

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE - 23 OCTOBER 2014**

Background Papers, if any, are specified at the end of the Report

STREET COLLECTION

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RECOMMENDATIONS

- **To note the report for information**

Background

- 1 At the Licensing and Regulation Committee on 1 May 2014 a report was requested to inform the Committee of current policy and procedures for Street Collections with particular interest in relation to where collections may take place and limitations to this. A copy of the Council's Street Trading Policy is detailed at <http://www.chiltern.gov.uk/article/2095/Street-Collection-Permit>
- 2 It is illegal to hold a Street Collection to collect money or sell articles for the benefit of charitable or other purposes without obtaining a Street Collection Licence from the Council if that collection is to be held 'in a street or public place'. A 'public place' is a 'place where the public has access'.
- 3 A shop doorway or car park, when that shop is open for trading, is a 'public place' because the public has access at that time. No other licence would be valid. A Pedlar's Licence, issued by the Police cannot be used for this purpose. Only Local Authorities issue Street Collection Licences under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions Act 1916, as amended by the Local Government Act 1972 and Schedule 29 of that Act.
- 4 There is no charge for the issuing of consent but there are rules to be followed in applying. Street Collections are usually made by Charities. Collections usually take place in a town centre on busy shopping days. Money is collected in tins. There are regulations, which govern this type of collection.

Legal requirements when planning a collection

- 5 The purpose of the legal requirement to obtain consent is to ensure collectors are properly authorised and that money is collected in a secure way and the total proceeds collected are properly accounted for.
- 6 Applications for Street Collecting permits have to be made to the Council at least a month prior to when they are planned to take place. Although in special circumstances this may be waived.
- 7 Any person collecting is required to have a written consent form the permit holder which shows that they are permitted to collect under that permit.

- 8 There is a potential for any person who breaches any of the regulations to be fined up to £200.

Permit allowances

- 9 Only one permit will be issued per area per collection period applied for with the exception of exceptional circumstances - for example, national and international disaster appeals where multiple collections may take place, providing collections do not take place at the same location and at the same time.
- 10 If exceptional circumstances such as a national or international disaster arise the Council will provide a permit as quickly as possible and if other charities already have been issued with a permit for the same period, both collections will be allowed to take place as long as they are not carried out in the same location.
- 11 A single permit can cover a period of up to 10 days within which collections can take place, and once a permit is issued, collectors can carry out collections on any or all of the days covered.
- 12 **Appendix 1** provides details of collections that have been applied for in the last 12 Months.
- 13 A charity can use as many collectors as it likes within the area that the permit covers, but each collector (or couple if collecting together) has to be at least 25 meters from another.
- 14 Charities can apply for a permit to cover the whole district and the Council will consider this, however only one permit covering the district will be permitted at any time.
- 15 As it is not possible to charge for the issue of permits, the process has been automated as much as possible to reduce the amount of officer time that is required to deal with this licensing function.

Exemptions

- 16 News vendors and the selling of periodicals (such as the Big Issue) are exempt from the requirement to obtain a permit under the Police, Factories, &c. (Miscellaneous Provisions) Act 1916.
- 17 Face to Face Direct Debit collectors (sometimes referred to as chuggers) are also exempt from the requirement to obtain a permit as no money is collected at the time of the face to face engagement.

Compliance

- 18 Although officers do not dedicate specific time to ensuring compliance with the street collection regulations, officers do respond to any complaints that are received in relation to street collectors and also check on any collectors when carrying out other licensing business.
- 19 Since the beginning of April there have been 2 collectors that have been checked, one was found to be collecting without a permit, advice was given and they were moved on, on the other occasion the collector had a valid permit so was allowed to continue with their collection.

Background Papers: None
