

Guidance for Street Collections

- 1.0 An application for a Street Collection Permit must be made to the Council in writing on the prescribed application form provided not later than one month before the proposed collection date.

- 1.1 Street Collection Permit Application forms may be downloaded from the Council's website together with a copy of the street collection regulations or alternatively obtained from the Council's Licensing Section at the following address: **Taxi Licensing Section, The Town Hall, The Boulevard, Crawley, West Sussex RH10 1UZ; Office Tel No: 01293 438944; Email: taxis@ Crawley.gov.uk**

- 1.2 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a street collection permit, it needs to have as much information as possible

- ii. An organisation's / individual's past conduct;
 - iii. Concerns about the integrity of the collection activity (e.g. suspected bogus charity collection);
 - iv. Complaints from local residents, businesses or other charity organisations;
 - v. Where the activity raises safety or nuisance/harassment concerns; etc.
- 2.2 Enquiries may be made to the local police and/or the Charity Commission for comment/investigation prior to consideration.
- 2.3 The Council may also consult with other council departments responsible for

- iv. Whether the person applying for the licence is a fit and proper person to hold a licence;
- v. Whether the organisation/its objectives may be considered to be charitable in character;
- vi. Whether a particular collection is considered to be in the public interest;
- vii. The organisation's connection to the local community;
- viii. How the organisation's work meets the Council's objectives for the Borough;
- ix. The Council's street collection policy and regulations; and
- x. Any other relevant considerations

The Council will then either:

- i. Issue a permit specifying the requested date and location; or
- ii. Refuse to issue a permit on certain grounds

Street Collections Policy

1.0 Introduction

- 1.1 This part of the document sets out how the Council will deal with charitable organisations that wish to collect monies or sell articles for charitable or other purposes in streets and public places.
- 1.2 Definition of “charity”, “charitable purpose” and “promoters”

Meaning of “*charity*”

Meaning of “promoters”

For the purposes of this guidance, means a person or organisation who causes others to act as collectors.

2.0 Statutory Powers

- 2.1 The power that enables the Council to regulate charitable street collections and to issue permits is contained in the *Police, Factories, etc, (Miscellaneous Provisions) Act 1916*

- 6.2 Applications will be invited for a date in November of each year so that the weekends in the following year can be decided in good time and booked up in advance.
- 6.3 The Head of Planning and Environmental Services will decide whether the collections will be permitted.

7.0 Emergency Charitable Collections

- 7.1 In the case of an emergency, we will aim to allow the collection during the first free weekend following the request to make the collection (i.e. one not already booked.)
- 7.2 Emergencies would include international, national and local incidents. If the emergency has been classified as such (by Central Government, for example) the collection will be normally decided by The Head of Planning and Environmental Services.

8.0 Applicants suitability to conduct charitable collections

- 8.1 The Council will not issue permits to an individual or organisation that has

8.6 Whilst it is not the Council's policy to require an organisation applying for a permit to collect to be a registered charity, where an application is received that is considered in the Council's judgment not to fulfil the Council's aims, the Head of Planning and Environmental Services may refuse the application.

8.7 The Council will only issue permits to an individual or organisation which provides adequate information so that the application can be considered properly. This may include any information, which might lawfully be requested by the Council in addition to that given on the application form.

9.0 Direct Debit Collections

9.1 The Council does not control collections where pledges are collected for direct debit donations (clipboard collectors or 'chuggers') because they do not collect actual money and there are no legal provisions for collections of this type at present however authorisation from the Town Centre manager must be sought before collectors enter the Borough of Crawley.

10.0 Approval of the Application – Issue of Street Collection Permit

10.1 On approving the application, a Street Collection Permit will be issued to the applicant along with:

- i. A copy of the Council's Conditions/Regulations for a street collection which must be adhered to during and after collections; and
- ii. A copy of the street1.65193(p)0s52.43(A)3.2.5202()278.002]TJ -261.84 -12.6 Td 6(ct)

11.1 Attention is drawn to section 16 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this

14.0 Appeals

- 14.1 Any person/organisation who is dissatisfied with the outcome of an application for a street collection permit may request that the application be considered formally by the Head of Planning and Environmental Services. This must be made in writing within 21 days of the date of refusal letter.
- 14.2 The Act does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Collection Permits. Should a person aggrieved by a decision of the Council feel it necessary, they may seek a Judicial Review of the decision.

CRAWLEY BOROUGH COUNCIL

STREET COLLECTION REGULATIONS

Police, Factories and (Miscellaneous Provisions) Act 1916, Local Government Act 1972 (S.251), Statutory Instrument 140/1974, as amended by: Criminal Law Act 1977 and Criminal Justice Act 1982

- 1.0 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 collectors;
“the licensing authority” means the Crawley Borough 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.
- 1.1 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 Crawley unless a promoter shall have obtained from the licensing authority, a permit.
- 1.2 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.
- 1.3 Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.
- 1.4 No collection shall be made except upon the day and between the hours stated in the permit.
- 1.5 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.
- 1.6 No person may assist or take part in any collection without the written authority of a promoter.
- 1.7 Any person authorised under the above paragraph shall produce such written authority forthwith for inspection in being requested to do so by a duly authorised officer of the licensing authority or any constable.
- 1.8 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.
- 1.9 No collection shall be made in a manner likely to inconvenience or annoy any person.
- 1.10 No collector shall importune any person to the annoyance of such person.

- 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.
- 5.0 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 newspapers as the licensing authority may direct (e.g. "Crawley and District Observer" and "The Crawley News") 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.
- 5.1 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.
- 5.2 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 Association of Certified Accountants;
 - the Institute of Chartered Accountants in Ireland.
- 5.3 These regulations shall not apply -
- in respect of a collection taken at a meeting in the open air; or
 - to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
- 6.0 **Any person who acts in contravention of these regulations shall be liable to a fine not exceeding £1000 or to imprisonment for a term not exceeding 6 months or to both such fine and such imprisonment.**

House to House Collections Policy

1.0 Introduction

1.1 This part of the Policy sets out how the Council will deal with charitable organisations that wish to collect money or other articles by means of going from house to house which includes places of business such as shops and public houses.

1.2 Definition of “charity”, “charitable purpose” and “promoter”:

Meaning of “charity”

For the purposes of the law of England and Wales, “charity” means 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.

Meaning of “charitable purpose”

- c) the prevention of relief of poverty;
- d) the advancement of education;
- e) the advancement of religion
- f) the advancement of health or the saving of lives;
- g) the advancement of citizenship or community development;
- h) the advancement of the arts, culture, heritage or science;
- i) the advancement of amateur sport;

Meaning of “promoters”

HOUSE TO HOUSE COLLECTIONS REGULATIONS

- (b) No promoter of a collection shall permit any person to act as a collector unless he has issued to that person:
 - (i) a prescribed Certificate of Authority;
 - (ii) a prescribed badge; and
 - (iii) if money is to be collected, a 'Collecting Box' marked, or a 'Receipt Book' (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
- (c) In the case of a collection in respect of which a licence has been granted, every prescribed Certificate of Authority shall be given on a form obtained from H.M. Stationary Office, and every prescribed Badge shall be so obtained.
- (d) No person under the age of 16 years, shall act or be authorised to act as a collector of money.
- (e) 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.
- (f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

6.0 **DEFINITIONS**

- 6.1 "Charitable Purpose" means any charitable, benevolent, or philanthropic purpose.

"Collection" means an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property; and "Collector" means a person who makes the appeal in the course of such visits.

"House" includes a place of business.

"Proceeds" means in relation to a collection, all money and all other property given, whether for consideration or not, in responses to the appeal.

"Promoter" means a person who causes others to act as collectors for the purposes of the collection.

The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

Data Protection Act 1998: Crawley Borough Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the

