

# **Cheshire West and Chester**

## **Charitable Street Collection Policy**

**DATE:**

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## 1.0 Aim of the Policy

The aims of this Policy are, to:

- reassure the public that all money donated to a permitted street collector is accounted for
- control street collection activities to ensure that public places in the Cheshire West and Chester district are free from potential nuisance caused by frequent or intrusive collecting activity
- detail the conditions under which permits are granted
- provide applicants with guidance on how they should conduct a street collection
- explain the local restrictions that further control or prohibit collections in some locations within the Cheshire West and Chester district
- explain when an exemption to street collection requirements will be considered
- explain when a permit will not be granted
- ensure impartiality and fairness in determining applications

## 2.0 Background

Section 5 of the Police, Factories, & c. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, enables a local authority to regulate street collections through the making of regulations and by the issue of permits. Cheshire West and Chester Borough Council's regulations are attached to this policy as **Appendix 1**.

The regulations require anyone wishing to make a public collection or sell articles for a charitable or other purpose to hold a Street Collection Permit from the Council. Amongst other things, this permitting process enables the Council to ensure that the charity undertaking the street collection is legitimate, and to regulate the method of collection; including the number of collections that are taking place at any one time. There is no statutory right of appeal against the refusal of a street collection permit. However, the Council's actions can be challenged by application to the High Court for a review of its decision.

## 3.0 Scope of Policy

This Policy affects any person, society, committee or other body of persons responsible for any collection of money or sale of any article for charitable purposes in any street or public place. Permits will be issued in-line with this Policy and granted for a specific date for a specified locality. Operating outside the conditions of the permit or the requirement of the regulations is an offence.

The regulations, and therefore this Policy, do not extend to:

- collections or sale of articles for charitable purposes in non-public places (unless a requirement of the landowner)
- collections made that are incidental to meetings held in the open air (and a collection only takes place from those attending the meeting)
- the selling of articles in the ordinary course of trade, and for the purpose of earning a livelihood, and no declaration is made by or on behalf of the seller that any part of the proceeds of the sale will be devoted to charitable purposes

- the collection of promised donations in the future (direct debit) but no payment takes place at the time of the initial contact.

The grant of a street collection permit does not absolve the applicant from their responsibilities to the public. All applicants for a street collection permit should be aware of the need to ensure that they have adequate insurance and public liability cover. If applying to collect in a town or the city centre, it is advisable to contact the relevant town council or city centre management (contact details can be found in the useful contact details found at **Appendix 3**). This is to ensure that the permitted day does not conflict with any other activity occurring in the area.

The grant of a permit does not allow the placing of any vehicles, stands, tables, chairs, or other items of equipment or display material and the applicant should be aware that such items on the highway may constitute an obstruction.

The granting of a permit does not authorise any activity linked to the collection or the collecting organisation (E.g. sponsored activities, performance, entertainment, music or dance).

No collector shall be under 16 years of age. A permit holder acting for/on behalf of a youth or children's organisation should ensure that no children are directly involved in the collection. Permit holders should have adequate safeguarding procedures, policies and chaperones in place where children linked to their organisation are in the vicinity of the collection.

#### **4.0 Application Requirements**

1. All applications for a street collection permit must be made using the Council's application form (including online applications) 28 days before the date of the collection.
2. Only applications that are fully complete will be processed.
3. Applications will be processed on a 'first come first served' basis.
4. Applications for the next calendar year should only be submitted after the first working day of the year in question. Unless the collection date requested occurs in the first three months of that year.
5. Applications will only be granted to charities registered with the Charity Commission or from applicants, who are not acting on behalf of a registered charity but are able to demonstrate they are representing a charitable or non-profit making organisation that have a positive impact within the Council's area. (Proof of charitable status or the charitable nature of the organisation or individual may be required with the application).
6. The applicant, where appropriate, must gain written permission to collect in a location from the owner or controller of the location of the proposed street collection.

7. Unless there are exceptional circumstances only one permit per area will be granted per year for each charity (does not exclude applications for different areas of the district on different days).
8. Allow more than one collection in a two-week period in any village, town or city, within the Cheshire West and Chester District.

## 5.0 Location Restrictions

Collections at some locations within the Cheshire West and Chester district are prohibited, others have restrictions placed on them or may need additional permissions before a permit may be issued. This is because:

- the sensitive/historic nature of the location
- the management/owners of the location will not always give their consent
- there are public safety concerns

Locations where collections are not permitted or are restricted include:

- Within 100 ft (30 m) of the Cross, Chester
- The Amphitheatre, Chester
- Private property
- Shopping centres and retail parks
- Parks and green spaces under the control of the Council
- Any road and pathways within a 750ft (228 m) within and entrance to Chester Racecourse (Race/Event Days Only) (see map **Appendix 2**)

## 6.0 Exemptions

The restriction on the number of street collections/days a street collection can take place can be disapplied under the following circumstances:

the granting of an exemption to these requirements is in the National and/or Local Interest. The granting of an exemption will be considered by a Senior Regulatory Services Manager. Exemptions will be considered for applications made by a recognised national charity requesting a recognised day or period during which the street collection will take place (E.g. Red Nose Day/Poppy Appeal/Children in Need).

The location restrictions can be disapplied under the following circumstances:

The applicant has obtained the written consent of the landowner or if on Council land, the written consent of a Council director, or the collection has been included in an event approved by the Council's Safety Advisory Group.

## 7.0 Regulations and Conditions

The regulations/conditions that all applicants must adhere to are contained in **Appendix 1**, this contains the following:

- Glossary of terms
- Explanation of the type of receptacle that can be used to collect cash
- The maximum number of collectors stood together

- The minimum distance between collectors
- The terms the street collection permit is issued under
- The requirement to complete and submit a return to the Council

## **8.0 Refusals for a collection permit**

An application for a Street Collection Permit will be refused under the following circumstances:

- The applicant fails to demonstrate evidence of charitable status or the charitable nature of the organisation
- The applicant has previously been issued a street collection permit and failed to submit the required return
- The applicant has previously been issued a street collection permit and not adhered to the location restrictions
- The applicant has previously been issued a street collection permit that has been the subject of complaints over harassment and/or obstruction.
- The applicant has previously been issued a street collection permit and breached any of the regulations and conditions attached to the permit (**Appendix 1**)

The above list is not exhaustive, and the Council may refer to other relevant matters, in its decision-making process, where appropriate and/or necessary.

Any person aggrieved by the refusal to grant an application or revoke a permit for a street collection may request a review of the decision made within fourteen days from the date on which the notice is given. Any such request must be made in writing to the Senior Regulatory Services Manager who will review the decision. The decision of the Senior Regulatory Manager will be final.

There is no statutory right of appeal against the refusal of a street collection permit

## **9.0 Fees and Charges**

There is no charge for a street collection permit.

## **10.0 Offences**

Any persons who act in contravention of any of the council's street collection regulations shall be liable on summary conviction to a fine not exceeding Level 1 on the standard scale (currently £200) in the case of a first or subsequent offence.

## **11.0 Implementation and Review of the Policy**

The Policy will be reviewed on a regular basis, and at least every 5 years.

Compliance will be enforced by Authorised Officers which include Regulatory Services Officers, Community Safety Wardens, Police Officers & Police Community Support Officers (PCSO's).

## **12.0 Useful Contacts**

A list of useful Contacts can be found at **Appendix 3**

## REGULATIONS MADE BY THE COUNCIL OF CHESHIRE WEST AND CHESTER WITH REGARD TO STREET COLLECTIONS

In pursuance of Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972, the Council of Cheshire West and Chester hereby makes the following regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the District of Cheshire West and Chester 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 constructed accordingly:

“promoter” means a person who causes others to act as collectors:

“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 contributions.

“Council” means the Council of Cheshire West and Chester.

2. No collection, other than a collection taking at a meeting in the open air, shall be made in any street or public place within Chester District unless a promoter shall have obtained from the Council 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 Council may reduce the period of one month if satisfied that 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 Council 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 Council 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 Council 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 or annoy any person.

9. No collector 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 together shall not be nearer to another collector than 75 ft (23 m)

Provided that the Council may, if it thinks fit, waive the requirements of this Regulation in respect of collection, which has 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. (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 contributions shall immediately be placed in a collecting box.

(4) 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 that 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 (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.

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 the Council may have approved conduct of such collection, or in respect of, services connected therewith, except such payments as.

16. (1) within one month after the date of any collection the person to whom a permit has been granted shall forward to the Council

(a) a statement in the form set out in the Schedule to these Regulations showing the amount received and the expenses and payments incurred in connection with such a collection, and certified by that person either a qualified accountant or an independent responsible person acceptable to the Council;

(b) a list of the collectors;

(c) a list of the amounts contained in each collecting box;

and shall, if required by the Council, 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 or an independent responsible person acceptable to the Council has given his certificate under paragraph (1) (a) above, publish in such newspaper or newspapers as the Council 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 and payments incurred in connection with such collection.

(3) The Council 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 Association of Certified Accountants;


The Institute of Chartered Accountants in Ireland.

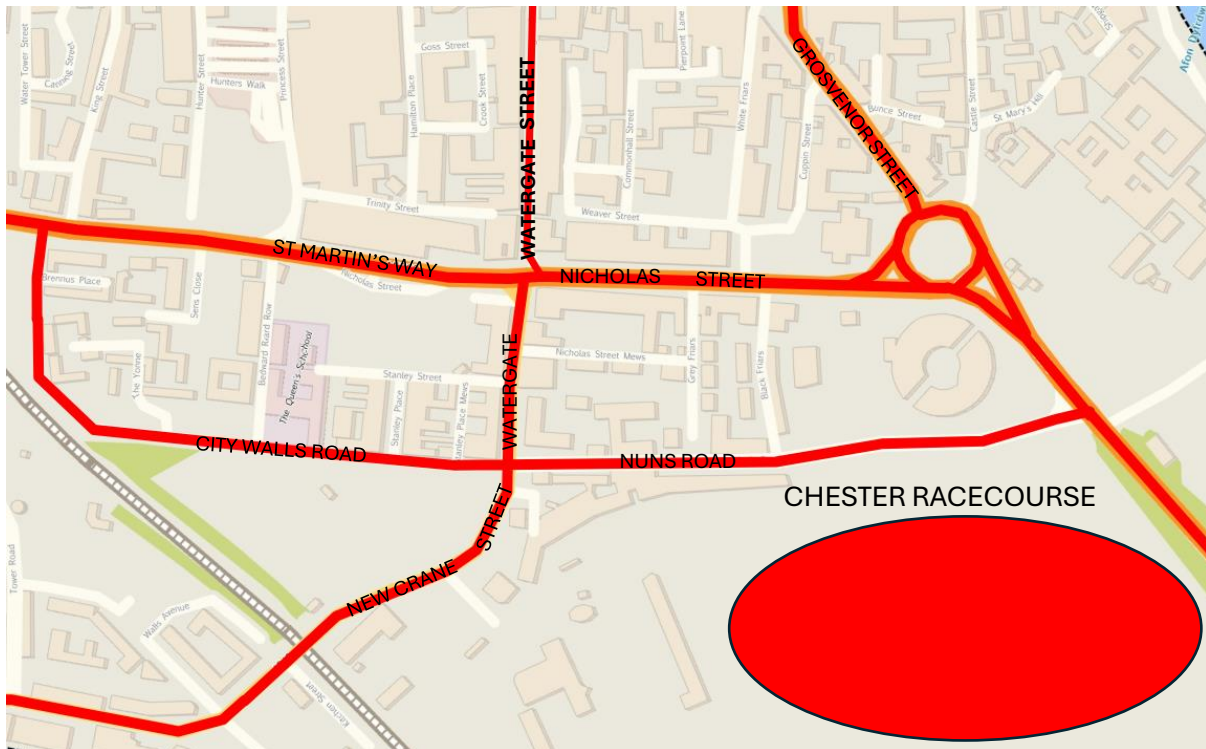
17. These regulations shall not apply –

- (a) in respect of a collection taken at a meeting in the open air;
- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

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## Appendix 2

Restricted Streets for Race Day or Events at Chester Race Course are shown in 



## Appendix 3

### Useful Contacts

#### Licensing Team

Applications>Returns [licensing@cheshirewestandchester.gov.uk](mailto:licensing@cheshirewestandchester.gov.uk) 0300 123 7737

The Portal, Wellington Road, Ellesmere Port CH65 0BA

#### Compliance

[LEDO@cheshirewestandchester.gov.uk](mailto:LEDO@cheshirewestandchester.gov.uk)

#### Community Safety

[community.safety@cheshirewestandchester.gov.uk](mailto:community.safety@cheshirewestandchester.gov.uk)

#### Locality Teams

[chesterlocality@cheshirewestandchester.gov.uk](mailto:chesterlocality@cheshirewestandchester.gov.uk)

[ellesmereportlocality@cheshirewestandchester.gov.uk](mailto:ellesmereportlocality@cheshirewestandchester.gov.uk)

[northwichwinsfordlocality@cheshirewestandchester.gov.uk](mailto:northwichwinsfordlocality@cheshirewestandchester.gov.uk)

#### Events/Safety Advisory

[events@cheshirewestandchester.gov.uk](mailto:events@cheshirewestandchester.gov.uk)