained from the Licensing Authority, 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; provided that the Licensing Authority may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated on 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 the 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 had 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 collection shall importune any person to the annoyance of such person.
10. While collecting:
 - a) a collector shall remain stationary and
 - b) a collector or two collectors shall not be nearer to another collector than 25 metres, provided that the Licensing Authority may, if it thinks fit, waive the requirement of the Regulation in respect of a collection which had 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 person under the age of sixteen years to act as a collector.
12.
 - a) Every collector shall carry a collecting box.
 - b) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent their being opened without the seal being broken.
 - c) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - d) 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 b) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
- 2) Where a collection 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 Licensing Authority.

16 **FINANCIAL RETURN**

(1) **WITHIN ONE MONTH AFTER THE DATE OF A COLLECTION**, the person to whom the permit has been granted shall forward to the Licensing Authority:

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 a collection, and certified by that person 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), 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, the amount collected and the amount of the expenses any payments incurred in connection with such collection.

(3) The Licensing Authority may, if satisfied that there are special reasons for doing , extend the period of one month referred to in paragraph (1) above.

(4) For the purpose 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 Chartered Accountants in Ireland

The Association of Certified Accountants

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 pounds or in the case of a second or subsequent offence not exceeding five pounds.

The foregoing regulations were adopted by the Hart District Council on the Fifth day of March One thousand Nine hundred and Seventy Four.

5 Administration of applications for charity Street Collection permits

Hart District Council acknowledges the need for charities to raise much needed funds to support valuable causes by a variety of methods. Charity street collection permits will be granted whenever possible, subject to any limitations or restrictions detailed within this policy.

- 5.1 Any cash collection, undertaken in any street or public place, should be licensed by way of a permit from the relevant Local Authority in accordance with the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972.
- 5.2 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.
- 5.3 The regulations under which permits are issued can be found at section 4 on page 5–8. These are in place to ensure that collections do not result in nuisance or annoyance to the public and local businesses and to provide an audit trail in respect of the allocation of donations.
- 5.4 Charitable collections in stores, supermarkets or on private land do not require a Street Collection permit from the Council. Collections will usually require the permission from the store or private land owner to allow the collection to take place.
- 5.5 The Council does not issue permits to collect in any of the following privately owned shopping centres:

The Hart Shopping Centre

or where a collection is proposed to take place within premises privately owned where public access can be restricted by the owner, such as retail shops and other privately owned business premises.

In such cases permission will be required from the site Management Company.

- 5.6 Only one charity will be permitted to collect in any town on any one day. No charity will be granted with a permit to collect in the same town more than once in any three month period.
- 5.7 Pre booking - The council 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 licence@hart.gov.uk expressing the date requested. Only one proposed collection date per email will be acknowledged to ensure fairness to all charities. Alternatively applicants may write to the Licensing

Team at the address at the end of this Policy document. Once a date has been provisionally reserved an application form must be received within 10 working days or the provisional reservation will be cancelled.

- 5.14 Applications will only be accepted on the council issued application form available by downloading from the council's website at www.hart.gov.uk or by online application through www.gov.uk. All applications must be submitted no later than one month before the requested date of collection.
- 5.15 Each application allows a request for one collection date only. No bulk booking of future dates will be accepted on multiple or simultaneous applications. This is to ensure a fair booking process and allow availability of dates to a wider range of charities.
- 5.16 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.
- 5.17 Successful applications will result in permits being issued where possible, within 10 working days of receipt of the completed and valid application form.
- 5.18 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.
- 5.19 The council 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.
- 5.20 The council may, if necessary consult with other council teams for example (but not restricted to); Highways, Street Cleansing and Property services to ensure that an application will not impact on highways safety and cleanliness or conflict with any other events occurring.
- 5.21 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 council'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 as well as having regard to this policy.
- 5.22 Where a financial return is not received within the 28 days required in the Regulations detailed on page 6, no further permits will 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 council reserves the right to refuse any subsequent request for a permit by that applicant.

5.23 The council may also choose to refuse an application for one or more of the following reasons:

- i) The collection is considered not to be for charitable purposes
- ii) The application contravenes the provisions of the street collection legislation and regulations
- iii) To limit the number of collections
- iv) The proceeds allocated for expenses is considered to be too high
- v) inaccurate information was provided on the application
- vi) 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.

5.22 It is the council's intention to support, as far as reasonably possible; all applications for charitable collections save for any restrictions or other relevant matters within this policy.

6 House to House Collections

6.1 House to House collections involve the collection of either money or items directly from a persons property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law. There has been an increase in the number of bogus house to house collectors in the last year and as such it is vital that licences are issued to legitimate companies. This can give the public confidence that if the company is licensed their donations are being directed to the appropriate charity.

6.2 House to House collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. There are National exemption orders that are available to charities who have undertaken a high number of collections across local authority areas in the preceding two years. These are issued to the various charities by central government directly.

7 Statement of intent

7.1 This policy should give clear guidance to both officers and members on factors to be taken into account when determining applications for House to House Collections.

8 Application

- 8.1 On application the organisation must supply information relating to:-
- 1) Whether it is a registered charity including its charity number and the objectives of the charitable cause as supplied to the Charity Commission
 - 2) A statement of the organisation's aims as detailed in any literature
 - 3) Details of the history of the organisation, i.e. when formed; names of trustees, directors, organisers, etc
 - 4) Accounts and any relevant financial statements
- 8.2 In addition, it must be clear as part of the application process how much the charity will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before.

9 Legal reasons for refusal

- 9.1 A licensing authority may refuse to grant a licence, or, where a licence has been issued may revoke it, if it appears to the authority that: -
- 1) The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
 - 2) Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
 - 3) The grant of a licence would be likely to facilitate the commission of an offence under Section Three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
 - 4) The applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a licence;
 - 5) The applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
 - 6) The applicant or holder of the licence has refused or neglected to furnish

to the Authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

10 Reasons for refusal considerations

- 10 When considering applications the financial information given is sometime difficult to interpret. Applicants must give clear indication as to the percentage of the collection that will be given to the charity. Where this is unclear serious consideration will be given to refusing the application.
- 10.1 If the proportion allocated to the charity is clear, officers must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity. Refusal of the application should be given serious consideration when less than 80% of the value of the collection is being given to the charity.
- 10.2 It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The salaries received by Directors and key employees should also be considered as part of this assessment. Refusal of the application should be given serious consideration when the amount is greater than 20% of the value of the collection.
- 10.3 If no previous returns have been supplied to the Council after previous licensed collections within the District then the application should be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

11 Refusal and Appeal

- 11.1 If officers are minded to refuse an application then they must clearly state the reasons for the refusal and return the application.
- 11.2 Applicants may appeal an officer decision to the Licensing sub-committee for determination.

Enquiries to: The Shared Licensing Service, Hart District Council, Civic Offices,
Harlington Way, Fleet, Hants. GU41 4AE Telephone 01252 622122
Email: licence@hart.gov.uk