



## Licensing Committee agenda

Date: Tuesday 5 September 2023

Time: 6.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

### Membership:

A Baughan, J Baum, D Dhillon, P Gomm, T Green, P Griffin, W Raja, J Rush, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace (Chairman) and A Wood (Vice-Chairman)

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<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for absence</b>	
<b>2 Declarations of interest</b>	
<b>3 Minutes of the previous meeting</b>	<b>3 - 8</b>
To approve as a correct record the Minutes of the meeting held on 14 June 2023.	

## **Part A - Statutory Functions**

None.

## **Part B - Other Licensing Functions**

- |          |   |                 |
|----------|---|-----------------|
| <b>4</b> | <b>Buckinghamshire Council draft Scrap Metal Licensing Policy</b> | <b>9 - 52</b>   |
| <b>5</b> | <b>Draft Charitable Collections Policy</b>                        | <b>53 - 138</b> |
| <b>6</b> | <b>Date of next meeting</b><br>Tuesday 7 November 2023 at 6.30pm  |                 |

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For further information please contact: Elly Cook [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)  
01895 837319



Agenda Item 3  
**Buckinghamshire Council**  
**Licensing Committee**

## Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 14 JUNE 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.40 PM**

### MEMBERS PRESENT

A Baughan, D Dhillon, P Gomm, B Stanier Bt, D Town, H Wallace and A Wood

### OTHERS IN ATTENDANCE

S Gallacher, A Thomlinson, L Vallis and S Manek

### Agenda Item

#### 1 APPOINTMENT OF VICE-CHAIRMAN

Members noted the appointment of Councillor Andrew Wood as the Vice-Chairman of the Licensing Committee for the Municipal Year 2023/2024.

#### 2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Joseph Baum, Tony Green, Jonathan Rush, Nick Southworth and Gurinder Wadhwa.

#### 3 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4 MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the Meetings held on 11 April 2023 and 17 May 2023 were both agreed as accurate records.

#### 5 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ENFORCEMENT UPDATE

The Committee received a report on the update on Hackney Carriage and Private Hire Licensing Enforcement. The report was for the Committee to note. The report focussed on the enforcement activity for the reference period 1<sup>st</sup> October 2022 to 31<sup>st</sup> March 2023. The report provides an overview of how the Policy is applied in practice, with a summary of application outcomes, complaints, investigations, and other enforcement activity carried out by the Council's Licensing Service.

The report highlighted the following information for the reference period:

- 2188 hackney carriage and private hire vehicles were licensed with the Buckinghamshire Council as at 31<sup>st</sup> March 2023.

- 1330 licence applications for vehicles licences were received, of this, 618 applications were for new licences and 712 were applications to renew existing licences.
- 21 vehicle licence applications were refused as the vehicles concerned failed to meet the Council's Policy requirement in relation to prohibiting category S insurance write offs.
- 86 vehicle licence applications were rejected for a variety of reasons, but mainly as incorrect information had been provided on the application forms, incorrect supporting documents had been provided or the applicant had failed to pay the application fee. Encouragingly the number of vehicle applications being rejected has fallen significantly, by way of comparison during the first six months following the introduction of the new Policy in September 2021, 212 applications had been rejected.
- 2916 hackney carriage and private hire drivers were licensed with Buckinghamshire Council as of 31<sup>st</sup> March 2023.
- The Council received 737 driver licence applications, 457 from new drivers and 280 from drivers applying to renew. Nine applications were refused on the basis that the Officers were not satisfied that the applicants could be considered fit and proper to be licensed. Sixty-six rejected applications were attributed to applicants failing to pay the application fee at the end of the online application. This rejection process for non-payment of fees is fully automated and requires no input from council officers.
- On 31<sup>st</sup> March 2023, 215 private hire vehicle operators were licenced with Buckinghamshire Council.
- The Council had received 37 new and 12 renewal operator applications. Twenty applications had been rejected mainly due to applicants submitting multiple incomplete applications.
- There were 163 recorded complaints received by the Licensing Service, the main reasons for complaint were behaviour, driving standards and parking. In addition to the complaints, sixty investigations were instigated in respect of drivers and 14 in respect of operators. Many of the investigations had been completed. Following an investigation, five drivers had their licences revoked. Sixteen drivers had their licences suspended.
- 349 vehicles were suspended for a variety of reasons. In accordance with legal provision, once served with a suspension notice, the vehicle proprietor had 21 days to rectify the issue before the suspension took effect. For more serious matters, vehicle licences could be suspended with immediate effect or revoked. Licences suspended with immediate effect would be deemed revoked after two months if the issue of concern had not been satisfactorily resolved. Thirty-two vehicle licences and one operator licence had been revoked.
- Three appeal cases had been heard at the Magistrates Court.

Members were invited to ask questions of Officers. A Member noted that since most complaints were in respect of driver standards, what did the Council do to investigate driver standards to ensure they are improved? Secondly the Member asked for clarity over the number of complaints received and those that were investigated Officers informed the Committee that the 60 recorded investigations were in addition to the 163 recorded complaints. All complaints received were investigated to a full conclusion. Driver standards were investigated by thorough investigation, looking at corroborating evidence such as witnesses or CCTV and patterns of behaviour. All complaint investigations were recorded and kept on file and if a pattern of behaviour was present then this would lend more significant

weight to a decision as to a driver's suitability. As part of the application process, all drivers had to undergo mandatory training and assessments with a third-party company including an out on the road test, answering questions on the Council Policy and knowledge of the Highway code and all drivers had to complete the mandatory safeguarding training every three years.

A Member asked how many times top offending drivers who commit a serious offence and have been revoked, manage to get their licence back and if there was a zero tolerance to prevent the offence happening again? There also seemed to be two category types of vehicle condition, it was worrying to hear that some vehicles had no first aid kits and/or fire extinguishers and were given the opportunity to rectify this, was the Council too lenient. The Officer reassured the Committee that there was a very robust policy in place with very clear guidelines. Any driver licence that had been revoked for very serious offences would not get their licence back. There were clear rehabilitation periods stated in the policy. The criminal history was also checked through an enhanced DBS.

Where vehicles were found not to have first aid kits or fire extinguishers, the drivers were given 21 days to rectify and very often this would be done immediately and remedied very quickly.

It was reported that Buckinghamshire Council had signed up to the national register of revocations, refusals and suspensions which is checked prior to issuing licences. This would give the team the opportunity to speak to the other authority's to gain information and knowledge to aid with decision making. This was now a mandatory scheme, but the Council had been on Board from the beginning.

All drivers were required to be registered on the DBS Update Service. Whilst a driver was expected to inform the authority of any offences, this information would also be obtained through regular checks of the DBS Update Service.

A Member asked that of the 163 recorded complaints, 60 were related to the personal approach and attitude of the driver. Only 60 complaints had been investigated of the 163, so what actions had been taken for the rest of the complaints? Were there specific criteria in place for those complaints investigated? The Officer informed the Committee that all complaints received were investigated and then additionally further investigations took place that were instigated by other sources such as intelligence from police, proactive enforcement activities, and information from applications submitted. In the report time, 163 complaints were investigated with an addition of 60 from other sources.

A Member commented that the total number of vehicles licenced was just over 2000 and 1300 were in the last six months, was there a point at which the Council stopped issuing licences or did the Council continue to issue licences and drivers operated in neighbouring counties. Officers informed the Committee that driver licences were issued for three years and vehicle licences for one year. There were a few peak points within the year. If a valid application was received, it had to be considered. The council has no power to limit the number of private hire vehicles it issues, but legislation does allow the number of hackney carriages to be limited. Anecdotally private hire operators are actually saying there are not enough licensed vehicles. In terms of working in other areas, the Deregulation Act allows operators licensed in one area to an operator in another area. There was a joint enforcement protocol with Milton Keynes, working together to enforce.

A Member asked if residents with a guide dog were being refused and if there were any complaints about this. The Officer reported that there were very few complaints received where a resident with a guide dog had been refused a taxi. Drivers were given disability awareness training as part of the mandatory training to raise awareness. There had been some test purchasing by volunteers with assistance dogs and last time there had been a

100% success rate.

Finally, it was asked since there was no requirement for child seats, was there any guidance for drivers. Officers commented that this was encouraged but it was the responsibility of the parents.

There was a request to operators to have more female drivers.

**Resolved: The Committee noted the contents of the Hackney Carriage and Private Hire Licensing Enforcement report.**

## **6 BUCKINGHAMSHIRE COUNCIL DRAFT SCRAP METAL LICENSING POLICY**

The Committee received a report on the new Buckinghamshire Council draft Scrap Metal Licensing Policy. The determination of applications and fee setting in relation to scrap metal is an Executive function of the Council, with the power to grant licences and take enforcement, delegated to Officers. The policy would also provide guidance on the application process, a brief overview of relevant legislation and links to Government guidance. The Licensing Authority was required to consider and determine applications for licences relating to scrap metal in line with the relevant legislation.

Since becoming a unitary authority, fee levels had been harmonised and the licensing team had been working to consolidate records and develop working practices that were consistent across the new Council area. This had included finding new ways to work collaboratively with other departments such as planning, and with partners, such as TVP, Buckinghamshire Fire and Rescue Service and the Environment Agency, in order to carry out more effective compliance checks and intelligence gathering.

All scrap metal dealers must obtain a licence from the local authority in order to carry on their business. It is an offence to carry on a business without a licence. The offence was punishable on summary conviction with an unlimited fine.

A scrap metal dealer is defined in the Act as someone carrying on a business which consisted wholly or in part of buying and selling scrap metal, whether or not the metal was sold in the form in which it was bought.

Under the Act, scrap metal is defined as any old, waste, or discarded metal or metallic material and any product, article or assembly which was made from or contained metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

There are two types of scrap metal licences as described in the legislation and guidance. These is a site licence and a mobile collector's licence. Both licence types lasted for a period of three years.

The Council currently licenced 15 scrap metal dealers, broken down into 8 site licences and 7 mobile collector licences. A dealer could only hold one type of licence in any one council authority area. A public register of licenced scrap metal dealers is maintained by the Environment Agency and the Council is required to provide the appropriate information on all scrap metal licences issued in our area to the Environmental Agency for this purpose.

Members were invited to ask questions of Officers. The Chairman asked for clarification on paragraph 2.7, whether metal stolen from historic sites was likely to be presented for sale in a

damaged state and therefore fell under the definition. It was confirmed that it was as defined in the report.

The Chairman asked about the cost of the licence and the cost to the Council to manage the process. The Licensing Officer informed the Committee that there were a very small number of licences issued by the Council and therefore there was a harmonised fee, once the policy had been adopted, this would be reviewed. Any changes of fees would be presented to the Committee.

A Member commented that they were happy to see the policy. The Member asked how mobile collectors would be managed and secondly, if farmers wanted to scrap metals, would they require a licence. The Officer informed the Committee that with the introduction of identify plates, this would raise awareness for residents that people collecting metal items from skips and gardens, require licenses. With respect to farmers, this would be assessed on a case-by-case basis and if it was only a by-product of the industry then it would be outside of the scope.

A Member asked why the policy was being issued now and what were the penalties for breaking the rules. The Member also raised that if washing machines and other similar items left in front gardens were not collected, would that be an issue as they would be just left or sent to landfill. The Officer explained that since becoming unitary, there was a work programme in place to review all the policies. Priority was being given to those policies that had potential high-level risk if not harmonised. All policies were in the process of being aligned. It was explained that currently a licence was required to collect appliances from skips and front gardens, there were wider issues around social responsibilities. Items were sometimes collected and striped down at inappropriate locations. And the penalty was a level 5 fine which carried an unlimited fine based on the income of the person being charged.

Finally, a Member asked if there had been any occurrences of lead being stolen from church roofs and sold and was advised that fortunately there had been a very few cases.

A Member suggested raising awareness for residents if the policy was approved. It was essential that residents could complain anonymously if they wanted.

The recommendation was that if the draft Scrap Metal Licensing Policy set out at Appendix 1, subject to any recommended amendments, was approved for consultation with relevant stakeholders.

On a vote being taken the recommendation was proposed by Cllr Wood and seconded by Cllr Gomm and: -

**RESOLVED that the draft Scrap Metal Licensing Policy set out at Appendix 1 of the report be approved for consultation with relevant stakeholders.**

## **7 DATE OF NEXT MEETING**

It was noted that the date of the next meeting was Tuesday 18 July 2023 at 6.30pm.

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## Report to Licensing (Regulatory) Committee

<b>Date:</b>	5 <sup>th</sup> September 2023
<b>Title:</b>	Buckinghamshire Council draft Scrap Metal Licensing Policy
<b>Cabinet Member(s):</b>	Cllr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
<b>Contact officer:</b>	Catriona Crelling, Senior Licensing Officer
<b>Ward(s) affected:</b>	None specific
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1. To agree the Scrap Metal Licensing Policy following consultation with a proposed implementation date of 1<sup>st</sup> February 2024.</li> <li>2. To recommend the policy for approval by Key Decision by the Leader of the Council.</li> <li>3. To authorise the Head of Service for Licensing, in consultation with the Cabinet Member for Homelessness &amp; Regulatory Services and Chairman of the Licensing Committee, to amend the implementation date of the Policy if required.</li> </ol>
<b>Reason for decision:</b>	The adoption of a policy supports the Council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.

## **1. Introduction**

- 1.1 In accordance with the Scrap Metal Dealers Act 2013 (“SMDA”), Buckinghamshire Council, in its role as Licensing Authority, is responsible for licensing scrap metal dealers as defined within the Act.
- 1.2 Determination of applications and fee setting in relation to scrap metal licences is an Executive function of the Council, with the power to grant licences and take enforcement under the SMDA delegated to officers as detailed under the Council’s Scheme of Delegations.
- 1.3 Whilst there is no statutory requirement for a policy under the legislation, it is now considered appropriate to produce a single policy for Buckinghamshire Council which sets out a clear and consistent framework for the Council’s approach to scrap metal licensing.
- 1.4 The adoption of a policy supports the Council’s commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.
- 1.5 The draft policy provides a brief overview of the relevant legislation, links to Government guidance on the SMDA and information on the application process.
- 1.6 The SMDA makes it clear that the Council must not issue or renew a licence unless they are satisfied that an applicant is a suitable person to carry on a business as a scrap metal dealer. The draft policy provides an opportunity to outline matters which the Council will take into consideration when deciding if someone is suitable to hold a licence.
- 1.7 The draft policy also gives the Council an opportunity to set out how it will implement the Local Government Association’s recommendations for good practice in relation to scrap metal licensing, such as carrying out compliance visits, partnership working with other agencies and intelligence sharing.
- 1.8 On the 14<sup>th</sup> June 2023 the Licensing Committee approved a new draft Scrap Metal Licensing Policy for public consultation. The report provided to members at this meeting and draft minutes of that meeting can be viewed here: <https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?>
- 1.9 The purpose of this report is to provide a summary of the consultation responses, to comment on these, and to identify and recommend any changes to the draft policy in response to the consultation.

## **2. Content of Report**

- 2.1 A six week public consultation on the draft Policy was carried out, primarily by way of a survey published on Your Voice Bucks. The consultation process ran from 03 July 2023 up to and including 13 August 2023.
- 2.2 In total there were only 6 responses during the consultation period. 5 people responded to the survey and an additional 1 response was received by email. The summary of survey responses is attached as Appendix 1. The free text comments provided via the survey are shown in Appendix 2.
- 2.3 An email response was received from Bucks Fire and Rescue Service and is attached as Appendix 3 (see para 2.13). The Environment Agency were also asked to comment on the proposed policy but advised that they did not have sufficient resource to do so.
- 2.4 All those that responded either strongly agreed or agreed with the proposals within the draft policy. All those that responded also strongly agreed or agreed that applicants for a scrap metal dealers site licence provide a site plan and layout with their application.
- 2.5 Each responder strongly agreed with the proposal to introduce identification plates or discs for scrap metal collectors to display on their vehicle.
- 2.6 One responder commented that a vehicle identification plate/ disc should also be provided to site licence holders. Further consideration has been given to this suggestion and clarification sought from an expert on the SMDA working for both the British Transport Police and National Infrastructure Crime Reduction Partnership.
- 2.7 Under the SMDA there is no requirement for a site licence holder to display a licence in their vehicle. Requiring this as part of the policy would go beyond what is required by law and would be problematic. When having scrap metal delivered to their site, a site licence holder might use a wide range of their own vehicles or even a haulage firm (who would not require a licence). As part of this, the licence holder would already be expected to hold documentation such as a waste transfer note or consignment note which would show where the scrap metal had been collected from and where it was going to.
- 2.8 One of the reasons for providing identification plates or discs for collector's vehicles is to assist with identifying legitimate collectors. Providing the same for site licence holders who are not permitted to collect metal in the same manner would make this more difficult and potentially have an impact on how we best target enforcement resources.

- 2.9 For these reasons no change is proposed to the draft policy in response to this comment.
- 2.10 All respondents strongly agreed that records relating to the purchase and sale of scrap metal should be produced in the English language, either on paper or electronically, with 80% also strongly agreeing with the Council's proposed approach to enforcement of the SMDA. This would involve a risk based traffic light system for the frequency of site visits, having assessed how well a scrap metal dealer demonstrates that they are meeting the requirements of their licence. However, one responder commented that they felt all SMDA licence holders should be inspected annually regardless of what level of compliance is demonstrated at the first visit.
- 2.11 This comment has been given further consideration and it is still felt that the approach proposed in the draft policy is in line with the Council's enforcement policy and is considered proportionate, using a risk-based approach to make most efficient use of, and effectively target, officer resources. In line with the Council's enforcement policy, this approach also incentivises compliance amongst licensed operators and supports compliant businesses by reducing unnecessary administrative burden. For this reason there are no proposed changes to draft policy regarding our approach to enforcement.
- 2.12 The response from Buckinghamshire Fire and Rescue Service (shown in Appendix 3) suggests inclusion of a short section relating to the duties and responsibilities of site operators to undertake general fire precautions, including the completion of a suitable and sufficient fire risk assessment under the Fire Safety Order 2005.
- 2.13 Responsibility for enforcing the Fire Safety Order 2005 rest with the Fire and Rescue Service. It is clearly important for licensed operators to understand their responsibilities under this legislation. However, as this does not fall within the remit of the SMDA and cannot be enforced by the Council, it is considered more appropriate to promote awareness by signposting operators to suitable guidance via the licensing webpages on the Council's website. Officers will liaise with the Fire and Rescue Service to provide links to the relevant information sources. For this reason, no changes are proposed to the draft policy in relation to this comment.
- 2.14 In summary, there are no proposed changes to the draft policy following public consultation. The draft policy is attached to this report as Appendix 4.

### **3. Next steps and review**

- 3.1 If recommended for approval by the Committee, the policy will go forward for Key Decision by the Leader of the Council with a proposed implementation date of 1st February 2024 taking into consideration any practicalities such as updating Council webpages, application forms and back – office processes.

## 4. Other options considered

- 4.1 The Council could choose not to have a scrap metal licensing policy as there is no statutory requirement to have one.
- 4.2 However, a policy provides an opportunity for the Council to set out its approach, providing clarity for applicants, licence holders and other affected parties.

## 5. Legal and financial implications

- 5.1 The legal implications are set out in this report and the report presented to Committee on 14<sup>th</sup> June 2023. The Policy ensures consistency of approach, and it is considered that the Council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered, reasons for refusal and our approach to enforcement.
- 5.2 The Council has made reference to the document "[Open for business: Local Government Association \(LGA\) guidance on locally set licence fees](#)". The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. The Council has also referred to the Home Office guidance "**Scrap Metal Dealers Act 2013: guidance on licence fee charges**". These outline which activities can be funded by the licence fee.
- 5.3 Fees are set on a cost recovery basis. Once this policy has been adopted a review of scrap metal licence fees will be carried out and any changes proposed brought before the Committee.

## 6. Corporate implications

- 6.1 **Protecting the vulnerable** – no concerns have been identified
- 6.2 **Property** N/A
- 6.3 **HR** N/A
- 6.4 **Climate change** N/A
- 6.5 **Sustainability** N/A
- 6.6 **Equality** – As part of the consultation process, officers made enquiries with the National Infrastructure Crime Reduction Partnership (NICRP) and have been advised that there is currently no demographic data available on scrap metal dealers. The equality impact screening assessment (EqIA) carried out identified some equality issues relating to barriers which might be encountered by some protected groups in relation to the application process and inspections. These have been mitigated where possible within the policy and are not expected to be major issues.

Appropriate reasonable adjustments can be made to deal with them. In addition, the policy is being introduced to ensure consistent decision making and will be reviewed for its effectiveness both in relation to the statutory requirements and equalities matters. The EqIA assessment will be reviewed in a year's time.

- 6.7 **Data** - dealing with any application for a licence will require the collection and processing of personal data. Such processing is justified by the public interest in appropriate licensing of scrap metal dealers. The Council's current licensing procedures ensure relevant personal data (including criminal conviction data) is processed in accordance with the Data Protection Act and UK GDPR requirements and this will apply to any further detailed personal data (if any) processed as a result of the proposed Policy being adopted
- 6.8 **Value for money** - policy will be reviewed as legislative changes occur and updated accordingly, ensuring that it is fit for purpose. A formal review will be carried out at least every 5 years. All of this work will be performed by officers in-house

## 7. Key Documents

Scrap Metal Dealers Act 2013 (SMDA)

<https://www.legislation.gov.uk/ukpga/2013/10/enacted>

The Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013

<https://www.legislation.gov.uk/uksi/2013/2276/contents/made>

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013

<https://www.legislation.gov.uk/uksi/2013/2258/made>

The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 <https://www.legislation.gov.uk/uksi/2013/1966/contents/made>

The Scrap Metal Dealers Act 2013: Determining suitability to hold a scrap metal dealer's licence [statutory guidance for local authorities in England and Wales](#)

## Buckinghamshire Council Scrap Metal Licensing Policy consultation: Summary report

This report was created on Monday 14 August 2023 at 09:30 and includes 5 responses.

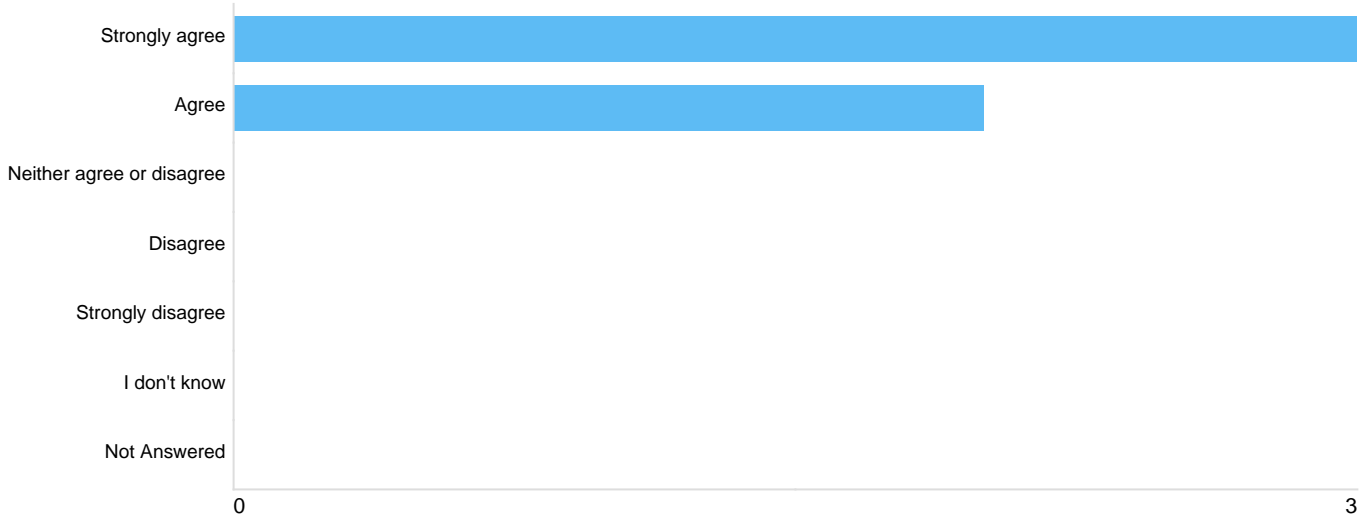
The activity ran from 03/07/2023 to 13/08/2023.

### Contents

Do you agree or disagree with the proposals for scrap metal licensing?	2
Agree/disagree - Applicants provide a Basic DBS check no more than 1 month old at the time of application	2
Agree/disagree - Applicants provide a site plan and layout	2
Agree/disagree - Identification plates or disc to be placed on licence holders' collections vehicle	3
Agree/disagree - Records relating to the purchase and sale of scrap metal are produced in the English language either on paper or electronically	3
Reasons	4
To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing?	4
Agree/disagree	4
Reasons	4
How easy is the draft Buckinghamshire Council Scrap Metal Licensing Policy to understand?	4
Easy to understand	4
Make easier	5
If you have any other comments about the draft Buckinghamshire Council Scrap Metal Licensing Policy, please tell us here:	5
Other comments	5
What scrap metal licence do you currently hold?	5
Licence held	5
Which of the following describe you? (Select all that apply)	6
Capacity	6
Other	6
How did you find out about this consultation? (Select all that apply)	7
Find out	7
Other	7
Are you responding as an individual or on behalf of an organisation (e.g. a business or a voluntary group)?	8
Individual or organisation	8
Please provide the following details:	8
Name of organisation:	8
Your job title:	8
What is your age?	8
Age	8
Are you:	9
Are you	9
Do you consider yourself to have a disability / disabilities, impairment(s) or long term health condition(s)? (Select all that apply)	9
Disability / impairment / long term health condition	9
How would you describe your ethnicity?	10
Ethnicity	10
Other	11

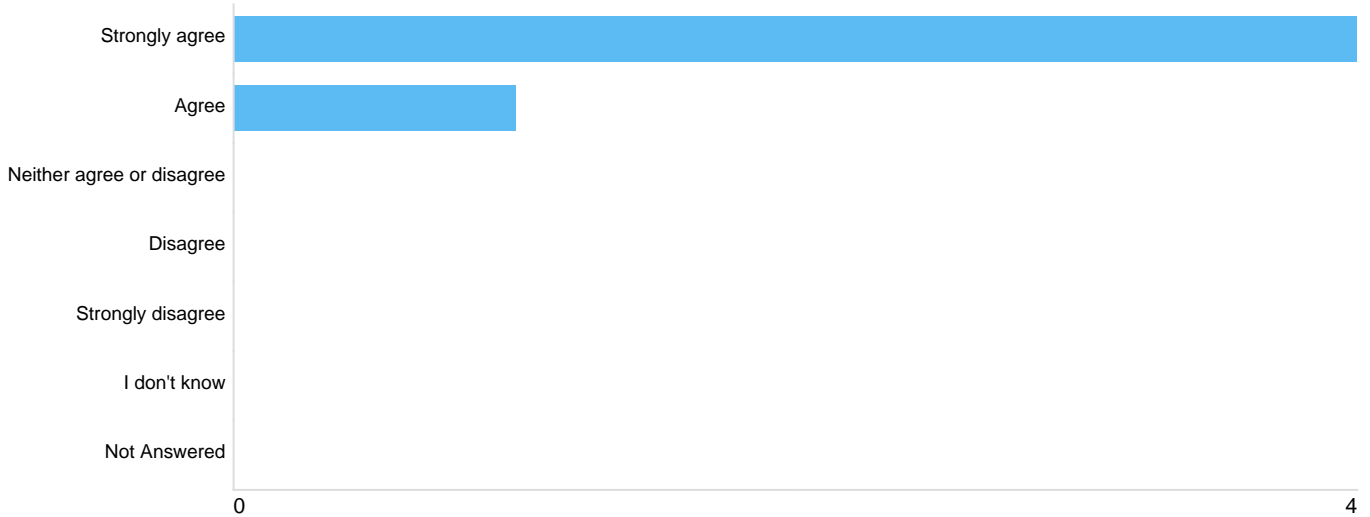
**Do you agree or disagree with the proposals for scrap metal licensing?**

**Agree/disagree - Applicants provide a Basic DBS check no more than 1 month old at the time of application**



Option	Total	Percent
Strongly agree	3	60.00%
Agree	2	40.00%
Neither agree or disagree	0	0.00%
Disagree	0	0.00%
Strongly disagree	0	0.00%
I don't know	0	0.00%
Not Answered	0	0.00%

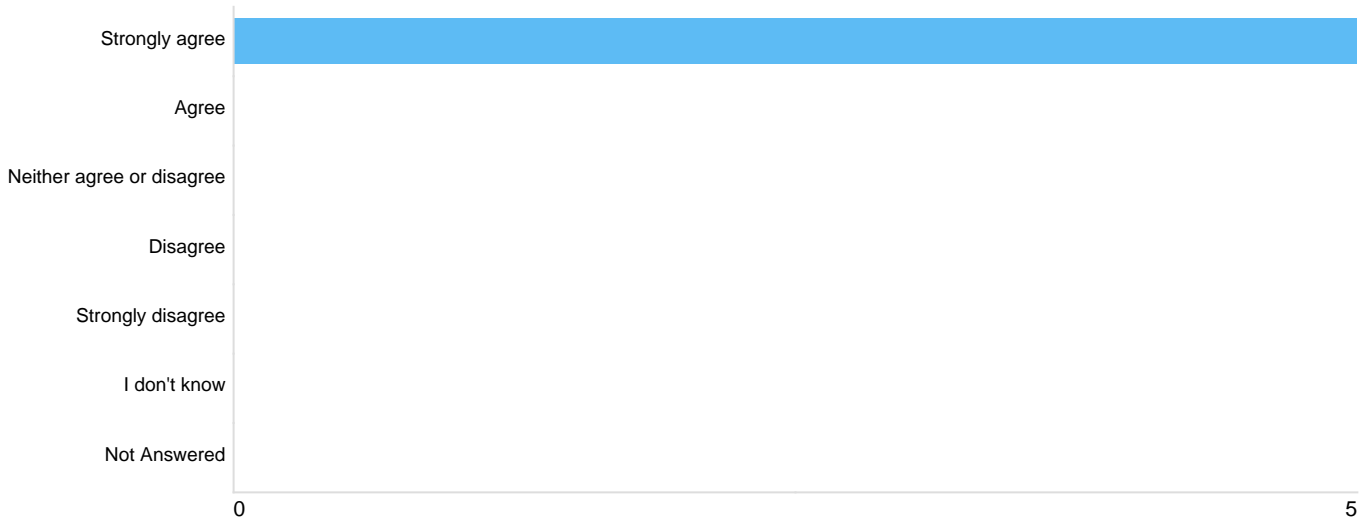
**Agree/disagree - Applicants provide a site plan and layout**





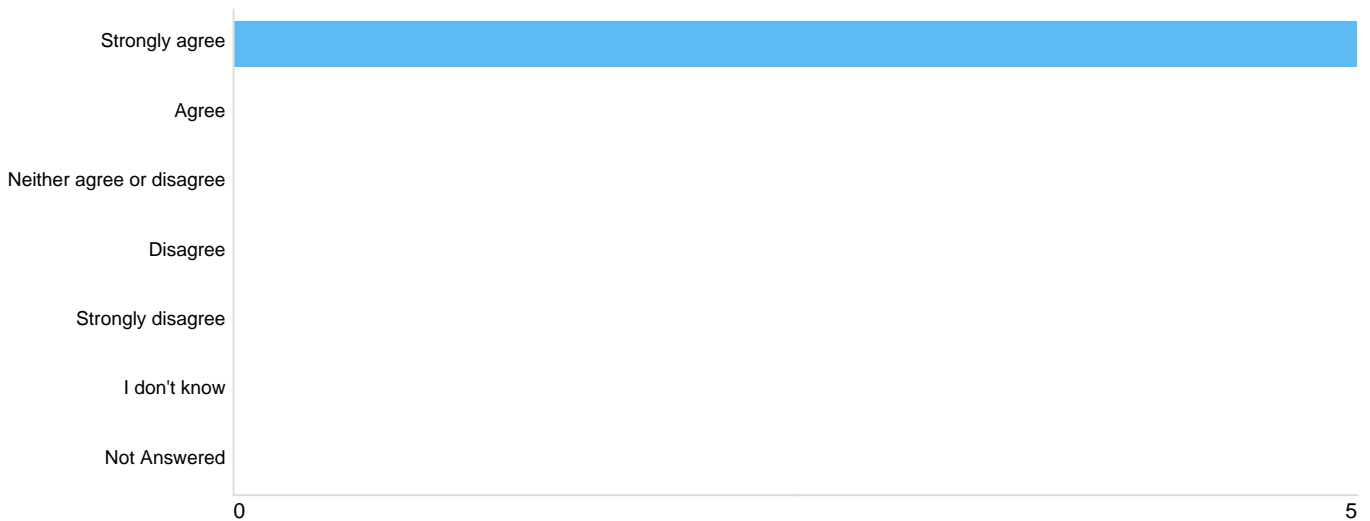
Option	Total	Percent
Strongly agree	4	80.00%
Agree	1	20.00%
Neither agree or disagree	0	0.00%
Disagree	0	0.00%
Strongly disagree	0	0.00%
I don't know	0	0.00%
Not Answered	0	0.00%

**Agree/disagree - Identification plates or disc to be placed on licence holders' collections vehicle**



Option	Total	Percent
Strongly agree	5	100.00%
Agree	0	0.00%
Neither agree or disagree	0	0.00%
Disagree	0	0.00%
Strongly disagree	0	0.00%
I don't know	0	0.00%
Not Answered	0	0.00%

**Agree/disagree - Records relating to the purchase and sale of scrap metal are produced in the English language either on paper or electronically**



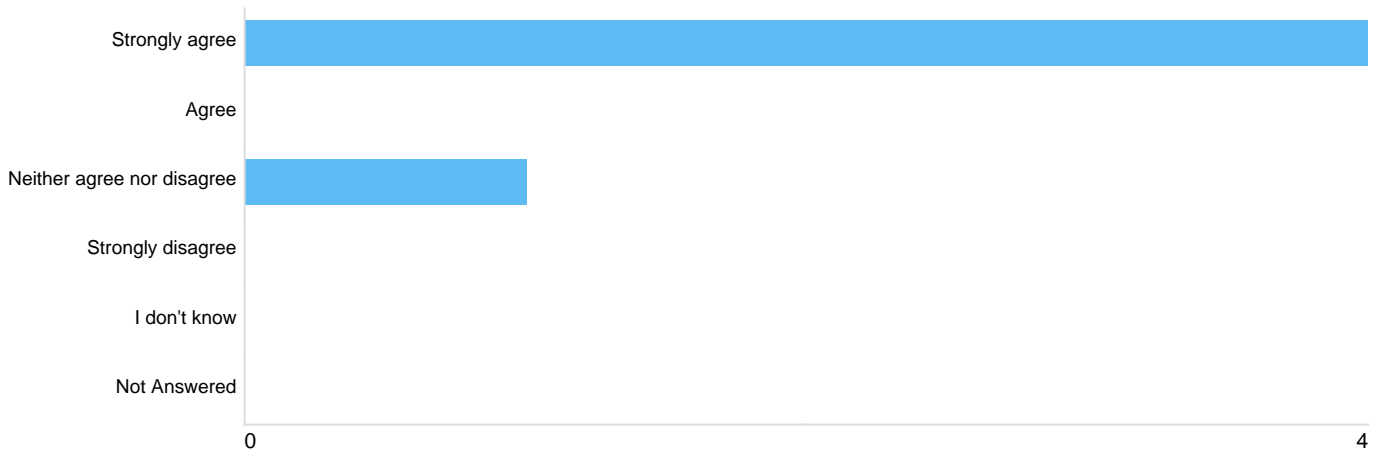
Option	Total	Percent
Strongly agree	5	100.00%
Agree	0	0.00%
Neither agree or disagree	0	0.00%
Disagree	0	0.00%
Strongly disagree	0	0.00%
I don't know	0	0.00%
Not Answered	0	0.00%

**Reasons**

There were 5 responses to this part of the question.

**To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing?**

**Agree/disagree**



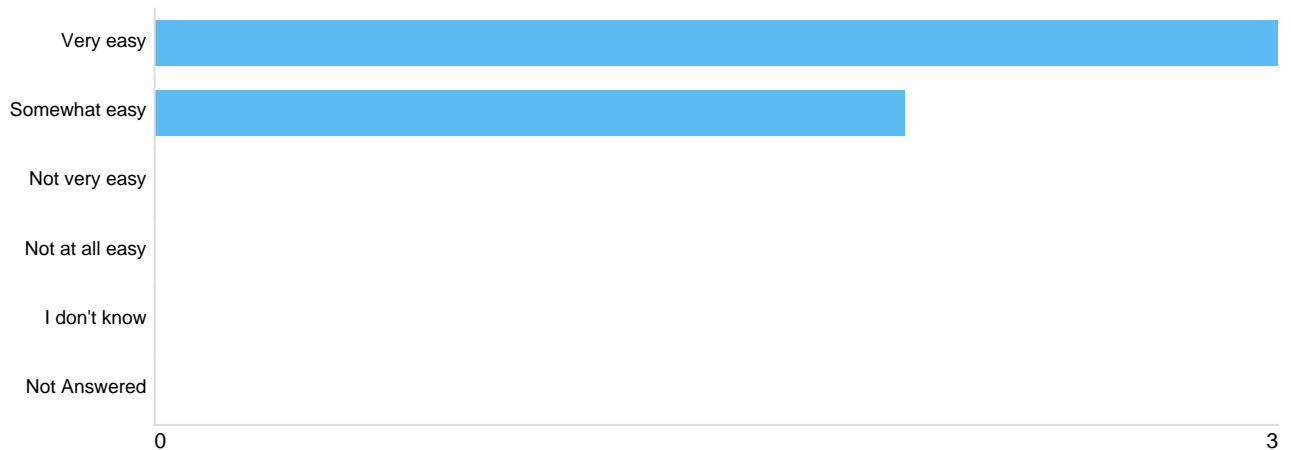
Option	Total	Percent
Strongly agree	4	80.00%
Agree	0	0.00%
Neither agree nor disagree	1	20.00%
Strongly disagree	0	0.00%
I don't know	0	0.00%
Not Answered	0	0.00%

**Reasons**

There were 4 responses to this part of the question.

**How easy is the draft Buckinghamshire Council Scrap Metal Licensing Policy to understand?**

**Easy to understand**



Option	Total	Percent
Very easy	3	60.00%
Somewhat easy	2	40.00%
Not very easy	0	0.00%
Not at all easy	0	0.00%
I don't know	0	0.00%
Not Answered	0	0.00%

***Make easier***

There were 2 responses to this part of the question.

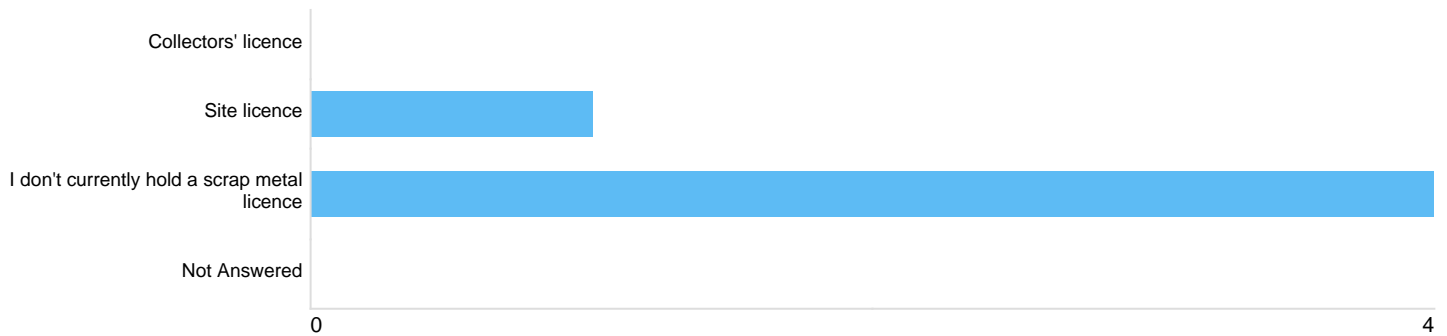
**If you have any other comments about the draft Buckinghamshire Council Scrap Metal Licensing Policy, please tell us here:**

***Other comments***

There was 1 response to this part of the question.

**What scrap metal licence do you currently hold?**

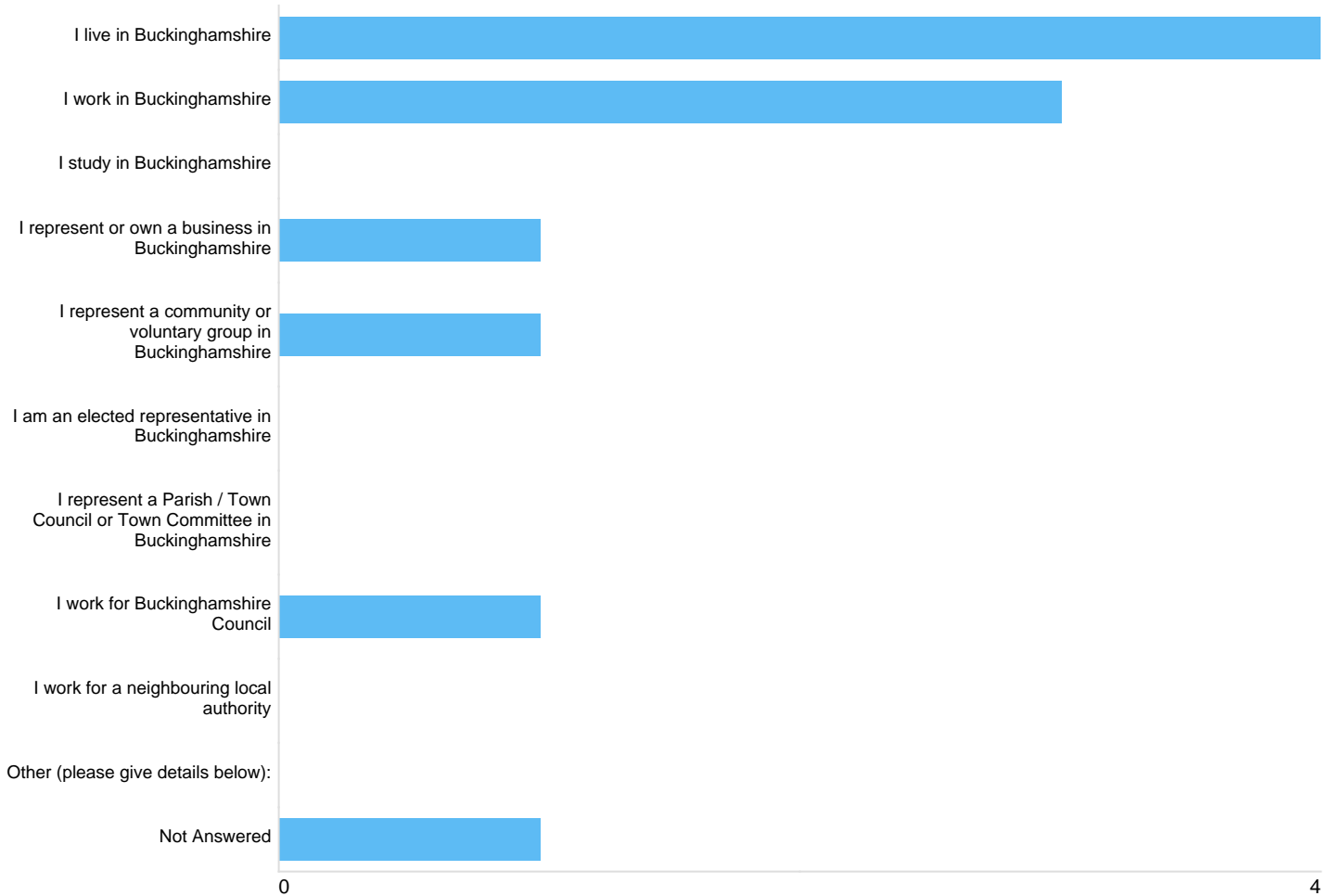
***Licence held***



Option	Total	Percent
Collectors' licence	0	0.00%
Site licence	1	20.00%
I don't currently hold a scrap metal licence	4	80.00%
Not Answered	0	0.00%

**Which of the following describe you? (Select all that apply)**

**Capacity**



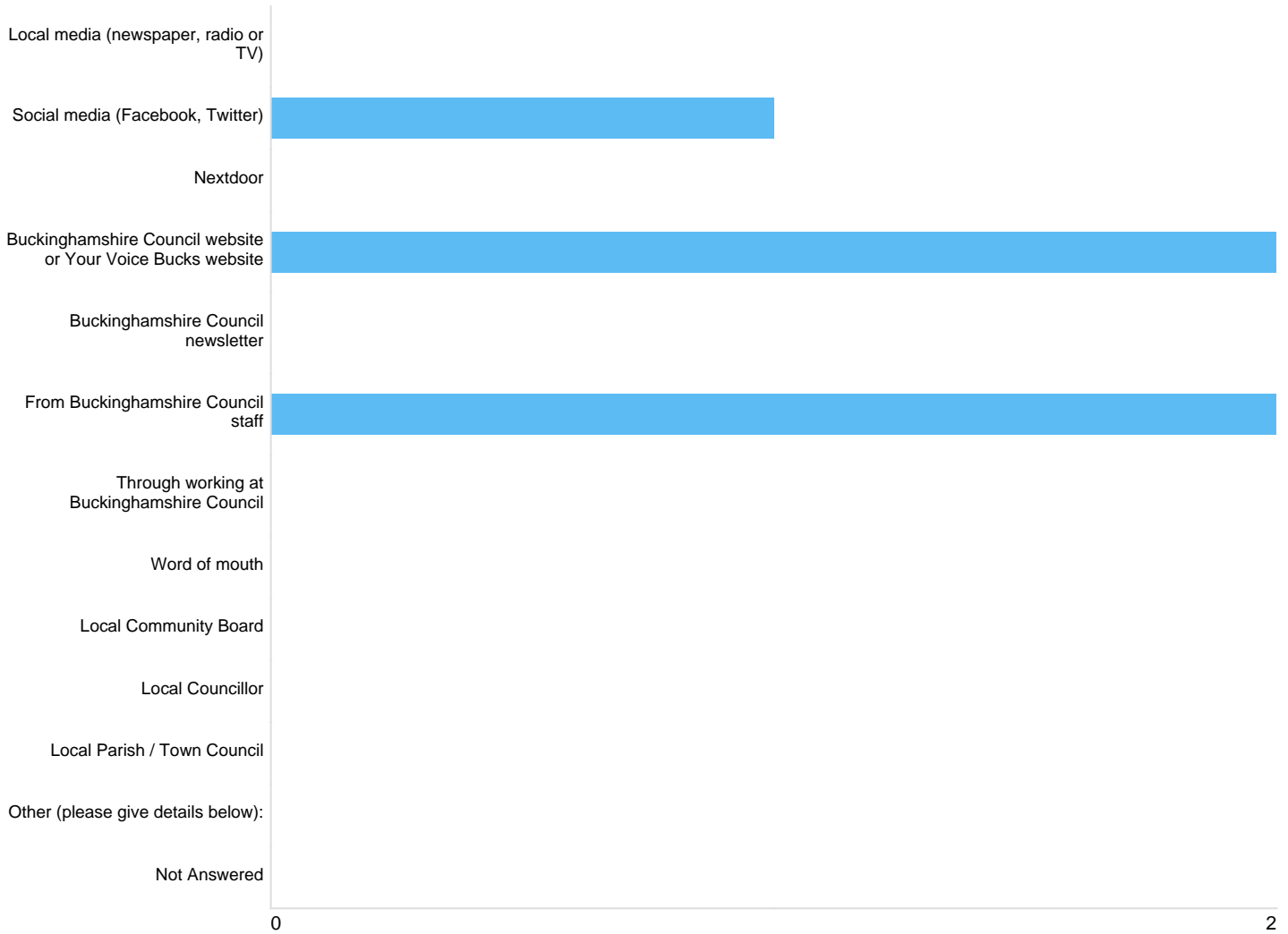
Option	Total	Percent
I live in Buckinghamshire	4	80.00%
I work in Buckinghamshire	3	60.00%
I study in Buckinghamshire	0	0.00%
I represent or own a business in Buckinghamshire	1	20.00%
I represent a community or voluntary group in Buckinghamshire	1	20.00%
I am an elected representative in Buckinghamshire	0	0.00%
I represent a Parish / Town Council or Town Committee in Buckinghamshire	0	0.00%
I work for Buckinghamshire Council	1	20.00%
I work for a neighbouring local authority	0	0.00%
Other (please give details below):	0	0.00%
Not Answered	1	20.00%

**Other**

There were 2 responses to this part of the question.

**How did you find out about this consultation? (Select all that apply)**

**Find out**



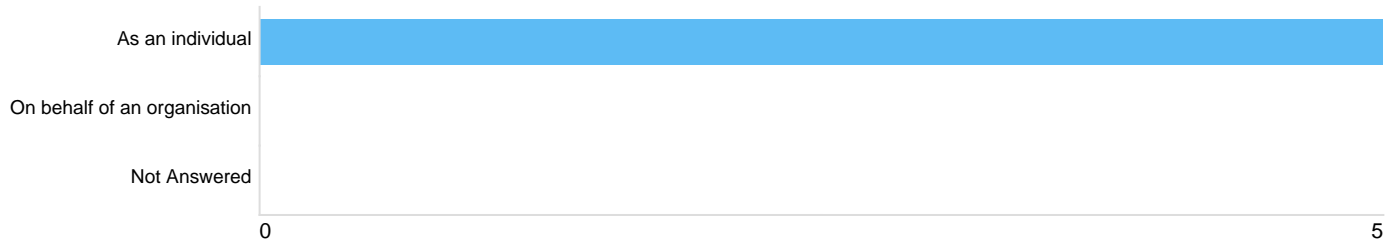
Option	Total	Percent
Local media (newspaper, radio or TV)	0	0.00%
Social media (Facebook, Twitter)	1	20.00%
Nextdoor	0	0.00%
Buckinghamshire Council website or Your Voice Bucks website	2	40.00%
Buckinghamshire Council newsletter	0	0.00%
From Buckinghamshire Council staff	2	40.00%
Through working at Buckinghamshire Council	0	0.00%
Word of mouth	0	0.00%
Local Community Board	0	0.00%
Local Councillor	0	0.00%
Local Parish / Town Council	0	0.00%
Other (please give details below):	0	0.00%
Not Answered	0	0.00%

**Other**

There were **0** responses to this part of the question.

**Are you responding as an individual or on behalf of an organisation (e.g. a business or a voluntary group)?**

**Individual or organisation**



Option	Total	Percent
As an individual	5	100.00%
On behalf of an organisation	0	0.00%
Not Answered	0	0.00%

**Please provide the following details:**

**Name of organisation:**

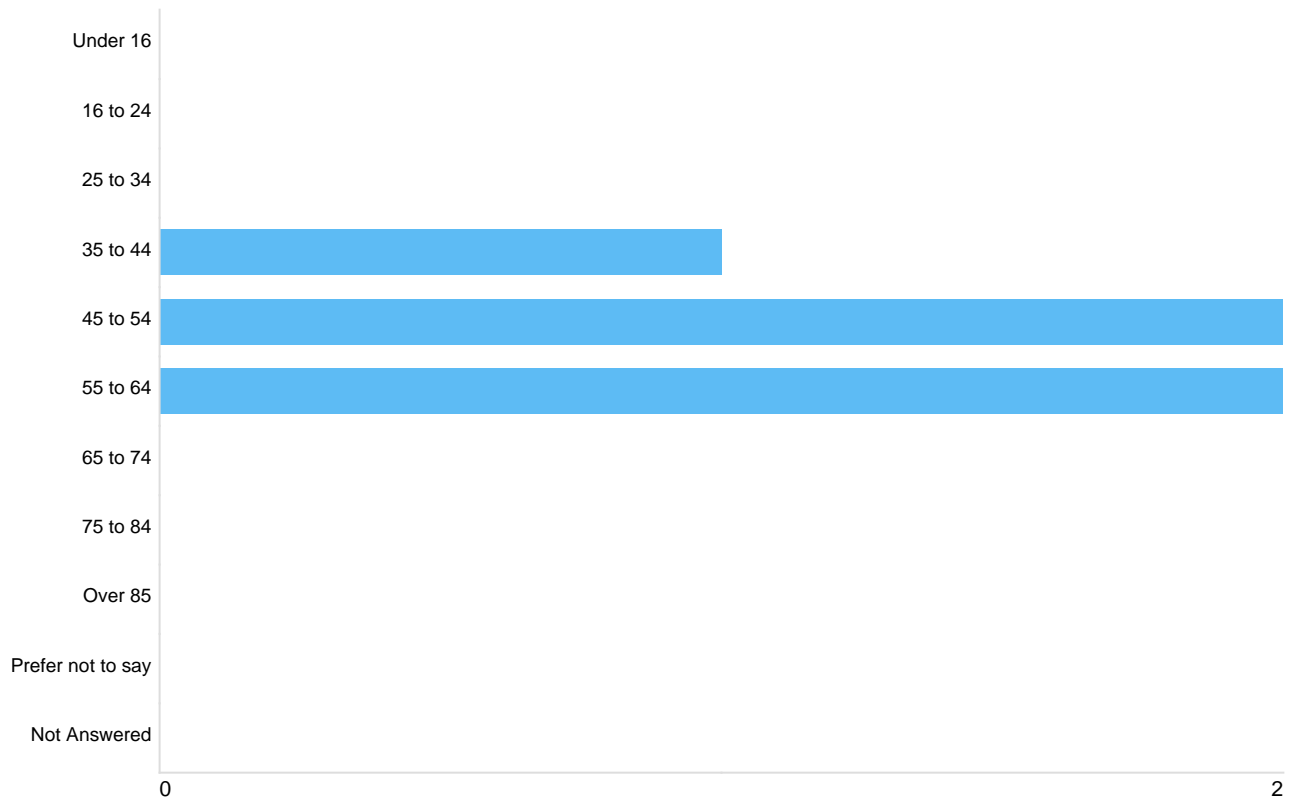
There were 0 responses to this part of the question.

**Your job title:**

There were 0 responses to this part of the question.

**What is your age?**

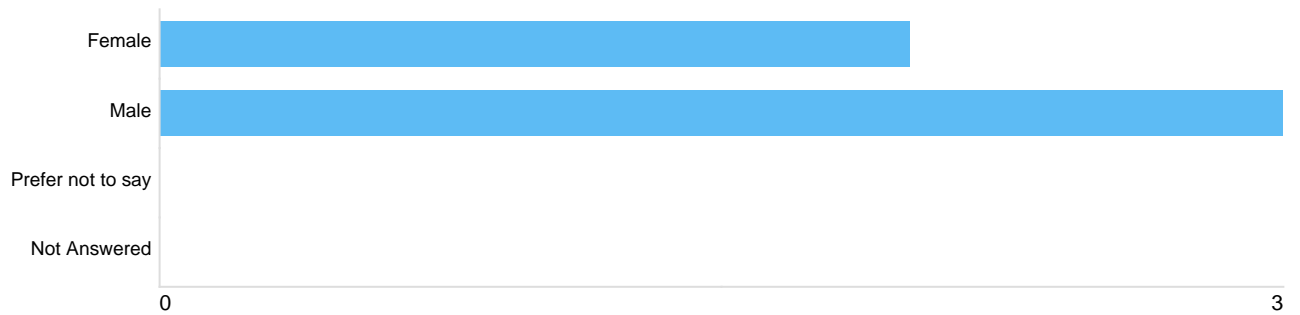
**Age**



Option	Total	Percent
Under 16	0	0.00%
16 to 24	0	0.00%
25 to 34	0	0.00%
35 to 44	1	20.00%
45 to 54	2	40.00%
55 to 64	2	40.00%
65 to 74	0	0.00%
75 to 84	0	0.00%
Over 85	0	0.00%
Prefer not to say	0	0.00%
Not Answered	0	0.00%

**Are you:**

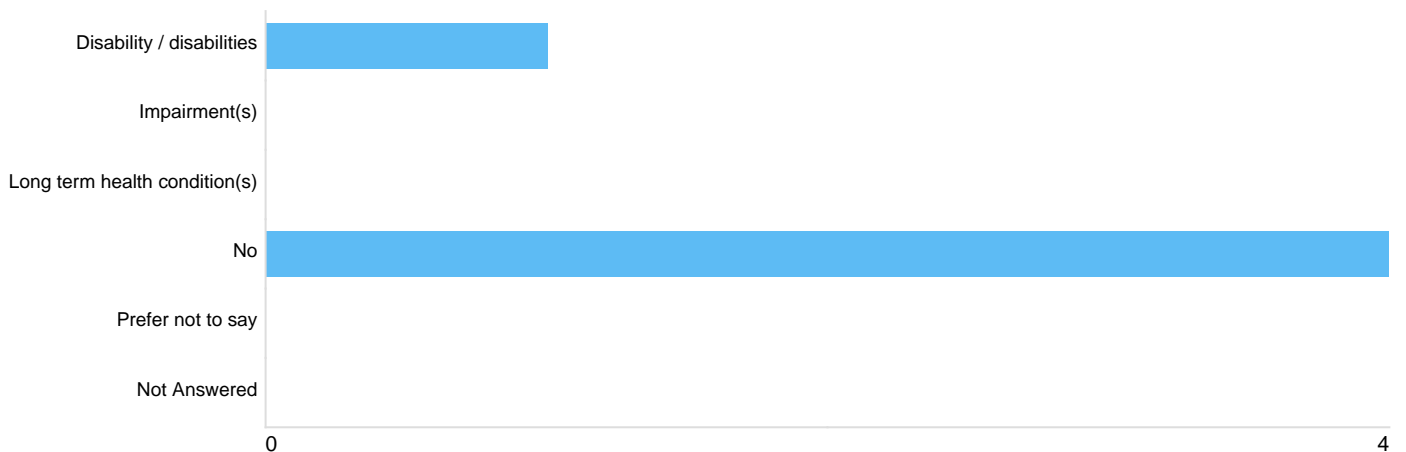
**Are you**



Option	Total	Percent
Female	2	40.00%
Male	3	60.00%
Prefer not to say	0	0.00%
Not Answered	0	0.00%

**Do you consider yourself to have a disability / disabilities, impairment(s) or long term health condition(s)? (Select all that apply)**

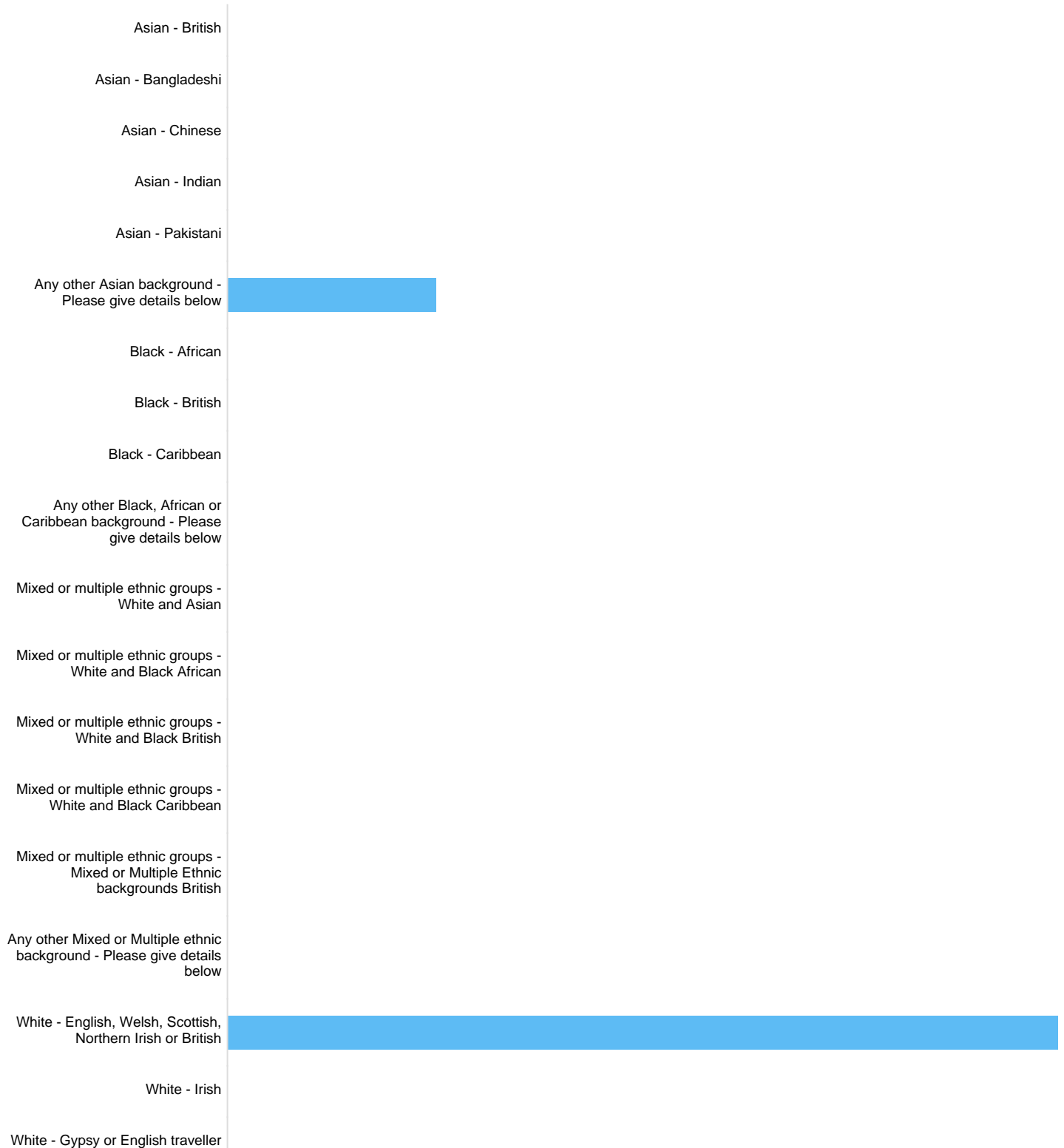
**Disability / impairment / long term health condition**



Option	Total	Percent
Disability / disabilities	1	20.00%
Impairment(s)	0	0.00%
Long term health condition(s)	0	0.00%
No	4	80.00%
Prefer not to say	0	0.00%
Not Answered	0	0.00%

## How would you describe your ethnicity?

### Ethnicity





White - Irish Traveller

White - European

Any other White background -  
Please give details below

Other ethnic group - Arab

Other ethnic group - Arab British

Other ethnic group - Please give  
details below

Prefer not to say

Not Answered

0

4

Option	Total	Percent
Asian - British	0	0.00%
Asian - Bangladeshi	0	0.00%
Asian - Chinese	0	0.00%
Asian - Indian	0	0.00%
Asian - Pakistani	0	0.00%
Any other Asian background - Please give details below	1	20.00%
Black - African	0	0.00%
Black - British	0	0.00%
Black - Caribbean	0	0.00%
Any other Black, African or Caribbean background - Please give details below	0	0.00%
Mixed or multiple ethnic groups - White and Asian	0	0.00%
Mixed or multiple ethnic groups - White and Black African	0	0.00%
Mixed or multiple ethnic groups - White and Black British	0	0.00%
Mixed or multiple ethnic groups - White and Black Caribbean	0	0.00%
Mixed or multiple ethnic groups - Mixed or Multiple Ethnic backgrounds British	0	0.00%
Any other Mixed or Multiple ethnic background - Please give details below	0	0.00%
White - English, Welsh, Scottish, Northern Irish or British	4	80.00%
White - Irish	0	0.00%
White - Gypsy or English traveller	0	0.00%
White - Irish Traveller	0	0.00%
White - European	0	0.00%
Any other White background - Please give details below	0	0.00%
Other ethnic group - Arab	0	0.00%
Other ethnic group - Arab British	0	0.00%
Other ethnic group - Please give details below	0	0.00%
Prefer not to say	0	0.00%
Not Answered	0	0.00%

**Other**

There was 1 response to this part of the question.

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Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Applicants provide a Basic DBS check no more than 1 month old at the time of application	Do you agree or disagree with the proposals for scrap metal licensing? - Applicants provide a site plan and layout	Do you agree or disagree with the proposals for scrap metal licensing? - Identification plates or disc to be placed on licence holders' collections vehicle	Do you agree or disagree with the proposals for scrap metal licensing? - Records relating to the purchase and sale of scrap metal are produced in the English language either on paper or electronically	Do you agree or disagree with the proposals for scrap metal licensing? - Reasons	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Agree/disagree	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Reasons	How easy is the draft Buckinghamshire Council Scrap Metal Licensing Policy to understand? - Easy to understand	Which of the following describe you?	
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Good records	Strongly agree	n/a	Very easy. Always report it to the council or the police	I live in Buckinghamshire. I work for Buckinghamshire Council.	

Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Applicants provide a Basic DBS check no more than 1 month old at the time of application	Do you agree or disagree with the proposals for scrap metal licensing? - Applicants provide a site plan and layout	Do you agree or disagree with the proposals for scrap metal licensing? - Identification plates or disc to be placed on licence holders' collections vehicle	Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Records relating to the purchase and sale of scrap metal are produced in the English language either on paper or electronically	Do you agree or disagree with the proposals for scrap metal licensing? - Reasons	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Agree/disagree	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Reasons	How easy is the draft Buckinghamshire Council Scrap Metal Licensing Policy to understand? - Easy to understand	Which of the following describe you?	
Page 28  Agree	Strongly agree	Strongly agree	Strongly agree	The county continues to suffer from a plague of vogue operators that must be addressed. Illegal "waste" recycling is frequently used as a excuse for criminal activities and can be concerning or worrying for some residents.	Strongly agree	Are the resources provided sufficient to the needs of the county? All to frequently regulation and enforcement of trivial matters at licensed sites is detrimental to the resources required to tackle non-licensed operators and criminal syndicates operating in or traveling through the county.	Somewhat easy	I live in Buckinghamshire. I work in Buckinghamshire	

Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Applicants provide a Basic DBS check no more than 1 month old at the time of application	Do you agree or disagree with the proposals for scrap metal licensing? - Applicants provide a site plan and layout	Do you agree or disagree with the proposals for scrap metal licensing? - Identification plates or disc to be placed on licence holders' collections vehicle	Do you agree or disagree with the proposals for scrap metal licensing? - Records relating to the purchase and sale of scrap metal are produced in the English language either on paper or electronically	Do you agree or disagree with the proposals for scrap metal licensing? - Reasons	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Agree/disagree	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Reasons	How easy is the draft Buckinghamshire Council Scrap Metal Licensing Policy to understand? - Easy to understand	Which of the following describe you?	
Strongly agree	Agree	Strongly agree	Strongly agree	I Strongly agree with Identification plates but this must be the case with not only mobile licences but also companies with site licences as i hold a site licence and as such I cant get a plate for my 3.5 tipper or my 18 ton lorry	Strongly agree		Somewhat easy	I live in Buckinghamshire. I work in Buckinghamshire. I represent or own a business in Buckinghamshire	

Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Applicants provide a Basic DBS check no more than 1 month old at the time of application	Do you agree or disagree with the proposals for scrap metal licensing? - Applicants provide a site plan and layout	Do you agree or disagree with the proposals for scrap metal licensing? - Identification plates or disc to be placed on licence holders' collections vehicle	Do you agree or disagree with the proposals for scrap metal licensing? - Records relating to the purchase and sale of scrap metal are produced in the English language either on paper or electronically	Do you agree or disagree with the proposals for scrap metal licensing? - Reasons	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Agree/disagree	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Reasons	How easy is the draft Buckinghamshire Council Scrap Metal Licensing Policy to understand? - Easy to understand	Which of the following describe you?	
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Ultimately this should help reduce crime associated with scrap metal trade.	Strongly agree	Licensing is pointless without applying appropriate follow-up enforcement measures.	Very easy	I live in Buckinghamshire. I work in Buckinghamshire. I represent a community or voluntary group in Buckinghamshire	

Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Applicants provide a Basic DBS check no more than 1 month old at the time of application	Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Applicants provide a site plan and layout	Do you agree or disagree with the proposals for scrap metal licensing? - Identification plates or disc to be placed on licence holders' collections vehicle	Do you agree or disagree with the proposals for scrap metal licensing? - Agree/disagree - Records relating to the purchase and sale of scrap metal are produced in the English language either on paper or electronically	Do you agree or disagree with the proposals for scrap metal licensing? - Reasons	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Agree/disagree	To what extent do you agree or disagree with our proposal for enforcing scrap metal licensing? - Reasons	How easy is the draft Buckinghamshire Council Scrap Metal Licensing Policy to understand? - Easy to understand	Which of the following describe you?	
Agree	Strongly agree	Strongly agree	Strongly agree	The above conditions make it easier for both the SMD and enforcement/compliance bodies to carry out their roles effectively and in line with the legislation.	Neither agree nor disagree	I believe all SMD licence holders should be inspected annually even if they are found to be fully compliant on the first visit.	Very easy. I think its balanced, easy to understand and covers the requirements of the SMDA.	I am the UK SMDA subject matter expert on the SMDA and Metal Crime. I work for British Transport Police and the National Infrastructure Crime Reduction Partnership. In addition I deliver training to enforcement agencies and partners on the Metal Crime Awareness.	

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Based upon quick review of the draft there's an opportunity to include a short section relating to the duties and responsibilities of site operators to undertake general fire precautions including the completion of a suitable and sufficient fire risk assessment under the Fire Safety Order 2005.

The application of the FSO by virtue of a licence is likely to support each of the 4 key priorities listed:

- ♦ Strengthening our communities – Risk elimination and or reduction is proven to strengthen communities by putting safety first.
- ♦ Improving our environment – Reducing the opportunities for ignition and fire spread will safeguard the environment from the adverse effects of fire, toxic smoke, and firefighting water runoff.
- ♦ Protecting the vulnerable – Sensitive receivers is the term used to describe those that may be adversely affected by fire and protracted incident. This includes people who are forced to close windows or stay inside but equally affects public infrastructure such as highways, canals and rail lines which could be closed subject to the conditions at the time.
- ♦ Increasing prosperity – Business that operate within the established parameters for best practice remain in business for longer and recover swiftly following an adverse incident.

The FSO is not applicable to vehicles which are lawfully taxed to use the highway and therefore collectors are not required to have an FRA.

Let me know if you have any questions or want to discuss these matters further.

JJ

**Jonathan James**

Fire Engineering Design Technician & Primary Authority Manager

01296 744498

Buckinghamshire Fire & Rescue Service, Headquarters - Unit 7 Stocklake, Aylesbury, Buckinghamshire, HP20 1BD.

BFRS main enquiry line: 01296 744400

Please visit our website at [www.bucksfire.gov.uk](http://www.bucksfire.gov.uk)

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# Draft Scrap Metal Licensing Policy

**Sept 2023**

## Content

## Page No

1. Introduction
2. Role of Buckinghamshire Council
3. Summary of Scrap Metal Dealers Act 2013 - SMDA
4. Application Process
5. Enforcement
6. Fees

## Appendices

1. Relevant Legislation and guidance
2. Map of Buckinghamshire

Version No	Initial	Date	Changes Made
V1.0			

## **1.0 Introduction**

### **1.1 Accessibility**

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate it into other accessible formats. If you have other needs in this regard, please contact the licensing service on [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)

### **1.2 Buckinghamshire Council**

Buckinghamshire Council came into effect on 1 April 2020, bringing together the former Buckinghamshire County Council, and the four District Councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe. The county has a population of over 550,000 residents and includes the towns of Buckingham, Winslow, Aylesbury, Wendover, Princess Risborough, Chesham, Amersham, High Wycombe, Beaconsfield and Gerrards Cross. The county has a significant amount of rural space with over a quarter of the county within the Chilterns Area of Outstanding Beauty and a further third is covered by the Metropolitan Green Belt.

A map showing the Council's area can be attached as Appendix 2.

A search can be carried out to see if an address or particular scrap metal site falls within this area through the local authority finder <https://www.gov.uk/find-local-council>

This policy has been written taking into consideration the following 4 key priorities identified in the [Buckinghamshire Council Corporate Plan 2020 to 2025](#):

- strengthening our communities
- improving our environment
- protecting the vulnerable
- increasing prosperity

Licensing has a crucial role to play in achieving these goals, through the formulation of policy, decision-making, promotion of best practice and enforcement activities.

### **1.3 About this Policy**

This is Buckinghamshire Council's first published scrap metal licensing policy statement, "Policy". The Policy replaces any scrap metal licensing policies adopted by the previous District Councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe.

Whilst there is no legal requirement for the Council to have a Policy relating to scrap metal licensing, a policy benefits all interested parties, providing a clear and consistent framework for the Council's approach to scrap metal licensing.

The Policy sets out how Buckinghamshire Council will work to ensure that there is a level playing field for scrap metal dealers operating in the Council area, ensuring that persons operating these types of businesses are compliant with legislation.

In preparing this new Policy, Buckinghamshire Council has taken into account the latest supplementary guidance produced by government, Local Government Association examples of best practice and information provided by organisations such as the British Metals Recycling Association.

The Council has consulted widely in the formulation of this Policy, including the following:

- Licensees holding a current Scrap Metal Site or Collectors licence
- Buckinghamshire Council's Licensing Committee
- Environment Agency
- Waste and Street Scene Services
- Ward Councillors
- Town Councils and Parish Councils
- Cabinet Member for Regulatory Services
- Thames Valley Police
- Local residents and businesses
- Buckinghamshire and Surrey Trading Standards
- British Transport Police
- Buckinghamshire Fire and Rescue Service
- Trade Associations such as British Metals Recycling Association, Vehicle Recyclers Association, British Vehicle Salvage Federation
- Other stakeholders such as National Infrastructure Crime Reduction Partnership

To ensure that the policy remains fit for purpose, it will be reviewed as legislative changes occur and updated accordingly, with a formal review being carried out at least every 5 years. We may make minor amendments to this policy, with the agreement of the Chairman of the Licensing Committee, Cabinet Member for Regulatory Services and the Head of Service for licensing.

#### **1.4 Legislation and Guidance**

Appendix 1 contains a list of the legislation, regulations and guidance relevant to applicants, licence holders and officers working within scrap metal licensing.

## **2.0 Role of the Council in the licensing of Scrap Metal Dealers**

When the Scrap Metal Dealers Act 2013 (SMDA) commenced in October 2013, it repealed the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of the Vehicles (Crime) Act 2001 relating to Motor Salvage operators. The SMDA created a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries which would better reflect the modern scrap metal industry.

The SMDA aims to raise standards across the scrap metal industry by:

- Requiring dealers to keep detailed and accurate records of transactions.
- Requiring dealers to verify the identity of those selling metal to them.
- Prohibiting making of cash payments for scrap metal

The SMDA identifies local authorities, or councils, as the principal regulator, giving them the power to better regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants, and a power to revoke licences if a dealer becomes 'unsuitable'.

Decisions, including the setting of fees and the power to determine applications is an Executive function of the Council. The power to grant licences and take enforcement under the SMDA is duly delegated to officers as detailed under the Council's Scheme of Delegations.

## **3.0 Scrap Metal Dealers Act 2013 (SMDA)**

The SMDA can be viewed in full, including explanatory notes here:

<https://www.legislation.gov.uk/ukpga/2013/10/enacted>

As set out in the SMDA, all scrap metal dealers must obtain a licence from the local authority in order to carry on their business. It is an offence to carry on a business as a scrap metal dealer without first obtaining the appropriate licence. The offence is punishable on summary conviction with an unlimited fine in the Magistrates Court.

### **3.1 Scrap Metal Dealer**

A dealer is defined as:

- (a) someone carrying on a business which consists wholly or in part of buying and selling scrap metal, whether or not the metal is sold in the form in which it is bought or
- (b) who carries on business as a motor salvage operator (so far as that does not fall in paragraph a)

However, a manufacturing business that sells scrap metal created only as a by-product of the processes it uses, or because it has a surplus of materials, is not caught by this definition.

### 3.2 Scrap metal

Under the SMDA, scrap metal includes:

- any old, waste or discarded metal or metallic material, and
- any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

Gold, silver, and any alloy of which 2% or more by weight is attributable to gold or silver is not considered to be 'scrap metal'. However, the definition does include platinum and a range of other rare metals that are now being used in catalytic converters. For this reason, catalytic converters are often targeted by thieves as they can be quickly removed from parked vehicles. Thieves may then attempt to sell stolen converters via scrapyards, online or ship them abroad. Importantly, the definition focuses on the condition of the metal rather than the purpose of the sale. For example, a broken or damaged catalytic converter, which is unlikely to work without repair, is likely to meet the definition of scrap metal. Similarly metal stolen from historic sites is likely to be presented for sale in a damaged state and therefore fall under the definition. Provisions within the SMDA allow the Secretary of State by order to amend the definition of 'scrap metal'.

### 3.3 Types of licence

The Government's supplementary guidance on the SMDA can be found here:

<https://www.gov.uk/government/publications/scrap-metal-dealers-act-2013-supplementary-guidance>

There are two types of licence. Both last for a period of three years:

#### Site licence

The operator of any site in the District whose operations may include the buying and/or selling of scrap metal should carefully consider whether they require a site licence under the SMDA.

A site is defined as any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there). This includes motor salvage operations which themselves undertake the following:

- Part or whole recovery of salvageable parts for re sale, and or for sale as vehicle for scrap
- Wholly or mainly buying written off vehicles and then repairing and selling them
- Wholly or mainly buying or selling motor vehicles for the purpose of salvaging parts from them or repairing them and selling them.

Skip hire companies may require a site licence depending on the circumstances. A company engaged in the buying or selling of scrap metal is likely to require a licence from the Council, unless the activity is considered a minimal or minor part of the business.

It is important to note that any person, agent, broker or trader that buys or sells metal on paper /online without operating a physical scrap metal site is carrying on business as a scrap metal



dealer and will require a licence. This person would need a site licence granted by Buckinghamshire Council in line with the requirements of the SMDA if the premises from which they trade is based in the Council's area.

Buckinghamshire Council is responsible for granting licences to any site located within the Council's boundaries. All of the sites within the Council's area from which the licence holder carries on the business as a scrap metal dealer must be identified. A site manager must be named for each site. A site licence holder can transport scrap metal from third party businesses by arrangement from any other local council area provided it is in the course of the business from that site but cannot engage in the regular door to door collections of a licensed collector.

### **Collectors' licence –**

A collector is defined as a person who carries on a business as a scrap metal dealer otherwise than at a site, and regularly engages in the course of that business in collecting waste metal including old, broken, worn out or defaced articles by means of door-to-door collections. Scavenging for metal can be classed as making door to door collections

A Buckinghamshire Council issued collector's licence allows the licensee to only operate as a mobile collector within the Council's boundaries. It does not allow the collector to operate in any other council areas, and a separate licence must be obtained from each council area the collector wishes to operate in. The licence does not authorise the licensee to operate a site. There is no restriction regarding the location to where the collector can transport and sell scrap metal.

A mobile collector cannot store scrap metal at a premises. However, in the course of a collection, it is common practice for collectors to wait for their vehicle to be at capacity before unloading it at a scrap metal dealer's site. This Council does not consider the storage of scrap metal on the collector's vehicle to render the premises the vehicle is stored at as a site, providing the vehicle is not unloaded.

Those transporting metal to a scrap metal site for profit are required to be registered as a 'waste carrier'. Waste carriers must ensure that the waste goes to a properly licensed or exempt site; they must complete a waste transfer note which must include a description of the waste and be signed by the carrier and the person to whom the waste is given or sold. Details of licensed sites can be checked on the Environment Agencies public register.

**A dealer can only hold one type of licence in any one council authority area. They cannot hold both a site and mobile collectors' licence with Buckinghamshire Council.**

Either type of licence, can be issued to an individual, a partnership or a company.

### **3.4 Licence Display**

A scrap metal dealer who holds a site licence must display a copy at each site identified on the licence. A dealer who holds a collector's licence must display a copy of the licence on any vehicle that is being used in the course of the dealer's business so it can be easily read by a person outside the vehicle. The Council will provide a visible identification plate or disc that can be placed on licence holders' collection vehicles to help residents to easily identify licensed

scrap metal dealers.

### **3.5 Powers to make changes to a licence**

Where an applicant or any site manager has been convicted of a relevant offence, and the Council determines to grant a licence, the Council may use its powers under the SMDA to include the following conditions on a licence:

- that the dealer must not receive scrap metal except between 09.00 and 17.00 on any day;
- that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with time when it is received.

### **3.6 Public Register**

As required by the SMDA, a [register of licences](#) issued under the SMDA is maintained by the Environment Agency in England. The Council will provide the appropriate information on all scrap metal licences issued in the district to the Environment Agency for this purpose. The register is openly accessible to the public and includes the name of the authority which issued the licence; the name of the licence holder; any trading name; the type of licence; the site(s) covered by the licence and expiry date of the licence.

## **4.0 Application Process**

### **4.1 Advice for Applicants**

New applicants are advised to contact the Council's Commercial Licensing Team prior to making their application. This allows the officers to provide advice, as well as clarifying any areas of uncertainty. The team can be contacted on [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)

Applicants are advised to ensure that other legal requirements are in place. Scrap Metal Dealers may require [planning permission](#) to operate from a site and are required to have [permits or exemptions](#) from the Environment Agency to operate a scrap metal site under the Environmental Protection Act.

Those applying to renew their licence are advised to do so in a timely manner. Provided that a valid application is received prior to the expiry date of the licence, the licence holder may continue to trade until their application has been determined.

Where a renewal application is received after the expiry date of the previous licence, save in exceptional circumstances, it will be treated as a new application.

### **4.2 How to make an application**

For both types of licence, applications must be made on the Council's prescribed application forms which are published on the Council's website here:

<https://www.buckinghamshire.gov.uk/business/business-licences-and-permits/scrap-metal-licences/apply-for-a-scrap-metal-dealer-licence/>

Applicants are encouraged to submit applications, including accompanying documents, electronically by email to the licensing team at [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk) or by online forms where these are available. The Council will also accept applications via post to Licensing Services, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

Applicants will also be asked to provide the necessary supporting paperwork that they are required to have as set out in legislation and guidance relevant to the type of licence they have applied for. This will include details of bank accounts that are used.

An application will not be considered valid until a completed application form has been received along with the correct application fee.

Applicants, including directors, shadow directors and company secretaries and any person listed on the application form including site manager(s) need to provide a [Basic Disclosure Certificate](#) no more than 1 month old at the time of application to assist in assessing their suitability.

All applicants will be required to provide photographic proof of identity and proof of current address. Applicants will also be required to declare any convictions not showing on their criminal record check (e.g. those obtained whilst outside the UK) as well as any pending matters of investigation. The Council may also require other information in addition where it is considered relevant.

In appropriate cases a site plan and layout of sufficient detail will also be required as part of an application

### **Tax Checks**

From 4 April 2022 applicants renewing a licence must complete a tax check to confirm they are registered for tax, before applying to renew a site licence or a mobile collector's licence. An individual, company or partnership must complete a tax check when:

- renewing a licence
- applying for the same type of licence you previously held, that ceased to be valid less than a year ago
- applying for the same type of licence you already hold with another licensing authority (for example, a mobile collector's licence)

Applicants who are applying for a licence for the first time, or who have already held a licence but that has not been valid for a year or more will not need to complete a tax check and should instead follow the 'confirm your tax responsibilities' guidance.

The processes for completing tax checks and confirmation of tax responsibilities are set out in the Government guidance here:

<https://www.gov.uk/government/publications/scrap-metal-dealers-act-2013-supplementary-guidance/scrap-metal-dealers-act-2013-supplementary-guidance-accessible#the-application-process>

### **Applications to vary a licence**

Licence holders must make an application to the Council for the variation of the licence in the event of any changes to the licensee's name and/or, if the licence is a site licence, the sites in the Council's area at which the licensee is authorised to carry on business, or the name of the site manager of any site.

Failure to apply for such a variation is an offence, and if convicted, the licensee may receive a fine not exceeding £1,000 (level 3 on the standard scale).

### **4.3 Determining an Application**

The SMDA is clear that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the local authority may have regards to any relevant information.

Regulations issued under the SMDA set out a list of relevant offences and enforcement action, this can be viewed here:

<https://www.legislation.gov.uk/uksi/2013/2258/made>

The Council may take into consideration other offences if they are considered relevant.

Factors when considering the applicants suitability can include but are not restricted to:

- The applicant or site manager has been convicted of a relevant offence, or subject to any relevant enforcement action.
- The applicant has previously been refused a scrap metal dealer's licence, or an application to renew a licence has been refused.
- The applicant has previously been refused a relevant environmental permit or registration.
- They had previously held a scrap metal dealer's licence that has been revoked.
- Previous compliance history.

- Failure to disclose or provide relevant information.
- An inability to understand legal obligations.
- An inability to keep records in a legible format.
- An applicant's overall behaviour may also be considered relevant. The Council may request any other information that it deems necessary and reasonable to request.

Each application will be considered and determined on its own merits and on a case by case basis, having taken into consideration this Policy and any statutory requirements and other relevant information.

In accordance with the Council's scheme of delegations, decisions relating to scrap metal licensing are made by authorised officers with sufficient training to make those decisions.

#### **4.4 Right to be heard**

Officers may consider it necessary to interview an applicant prior to making a decision, depending on the information provided on the application. For example, this might be due to an applicant having criminal convictions which may be considered relevant to their application, or a history of poor compliance.

If officers are considering refusing an application, the applicant will first be notified in writing. The applicant will be invited to make a written representation for consideration before a final decision is made. Applicants will usually be offered a minimum of 14 days to make representation. Should an applicant not submit representation within the specified timeframe, the Council will determine the application based on the available information. Where a request is made for further time to make representations the length of time will be agreed with the officer. If the applicant fails to provide the representations within the additional period agreed the council may refuse the application.

A final decision will be provided to the applicant in writing, setting out reasons for the decision, details of the relevant appeal process and the date on which any revocation or variation, as appropriate will take effect.

## **5.0 Enforcement**

### **5.1 The Council's approach to enforcement**

All enforcement against licensed and unlicensed operators will be carried out in accordance with the Council's enforcement policy [https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/regulatory-services-enforcement-policy\\_1.pdf](https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/regulatory-services-enforcement-policy_1.pdf)

Officers will seek to assist businesses and others in meeting their legal obligations through provision of reasonable assistance and advice, aiming to be clear, open and helpful in their

approach to enforcement. However, officers will take robust action against those who knowingly contravene the law or act irresponsibly.

## **5.2 Partnership working**

Enforcement may be carried out in conjunction with other agencies or Council departments such as Thames Valley Police, British Transport Police, Environment Agency, Planning Department or Trading Standards. Where appropriate, officers from neighbouring authorities may also be authorised to carry out enforcement within the Buckinghamshire Council area and officers from the Council's Licensing Service may be likewise authorised in other areas.

## **5.3. Compliance checks and enforcement action**

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently.

Officers will take a risk-based approach to compliance checks, based on how well a scrap metal dealer demonstrates that they are meeting the requirements of their licence.

Following the grant of a licence, the Council will carry out compliance checks which may consist of an unannounced site visit or request to view records. If the licence holder is found to be compliant and officers have no concerns, they will aim to carry out further checks once more within the three-year period of the licence.

However, if initial compliance checks identify issues of concern, the licence holder will be given an action plan and clear advice on how to improve. In these circumstances the licence holder will be subject to annual compliance checks to ensure issues are addressed and advice is adhered to.

If compliance checks identify significant concerns – such as having stolen metal on site, not displaying a licence, disregarding advice, a licence holder will be considered high risk and appropriate enforcement action will be considered.

All records should be made available for inspection by an authorised officer at any reasonable time.

The Council expects records kept in accordance with the SMDA to be capable of being produced in the English language either on paper or electronically. Where a required record is not made in the English language, the licence holder may retain it in that alternate language. However, the licence holder will be expected to be able to provide a translation on request of a constable or authorised council officer.

Licensed collectors are encouraged to notify the Council of any change of vehicle(s) so that the Council can issue new identification plates or discs in respect of the new vehicle(s). The licence holder will be expected to return identification plates or discs to the Council for vehicles no longer used by the collector.

Interviews, whether informal or carried out under caution will normally be recorded to ensure an accurate record of the interview is kept.

Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history.

#### **5.4 Information sharing**

Where applicants are known to have operated, resided or been licensed by another local authority, officers may request details of any licence and compliance history to be taken into consideration as part of the application process.

Section 6 of the SMDA requires the Council to supply any information they hold about a licence holder, relating to a scrap metal licence, to any other local authority in England and Wales, the Environment Agency, the Natural Resources Body for Wales and to Police Forces.

Officers may share information with other agencies or Council departments to assist with determining applications, ensuring compliance and identifying unlicensed scrap metal dealers.

#### **5.5 Other compliance requirements:**

Applicants and licence holders are advised to consult the Government guidance which clearly sets out requirements for:

- **record keeping** – the SMDA requires scrap metal dealers to keep records of metal received and disposed of as well as details of the person it was received from, documents used to verify the name and address of the supplier and the payment. Records must be recorded in a manner which allows the information and scrap metal to be easily identified by reference to each other and must be kept for three years. The records should contain sufficient identification detail to ensure there is no intention to obscure the identity and type of metal being processed.
- **verifying a person's identification prior to receiving scrap metal from them** - Scrap metal dealers, including collectors, must not receive scrap metal from a person without verifying their full name and address by reference to documents or other information which are set out in The Scrap Metal Dealers Act (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013 at:

<http://www.legislation.gov.uk/uksi/2013/2276/contents/made>.

Where a collector is picking up scrap metal that has been left on the roadside and is therefore unable to verify the suppliers name and address, they must record the description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features and the date and time of its receipt.

- **acceptable payment methods** – cash cannot be used by any scrap metal dealer to buy scrap metal. Only payment by a non-transferable cheque or an electronic transfer of funds will be acceptable. This will mean that the payment will be linked to a readily identifiable account, for both the payee and the payer.
- **guidance for motor salvage operators** – this sets out the conditions under which a vehicle may be considered scrap metal as opposed to a viable vehicle which can be paid for with cash. There needs to be a genuine potential for repair and re-sale in order for cash to be used to purchase a vehicle. If a certificate of destruction is issued, the car is considered to be scrap and a buyer must not pay cash for it.

The supplementary guidance can be viewed in full here:

<https://www.gov.uk/government/publications/scrap-metal-dealers-act-2013-supplementary-guidance>

### 5.6 Unlicensed sites:

If the Council is satisfied that a premises is being used by a scrap metal dealer in the course of their business without there being an appropriate site licence in place, they may issue a closure notice. Provisions are made for this in schedule 2 of the SMDA which can be viewed here:

<https://www.legislation.gov.uk/ukpga/2013/10/schedule/2/enacted>

A Closure Notice may be cancelled by a Cancellation Notice issued by the licensing authority. This would take effect when given to any person who is in receipt of a Closure Notice.

Following the service of a closure notice, if the premises continues to be used as part of the business or there is reasonable likelihood that it will be in the future, the Council may apply for the magistrates to make a Closure Order requiring the premises to be closed immediately and remain closed or for the use of the premises to be discontinued immediately.

Closure orders can be terminated by a certificate made by the Council where they are satisfied that the order is no longer needed. Anyone who has been given a closure order can make a complaint to a justice of the peace for an order to discharge the closure order. The court must be satisfied there is no longer a need for the closure order in order to make a discharge order.

Further guidance on closure notices and orders can be found in the supplementary guidance here:

<https://www.gov.uk/government/publications/scrap-metal-dealers-act-2013-supplementary-guidance/scrap-metal-dealers-act-2013-supplementary-guidance-accessible#right-to-enter-and-inspect-sites>

### 5.7 Appeals

As set out in the SMDA and Government guidance, appeals against a decision to refuse or



impose conditions on an application can be made to the magistrates' court. The applicant has 21 days from the day on which they were given notice of the decision in which to appeal. The magistrates court then has the power to confirm, vary or reverse the Council's decision and issue any directions it considers appropriate having regard to the Act.

Appeals relating to Closure Notices, Closure Orders or discharge orders must be made to the Crown Court within 21 days of receipt of the notice or order.

## **6.0 Fees**

### **6.1 Statutory Provisions to recover fees**

Para 6(1) of the SMDA permits local authorities to charge a licence fee at cost recovery.

### **6.2 Current fee level**

A list setting out the current scrap metal licensing fees can be found on the Council website here:

<https://www.buckinghamshire.gov.uk/business/business-licences-and-permits/scrap-metal-licences/apply-for-a-scrap-metal-dealer-licence/>

### **6.3 The Council's approach to fee setting**

The Council has made reference to the document "[Open for business: Local Government Association \(LGA\) guidance on locally set licence fees](#)". The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly.

The Council has also referred to the Home Office guidance "**Scrap Metal Dealers Act 2013: guidance on licence fee charges**". These outline which activities can be funded by the licence fee.

Buckinghamshire Council will take a reasonable and proportionate approach aiming to set a fee level that is sufficient to cover the cost, but not make a surplus, whilst providing value for money for the applicant.

### **6.4 Review of Fees**

Fees are subject to a full review every 3 years

## **Appendix 1 Relevant Legislation and Regulations**

The list below sets out the main pieces of legislation, regulations and guidance documents that are used by Licensing Services in relation to scrap metal dealers:

### **Scrap Metal Dealers Act 2013 (SMDA)**

<https://www.legislation.gov.uk/ukpga/2013/10/enacted>

### **The Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013**

<https://www.legislation.gov.uk/uksi/2013/2276/contents/made>

### **The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013**

<https://www.legislation.gov.uk/uksi/2013/2258/made>

### **The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013**

<https://www.legislation.gov.uk/uksi/2013/1966/contents/made>

### **The Scrap Metal Dealers Act 2013: Determining suitability to hold a scrap metal dealer's licence**

[statutory guidance for local authorities in England and Wales.](#)

### **Scrap Metal Dealer Act 2013: licence fee charges**

<https://www.gov.uk/government/publications/scrap-metal-dealer-act-2013-licence-fee-charges>

### **Local Government Association Guidance**

<https://www.local.gov.uk/publications/get-act-scrap-metal-dealers-act-2013-explained>

### **Government Supplementary Guidance**

<https://www.gov.uk/government/publications/scrap-metal-dealers-act-2013-supplementary-guidance>

### **The Finance Act 2021, Schedule 33 (Licensing Authorities: Tax Information) Regulations 2022**

<https://www.legislation.gov.uk/uksi/2022/224/contents/made>

**Appendix 2 Map of Buckinghamshire Council area**



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## Report to Licensing (Regulatory) Committee

**Date:** 05 September 2023

**Title:** Draft Charitable Collections Policy

**Author:** Simon Gallacher, Principal Licensing Officer

### Recommendations:

1. To agree the recommended amendments to the draft Charitable Collections Policy as set out in the report.
2. To agree a final version of the Charitable Collections Policy with an implementation date of 1<sup>st</sup> February 2024.
3. To request Full Council pass a resolution adopting the model street collection regulations as set out in the 'Charitable Collections (Transitional Provisions) Order 1974 (SI 1974/140) (Model Street Collections Regulations).
4. To authorise the Head of Service for Licensing, in consultation with the Cabinet Member for Regulatory Services and Chairman of the Licensing Committee, to amend the implementation date of the Policy if necessary.

### 1. Introduction

- 1.1 Fundraising collections play a vital role in the work carried out by charities and are therefore an important means of both raising money for good causes and also promoting the goals and messages of the collecting charity. However, it is equally important, to ensure that any charitable fundraising, whether in public spaces or door-to-door, is carried out by bona fide charitable organisations and collectors, that a fair percentage of collection proceeds are donated directly to charitable causes and that no nuisance is caused to businesses and residents as a result of collections.
- 1.2 Buckinghamshire Council's ability to regulate charitable collections in public areas is discretionary and is reliant on passing a resolution to adopt the necessary regulations to control "street collections". Whilst discretionary, it is clearly desirable for the council to adopt those controls for the reasons given in 1.1. The council has no such discretion regarding house-to-house collections which are governed by a mandatory licensing regime.

- 1.3 On 1st February 2023 the Licensing Committee approved a draft Charitable Collections Policy, “Policy”, for consultation.
- 1.4 The Policy sets out both the legal framework and a proposed approach to authorising charitable collections in public areas and by way of calling house to house. This report provides the feedback following a 6-week public consultation exercise, together with a number of recommended amendments to the original draft Policy.

## **2. Background**

- 2.1 The legal framework and background to the development of the draft Policy is set out in the report presented to the Licensing Committee on 1<sup>st</sup> February 2023. The report provided to members at this meeting can be viewed here:

<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=349&MId=17573&Ver=4>

- 2.2 Following the meeting, a 6-week public consultation exercise took place between 9<sup>th</sup> May and 20<sup>th</sup> June 2023. Consultation was principally by way of a survey published on Your Voice Bucks. Links to the survey were sent to Ward Councillors, Town and Parish Councils, Community Boards, umbrella charity organisations (National Council for Voluntary Organisations, Community Impact Bucks, Association of Chief Executives of Voluntary Organisations), Thames Valley Police, Buckinghamshire Council Community Safety and town centre management teams. The survey was also publicised through the Council’s media channels.

## **3. Consultation responses**

- 3.1 55 responses were received by way of the survey, and 6 additional written responses were received. Appendix 1 provides a summary report of the consultation responses and Appendix 2 contains a transcript of the typed responses from the survey. Appendix 3 contains the 6 additional written submissions.

### **3.2 Views on house-to-house collections policy**

The first section of the survey asked respondents whether they agreed with or disagreed with specific aspects of the proposed approach to regulating house to house collections.

### **3.3 Requirement for a licence to include collecting direct debit information.**

43 respondents, 78.2%, agreed or strongly agreed with the proposal to include direct debit collectors within scope.

- 3.4 Of the 8 that disagreed, 5 made comments that they either did not want house-to-house collections to be allowed at all or did not want direct debit collectors to be

allowed. The proposal outlined in the draft policy is to include the collection of the direct debit mandate within the scope of house-to-house regulation. If it is not brought within scope, then the collection of direct debit mandate information will remain unregulated, and the council will not be able to impose any control over the activity. It is also important to note that, unlike street collections, the council has no discretion to decide whether it regulates house-to-house collections and has a general obligation to grant licences providing the statutory tests are met.

- 3.5 3 respondents neither agreed nor disagreed with this policy proposal but provided no specific comments to support their view. One expressed concern about 'pressurised' selling tactics and two expressed concerns about a potential impact on Rotary Club Christmas collections but no specific reference to direct debit mandate collection.
- 3.6 Paragraph 2.2 of the draft policy has been amended to provide greater clarity that the collection of direct debit mandates will fall into scope of requiring a licence.
- 3.7 **Restrict house to house collections to between 9am and 7pm.**  
30 respondents, 54.6%, disagreed or strongly disagreed with the proposal.
- 3.8 Of those that disagreed and expressed a comment, 5 expressed a view that they did not want house to house collections at all. 2 disagreed on the basis that they thought the proposed hours should be earlier in winter months and collection times be restricted to dusk. 2 believed there should be no restrictions at all and 2 stated the terminal hour should be later but did not specify a time. Of those proposing a later last calling time, 6 suggested 8pm, 2 suggested 8.30pm and 2 suggested 9pm. One of the 2 respondents who neither agreed nor disagreed suggested a cut off time of 7:30pm.
- 3.9 In most cases the grounds for suggesting a later time related to collections over the Christmas period, for example Santa's Sleigh.
- 3.10 It should be noted that paragraph 4.9 of the draft policy sets out that the Council may make exceptions to the policy in certain circumstances such as the pre-Christmas period. However, in light of the comments, it is recommended that the policy be amended at paragraph 2.10 to allow applicants to apply for collections to take place until 8pm, with a discretion to apply for later hours during the pre-Christmas period which will be from 1<sup>st</sup> December.
- 3.11 **Only one house to house collection in any one council ward area on any given day.**  
Opinion on this question was closely divided. 26 respondents, 47.3%, agreed or strongly agreed with the proposal and 23 respondents, 41.8%, disagreed or strongly disagreed with the proposal.

- 3.12 The majority of those disagreeing who submitted supporting comments cited the potential impact on Christmas time collections, notably Santa’s Sleigh. The Policy as drafted at 2.9 does provide a specific exemption for this activity to allow these collections to take place across multiple wards. One respondent referenced difficulties in identifying ward boundaries. The final version of the policy will include links to an interactive map for applicants to use to identify ward boundaries and licences will be issued with maps showing the applicable area. The remaining respondents disagreeing with the proposal were either those who did not want or had concerns about house-to-house collections and those that felt that it should not be regulated.
- 3.13 No changes are proposed to the draft Policy on this point following consultation.
- 3.14 **Grant licences for a maximum of 14 days to give charities equal opportunities.**  
Opinion on this question was also closely divided, 27 respondents, 49.1%, agreed or strongly agreed, and 25 respondents, 44.5%, disagreed or strongly disagreed.
- 3.15 Of those providing reasons for disagreement with the policy, most related to the potential impact on Christmas collections such as Santa’s Sleigh. One respondent suggested 21 days and another as 28 days as a maximum period for pre-Christmas collections. The remaining respondents are mainly those that expressed a view that they did not want collections at all, had concerns about collections generally or conversely felt that it should not be regulated.
- 3.16 It is recommended that the Policy be amended at paragraph 2.8 to allow applicants to apply for collections to take place over a period of up to 28 days during the pre-Christmas period.
- 3.17 **Allow charities one house to house licence per calendar quarter.**  
Opinion on this question was again evenly divided, 23 respondents, 41.8%, agreed or strongly agreed and 22 respondents, 40% disagreed or strongly disagreed.
- 3.18 Grounds for disagreement varied, 2 respondents expressed comments that once a quarter was too frequent, conversely one suggested 2 collections per quarter should be permitted. Most of the comments from those disagreeing related to concerns about the potential impact on collections at Christmas time. The remaining respondents who commented, expressed conflicting views and either wanted a prohibition on house-to-house collections, had concerns about house to house collections generally or felt that it should not be regulated.
- 3.19 No change proposed to the draft Policy. Should the recommendation set out at pt. 3.21 of this report be agreed, to extend collection periods up to 28 days during the pre-Christmas period, this will address the majority of the concerns expressed with regard to allowing only one collection per quarter period.



3.20 **Require charities to submit a declaration confirming that they are satisfied with the amount being donated to charitable causes by commercial collectors.**

35 respondents, 63.6% agreed or strongly agreed with the proposal and 10 respondents, 18.2%, disagreed or strongly disagreed.

3.21 Comments made by those disagreeing with the proposal were mainly on the basis that they disapproved of house-to-house collections, 1 conversely had commented that they did not think this activity should be regulated and 2 had made comments about concerns relating to Rotary Club Christmas collections. No specific comments were made in relation to the use of commercial collectors and submission of declaration by those disagreeing with the proposed policy.

3.22 No changes are proposed to the draft Policy on this point following consultation.

3.23 **House to house collections - require applicants to provide evidence of public liability insurance for a minimum of £5 million**

35 respondents, 63.6% agreed or strongly agreed with the proposal and 9 respondents, 16.4%, disagreed or strongly disagreed.

3.24 Of those disagreeing, 5 expressed comments indicating that they disagreed on the basis that they disapprove of house-to-house collections. 1 commented that they do not believe the activity should be regulated at all. 3 expressed comments based on the potential on Rotary Club collections, particularly at Christmas. Rotary in Great Britain and Ireland have confirmed that they hold umbrella Public Liability Insurance up to £20 million which covers all their clubs' activities, and as such this policy will not impact on local Rotary Clubs.

3.25 No changes are proposed to the draft Policy on this point following consultation.

3.26 **Street Collections**

The second section of the survey asked respondents whether they agreed with or disagreed with specific aspects of the proposed approach to regulating street collections.

3.27 **Regulate street collections by adopting the Model Regulations**

38 respondents, 69.1%, agreed or strongly agreed with the proposal and 8 respondents, 14.6% disagreed.

3.28 Of those disagreeing with the proposal and expressing related comment, 1 disagreed as they are opposed to street collections. It is important to note that if the model regulations are not adopted then the council will not be able to regulate the activity and it can lawfully still take place, but without control. 1 disagreed on the basis that they consider the activity does not need regulating and 1 disagreed as they thought the proposals were too restrictive. 2 disagreed on the basis of the potential impact on street collections by local Rotary Clubs over the Christmas period.

- 3.29 It is recommended that no change is made to the Policy approach following consultation, and that Buckinghamshire Council adopt the model regulations to allow street collections to continue to be regulated.
- 3.30 **Restrict street collections to 8:00am to 8:00pm**  
36 respondents, 65.5%, agreed or strongly agreed with the proposal and 14 respondents, 25.5%, disagreed or strongly disagreed.
- 3.31 Of those that disagreed and expressed related comment, 1 disagreed on the basis that collection times should finish earlier at 4pm. Similarly, another respondent disagreed on the basis that at 8pm in winter it is dark, and this is not conducive to safeguarding and collections should end at 8pm or sunset, whichever is earlier. The proposal to restrict street collections to town and village centres should help address this concern as these areas are highly likely to be adequately lit. The remaining comments from those disagreeing suggest various reasons, as per the comments made in relation to adopting the model regulations.
- 3.32 No changes are proposed to the draft Policy on this point following consultation.
- 3.33 **Limit street collections in any one location to one charity on any given day**  
37 respondents, 67.3%, agreed or strongly agreed with the proposal and 12 respondents, 21.8%, disagreed or strongly disagreed.
- 3.34 Of those that disagreed and expressed related comments, 1 commented specifically in relation to collections at Christmas time that this proposal “seems a bit too restrictive”. It should be noted that the policy is being proposed to prevent potential nuisance by restricting collections to only one in any given day in any one area with regard to this there are no proposed changes to the draft policy at paragraph 4.9 already sets out how situations such as this can be accommodated and will be determined on a case-by-case basis.
- 3.35 **Restrict street collections to town and village centres.**  
35 respondents, 63.6%, agreed or strongly agreed with the proposal and 17, 30.9%, disagreed or strongly disagreed.
- 3.36 Of those respondents that disagreed and expressed additional comment, relevant comments related to the potential impact on Rotary Club Christmas collections, both Santa Sleigh type and static, that may take place both within and outside town and village centres. In non-town centre areas, the former type of collection will typically be calling on residential dwellings and as such will be conducting licensed “house-to-house collections” rather than street collections, so an additional street collection permit would usually not be needed. In terms of static collections, this may for example take place at the entrance to out-of-town supermarkets and shopping centres.

- 3.37 The purpose of generally restricting street collections to town centres and villages is to introduce an element of safeguarding to ensure collections take place in areas where there is likely to be greater degree of surveillance and security. It is acknowledged the same types of measures are likely to be present in out-of-town shopping centres and service stations and it is therefore recommended that “commercial areas” be brought within scope of the permissible collection areas under the Policy.
- 3.38 **Allow one street collection permit per charity for one day, per calendar quarter**  
Opinion was closely divided on this, 25 respondents, 45.5%, agreed or strongly agreed with the proposal and 24, 43.6%, disagreed or strongly disagreed.
- 3.39 One respondent disagreed on the basis that they do not want any street collections to take place. As mentioned, if the regulations are not adopted then no controls can be imposed, additionally if controls are adopted then the council is generally obliged to grant permits subject to compliance with the terms of the model regulations.  
The majority of the respondents disagreeing and those who made additional comment, again cited significant impacts on Rotary Clubs ability to provide a successful collection campaign over the Christmas period, particularly Santa’s Sleigh.
- 3.40 The historic role that the Rotary Club has played in the local community is acknowledged. Similarly other charities may also seek to carry out additional fundraising activity by exception. Provisions are set out in the draft policy which allow for exceptions, such as the run up to Christmas (see 4.9 of the policy). Additionally, it is recommended that the policy also be amended at section 3.12 to enable charities to carry out additional collections in the pre-Christmas period (from the 1<sup>st</sup> December), or for other significant cultural or calendar events, or during an annual nationwide campaign.
- 3.41 **Subject collectors proposing to use animals to additional checks**  
38 respondents, 69.1%, agreed or strongly agreed with the proposal and 7 respondents, 12.7% disagreed or strongly disagreed. Or strongly disagreed.
- 3.42 No comments relating specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation.
- 3.43 **Require charities to submit a declaration confirming that they are satisfied with the amount being donated to charitable causes by commercial collectors**  
36 respondents, 65.5%, agreed or strongly agreed with the proposal and 7 respondents, 12.7%, strongly disagreed.

- 3.44 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation.
- 3.45 **Require applicants to provide evidence of public liability insurance for a minimum of £5 million**  
38 respondents, 69.1%, agreed or strongly agreed with the proposal and 7, 12.7%, disagreed or strongly disagreed with the proposal.
- 3.46 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation.
- 3.47 **Site Management Agreements - Only issue street collection permits for Aylesbury town centre on Wednesdays, Thursdays, Fridays and Saturdays**  
20 respondents, 36.4 % agreed or strongly agreed with the proposal and 8 respondents, 14.5%, disagreed or strongly disagreed. Approximately half the respondents, 27, 49.1%, neither agreed nor disagreed, answered don't know or didn't answer.
- 3.48 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation other than the exemptions previously detailed in this report and provided at sections 4.9 and 3.12 of the Policy.
- 3.49 **Site Management Agreements - Only issue street collection permits for Wycombe town centre on Tuesdays, Fridays, Saturdays and Sundays**  
18 respondents, 32.7 % agreed or strongly agreed with the proposal and 10 respondents, 18.2%, disagreed or strongly disagreed. Again, approximately half of the respondents, 27, 49.1% neither agreed nor disagreed, answered don't know or didn't answer.
- 3.50 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation other than the exemptions previously detailed in this report and provided at sections 4.9 and 3.12 of the Policy.
- 3.51 **How easy is the draft Buckinghamshire Council Charitable Collections Policy to understand?**  
44 respondents, 80%, found the draft policy easy to understand and only 1 respondent reported that it was not at all easy.
- 3.52 9 respondents made additional comments. 3 respondents' comments related to the possibility of banning the activities. This is not an option available to the Council as both are lawful activities, the Council's role is to essentially determine the extent to

which it wishes to regulate the activities. 1 respondent asked for a simple table to be included to show changes from the current position. This would be difficult to explain simply as the Council is currently operating under separate legacy rules across the legacy district council areas. 1 respondent suggested a summary document with easier language and step guidance for applicants. The Licensing Service does intend to provide simpler guidance and revised application forms to support both the house to house and street collection regimes once the Policy has been approved prior to implementation.

**3.53 Additional comments**

3.54 Further to the survey responses, 6 separate responses were received as shown in Appendix 3.

3.55 Rotary Club of Aylesbury Hundreds raised concerns about the impact of the draft proposals on Christmas collections in terms of the number of permitted days and collection times, recommending that last collection be no later than 8pm. It is considered that the recommended amendment to the Policy set out in the report will, if agreed, address these concerns.

3.56 Gerards Cross and Chalfont St Peter Rotary Club also raised concerns about the impact on Christmas collections as currently their Christmas house-to-house collections finish at 8.30pm and take place over 23 days with 3 separate licences for 3 areas. The recommended amendments whilst proposing that house-to-house collections finish by 8pm, will allow a discretionary later time and extended collection period of up to 28 days for Christmas collections. The Policy as drafted makes no reference to charities being restricted to only collecting in one ward/location at a time under a licence or permit. However, this point has been clarified in the policy at paragraphs 2.5 and 3.9 to avoid confusion.

3.57 Misbourne Matins Rotary Club also raised concerns about the impact on Christmas collections. They have suggested that house-to-house collections have an absolute cut off time of 9pm and 24 days duration. It is considered that the recommended amendment to the Policy set out in the report will, if agreed, address these concerns. They have also asked for clarity over reference to areas so as to make it clear reference is to Buckinghamshire Council Wards and that no separate licence is required for collection of direct debit mandate information. Both of these recommendations have been actioned by way of minor amendment to the draft Policy wording. In terms of street collections, concerns were raised about limiting collections to single areas, as stated at paragraph 3.78, the Policy as drafted makes no reference to charities being restricted to only collecting in one ward/location at a time under a licence or permit. However, this point has been clarified in the policy at paragraphs 2.5 and 3.9 to avoid confusion. . The club also raised the possibility of collecting outside town and village centres and again the proposed amendments

address this by recommending out of town commercial areas also be included. The club have also asked for clarity over the definition of “private land” and potential issues with obtaining individual permissions from public houses. Reference to private land is essentially land not under council ownership. Where there is doubt relating to specific collections the Licensing Service can assist organisations in answering this question. In terms of visiting public houses, this type of collection would require a house-to-house licence as this activity includes both domestic and commercial premises and permission is not required from the landowner in these circumstances.

- 3.58 Rotary Club of Chesham also raised concerns about the impact on Christmas collections as currently their Christmas house-to-house collections finish at 9.00 pm and take place over more than 14 days across the whole Chesham area. As stated, the proposed amendments will allow this activity to continue. In terms of street collections, concerns were raised about the proposal to allow one collection per day per quarter, the proposed recommended amendments also address this.
- 3.59 Chesham Town Council raised the same concerns on behalf of the Rotary Club of Chesham. The Town Council also requested that they be delegated decision making with regards to exceptional circumstances. The Licensing Service is happy to consider the Town Council’s views on any street collection matter arising, however the primary legislation and model regulations specifically delegate decision making authority to Buckinghamshire Council as the licensing authority.
- 3.60 Coleshill Parish Council submitted comments expressing opposition to house-to-house collections on the basis that there are no realistic safeguards for householders, is impractical administratively and is invasive. The Parish Council has asked that if the policy goes ahead that every home in the parish be issued with a “no doorstep selling” sticker. As stated, the Council has a general obligation to grant licences, and has limited grounds to refuse applications. One of the primary purposes of this policy is to introduce additional safeguards to better protect residents from criminal and anti-social behaviour.

#### **4. Summary of recommended amendments**

- 4.1 The Policy has been amended to allow applicants to apply for house-to-house collections to take place over a period of up to 28 days during the pre-Christmas period. (see Policy 2.8).
- 4.2 The Policy has been amended to allow applicants to apply for house-to-house collections to take place until 8pm, with a discretion to apply for later hours during the pre-Christmas period. (see Policy 2.10)
- 4.3 The Policy has been amended so that street collections are limited to town and village centres and other commercial areas. (see policy 3.24)

4.4 The Policy has been amended to provide clarification that charities can still apply to collect in more than one ward/location under the same licence/permit. ( see policy 2.5 and 3.9).

4.5 The draft policy, with these amendments is attached to this report as Appendix 4.

## **5. Other options considered**

5.1 Applications for charitable collections are currently being considered and determined according to the practices of the legacy district council areas or policies where these are in force. This has resulted in inconsistency and possibly perceived unfairness across the council area and a lack of effectiveness or efficiency for those processing the applications.

5.2 Although there is no statutory requirement for a policy covering charitable collections, it is considered desirable and necessary to implement one so that Buckinghamshire Council is seen to be transparent, consistent, fair and open when considering and determining applications for this activity.

5.3 Whilst there is no discretion with house-to-house collections, which are required to be licensed, the council could determine not to regulate charitable street collections. However, to avoid potential nuisance and ensure appropriate safeguards are in place, it is strongly recommended that controls are retained through the adoption of the model regulations.

## **6. Legal and financial implications**

6.1 There is no provision within the legislation for fees to be charged for either processing applications or granting permits or licences for charitable collections.

6.2 As a result the cost to the service of processing applications and any necessary enforcement action will need to be borne from the general fund.

6.3 The Council currently receives in the region of 150 applications each for House-to-House collection licences and street collection permits each year. Each application takes in the region of 45 minutes to one hour to process. Permits are issued via email and so there are no postage costs associated with the grant of permits or licences. Complaints in relation to unlicensed collectors are rare and subsequently little enforcement action is generally required.

6.4 As stated above, there is no statutory requirement for Licensing Authorities to produce charitable collection policies although it is considered that the council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered and any reasons for refusal.

- 6.5 Currently, the council is able to regulate street collections as a consequence of historical adoptions of the model regulations by the legacy Buckinghamshire district councils and the transitional arrangements governing the formation of Buckinghamshire Council. Should the Licensing Committee be minded to agree to the ongoing control of charitable street collections, it is recommended that Full Council be asked to pass a new resolution to adopt the model regulations for Buckinghamshire Council.
- 6.6 Legacy district council site management agreements for direct debit mandate collection are in place between the Council and the Chartered Institute of Fundraising and these agreements regulate direct debit collection in Aylesbury and High Wycombe town centre areas. Following approval of the Policy officers will work with the Chartered Institute to review these legacy site management agreements with a view to producing a single agreement for the Buckinghamshire Council area, where this required.

## **7. Corporate implications**

- 7.1 Protecting the vulnerable – fundraising by means cash and other collections provides an essential source of funding for charity which can be applied to good causes. It is therefore an important means of assisting and protecting those in need and the vulnerable. It is also recognised that there have been increasing instances of fraudulent money collections and it is the duty of the Licensing Authority to ensure compliance with relevant legislation and that any collections are carried out by bona fide collectors who are using any proceeds for the purposes for which they were intended.
- 7.2 Property – N/A
- 7.3 HR – N/A
- 7.4 Climate change – N/A
- 7.5 Sustainability – N/A
- 7.6 Equality – An Equality Impact Assessment Screening Template has been carried out and it is considered that a full EQIA is not required.
- 7.7 Data – measures will be in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements.
- 7.8 Value for money – there is no fee associated with applications for charitable collections.

### **Key documents:**

House to House Collections Act 1939



<https://www.legislation.gov.uk/ukpga/Geo6/2-3/44>

House to House Regulations 1947

<https://www.legislation.gov.uk/uksro/1947/2662/contents/made>

Police, Factories, etc (Miscellaneous Provisions) Act 1916

<https://www.legislation.gov.uk/ukpga/Geo5/6-7/31>

Charitable Collections (Transitional Provisions) Order 1974

[https://www.legislation.gov.uk/uksi/1974/140/pdfs/uksi\\_19740140\\_en.pdf](https://www.legislation.gov.uk/uksi/1974/140/pdfs/uksi_19740140_en.pdf)

Fundraising Regulator's Code of Practice

<https://www.fundraisingregulator.org.uk/code>

NALEO Guidance for Licensing Officers issuing licences for charitable door to door collections – England and Wales

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## Buckinghamshire Council Charitable Collections Policy consultation: Summary report

This report was created on Wednesday 23 August 2023 at 18:00 and includes 55 responses.

The activity ran from 09/05/2023 to 20/06/2023.

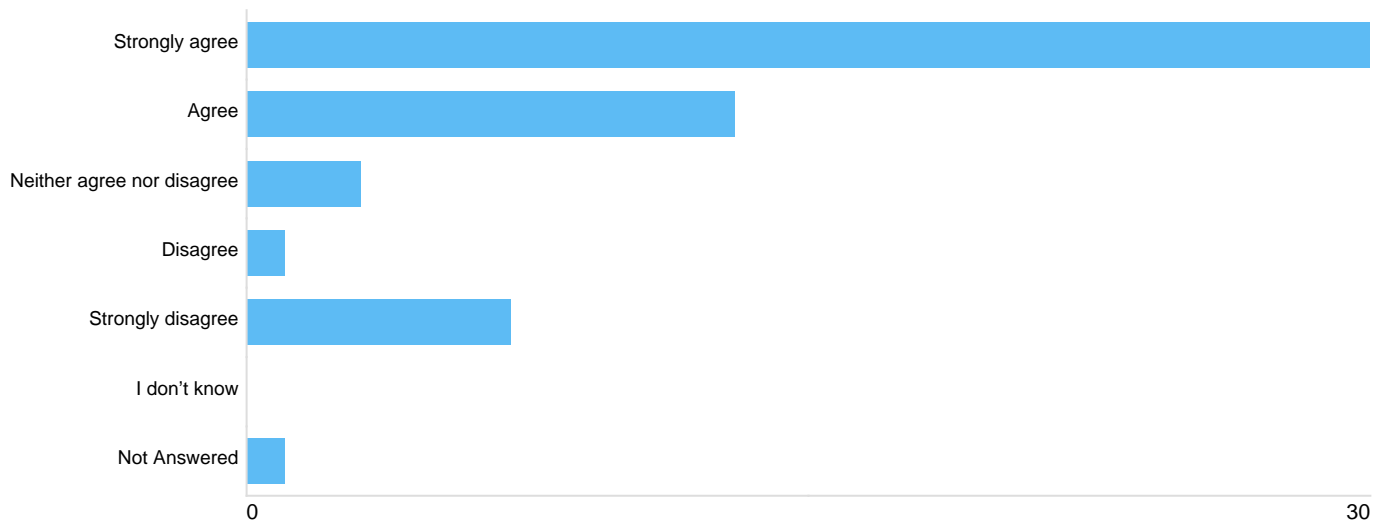
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Collections	14
What is your age?	15
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Disability / impairment / long term health condition	16
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Ethnicity	17
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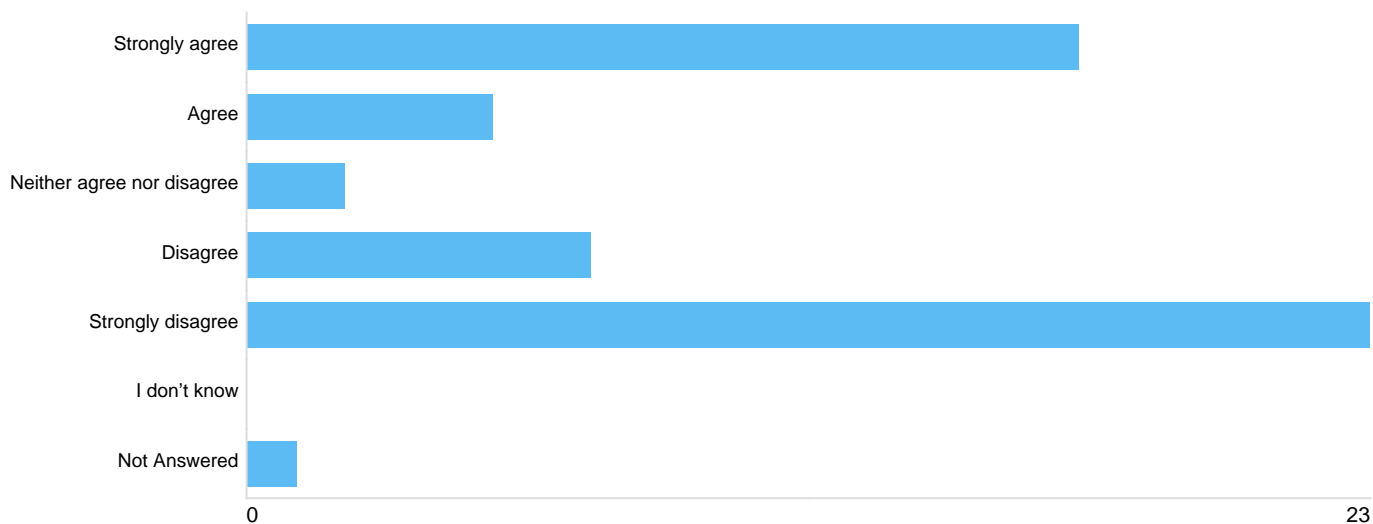
**Do you agree or disagree with the proposals for house to house collections?**

***House to house collections - Require a licence for collecting direct debit information house to house***



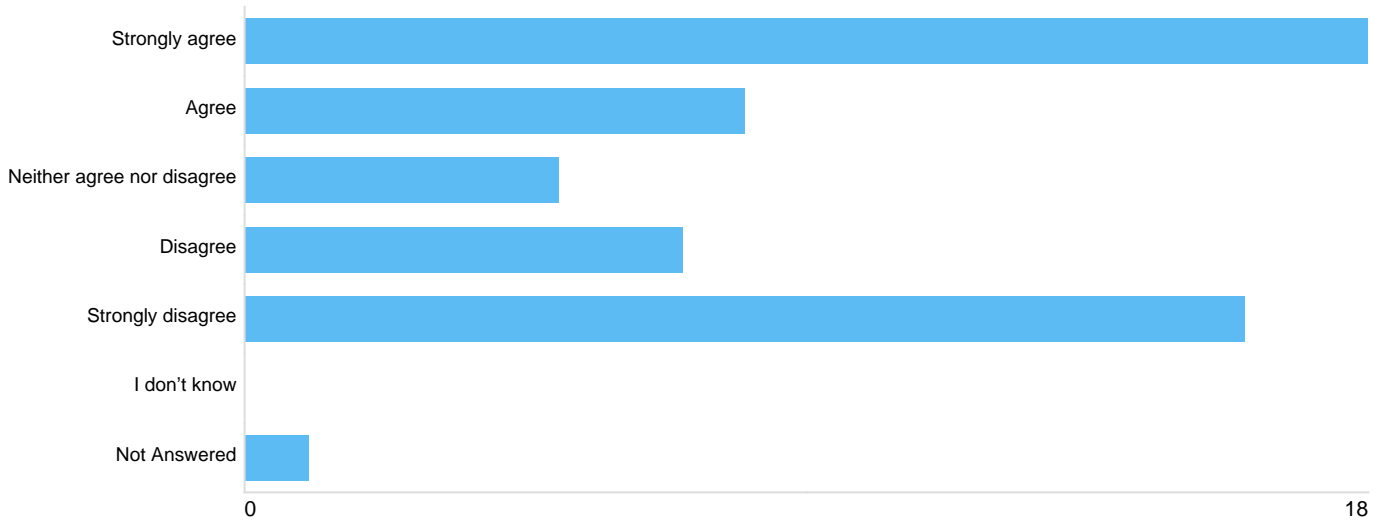
Option	Total	Percent
Strongly agree	30	54.55%
Agree	13	23.64%
Neither agree nor disagree	3	5.45%
Disagree	1	1.82%
Strongly disagree	7	12.73%
I don't know	0	0.00%
Not Answered	1	1.82%

***House to house collections - Restrict house to house collections to 9:00am to 7:00pm***



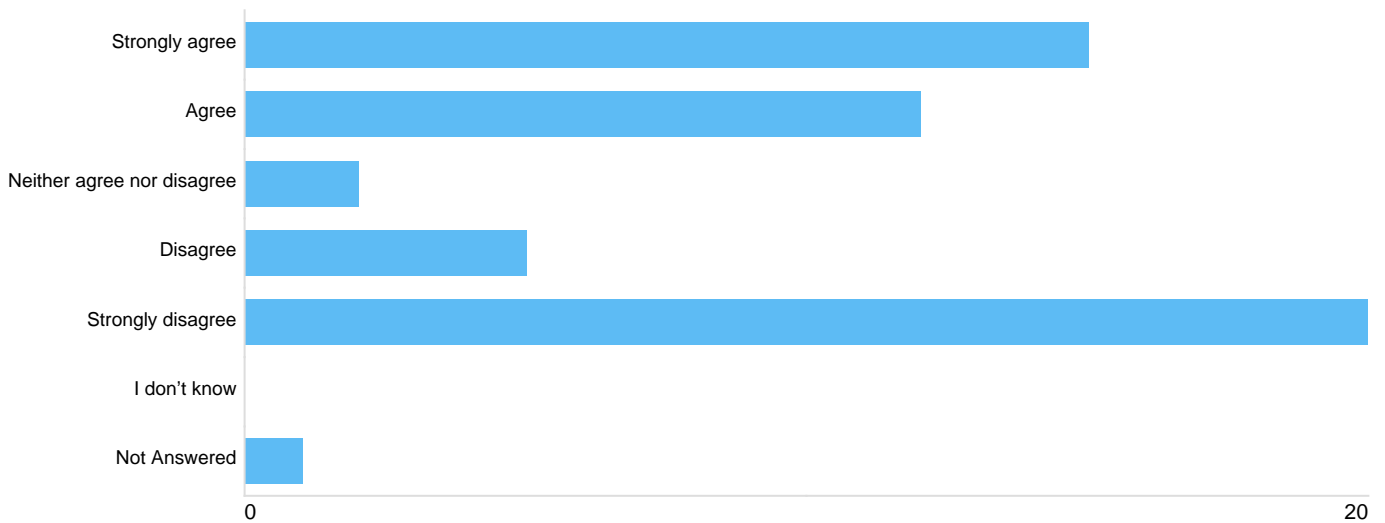
Option	Total	Percent
Strongly agree	17	30.91%
Agree	5	9.09%
Neither agree nor disagree	2	3.64%
Disagree	7	12.73%
Strongly disagree	23	41.82%
I don't know	0	0.00%
Not Answered	1	1.82%

**House to house collections - Allow only one house to house collection in any one council ward area on any given day**



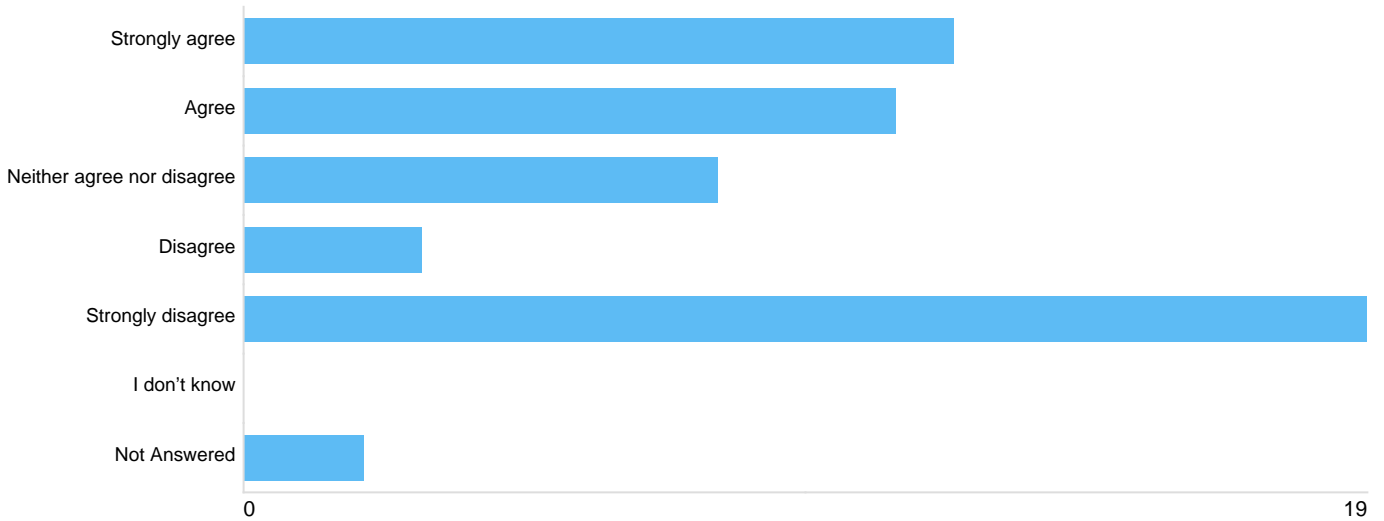
Option	Total	Percent
Strongly agree	18	32.73%
Agree	8	14.55%
Neither agree nor disagree	5	9.09%
Disagree	7	12.73%
Strongly disagree	16	29.09%
I don't know	0	0.00%
Not Answered	1	1.82%

**House to house collections - Grant licences for a maximum of 14 days to give charities equal opportunities**



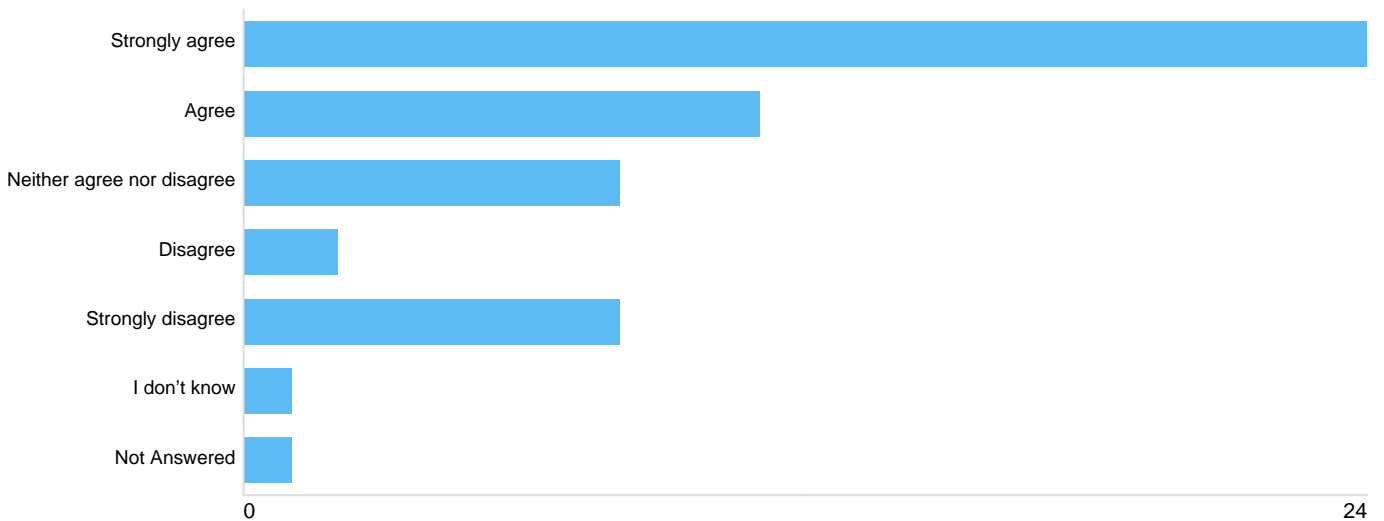
Option	Total	Percent
Strongly agree	15	27.27%
Agree	12	21.82%
Neither agree nor disagree	2	3.64%
Disagree	5	9.09%
Strongly disagree	20	36.36%
I don't know	0	0.00%
Not Answered	1	1.82%

**House to house collections - Allow charities one house to house licence per calendar quarter**



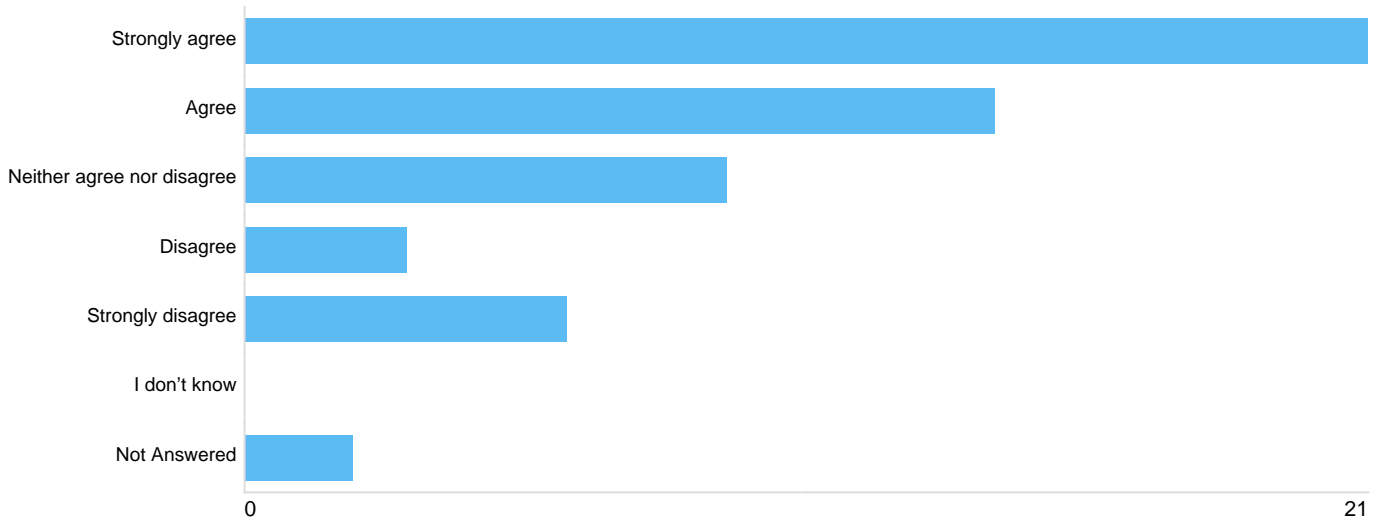
Option	Total	Percent
Strongly agree	12	21.82%
Agree	11	20.00%
Neither agree nor disagree	8	14.55%
Disagree	3	5.45%
Strongly disagree	19	34.55%
I don't know	0	0.00%
Not Answered	2	3.64%

**House to house collections - Require charities to submit a declaration confirming that they are satisfied with the amount being donated to charitable causes by commercial collectors**



Option	Total	Percent
Strongly agree	24	43.64%
Agree	11	20.00%
Neither agree nor disagree	8	14.55%
Disagree	2	3.64%
Strongly disagree	8	14.55%
I don't know	1	1.82%
Not Answered	1	1.82%

**House to house collections - Require applicants to provide evidence of public liability insurance for a minimum of £5 million**



Option	Total	Percent
Strongly agree	21	38.18%
Agree	14	25.45%
Neither agree nor disagree	9	16.36%
Disagree	3	5.45%
Strongly disagree	6	10.91%
I don't know	0	0.00%
Not Answered	2	3.64%

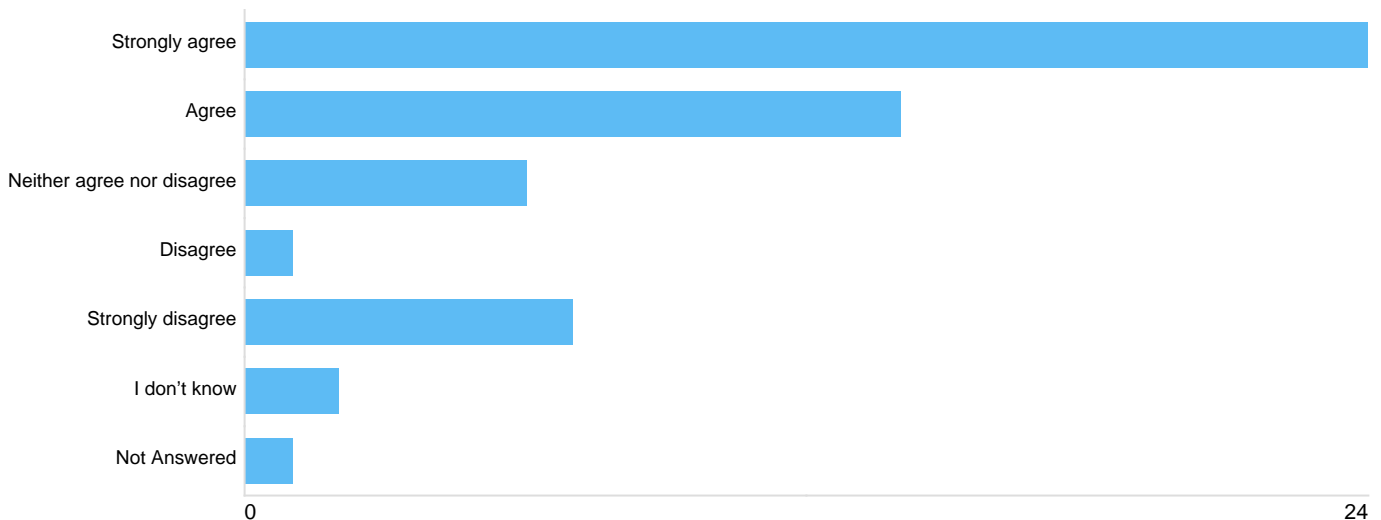
**Please tell us the reasons for your answers about the proposals for house to house collections:**

**Reasons**

There were **43** responses to this part of the question.

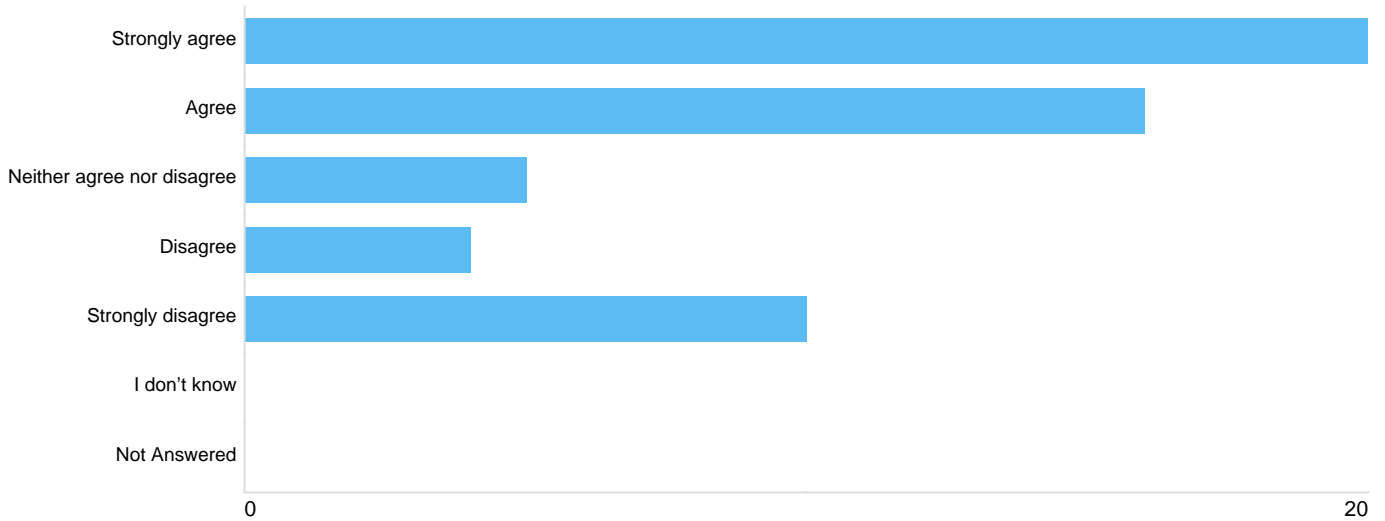
**Do you agree or disagree with the proposals for street collections?**

**Street collections - Regulate street collections by adopting the Model Regulations (industry standard)**



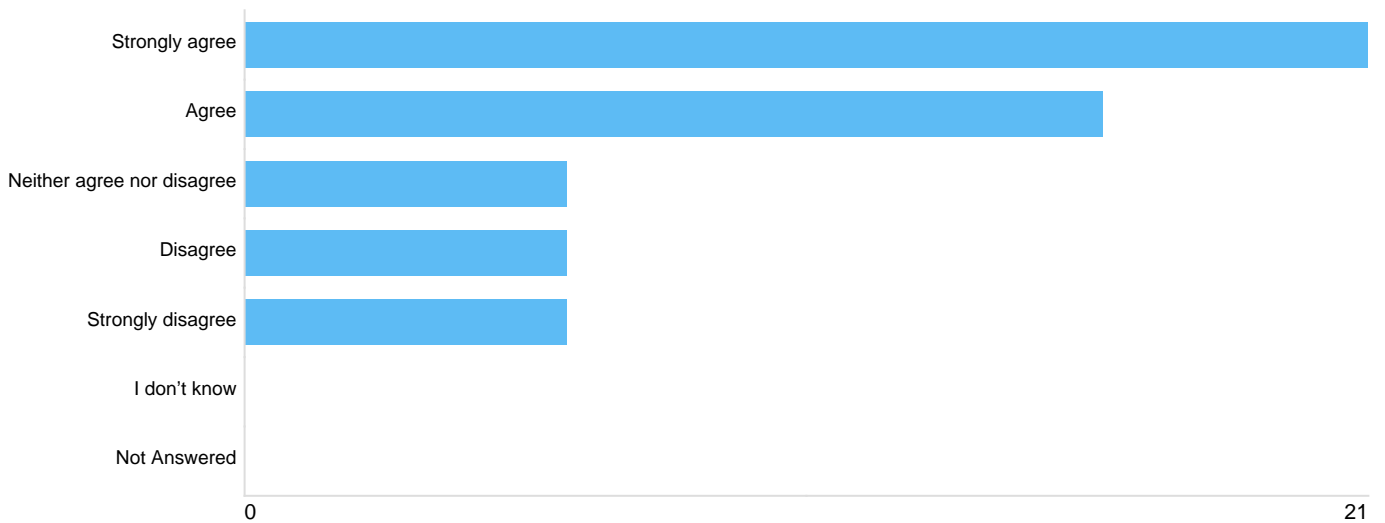
Option	Total	Percent
Strongly agree	24	43.64%
Agree	14	25.45%
Neither agree nor disagree	6	10.91%
Disagree	1	1.82%
Strongly disagree	7	12.73%
I don't know	2	3.64%
Not Answered	1	1.82%

**Street collections - Restrict street collections to 8:00am to 8:00pm**



Option	Total	Percent
Strongly agree	20	36.36%
Agree	16	29.09%
Neither agree nor disagree	5	9.09%
Disagree	4	7.27%
Strongly disagree	10	18.18%
I don't know	0	0.00%
Not Answered	0	0.00%

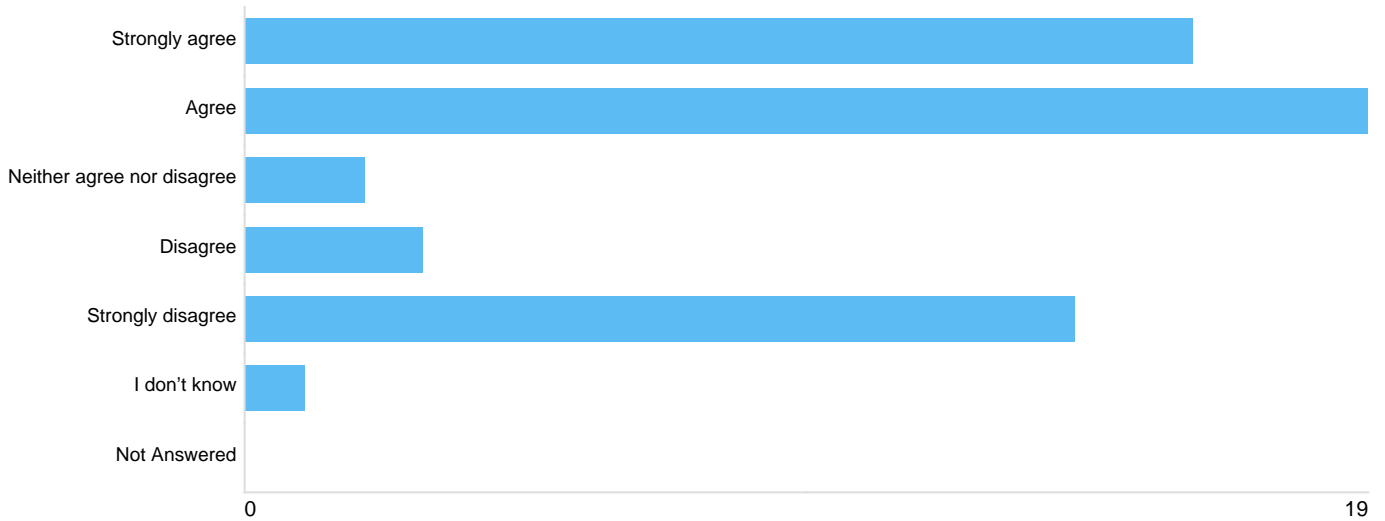
**Street collections - Limit street collections in any one location to one charity on any given day**





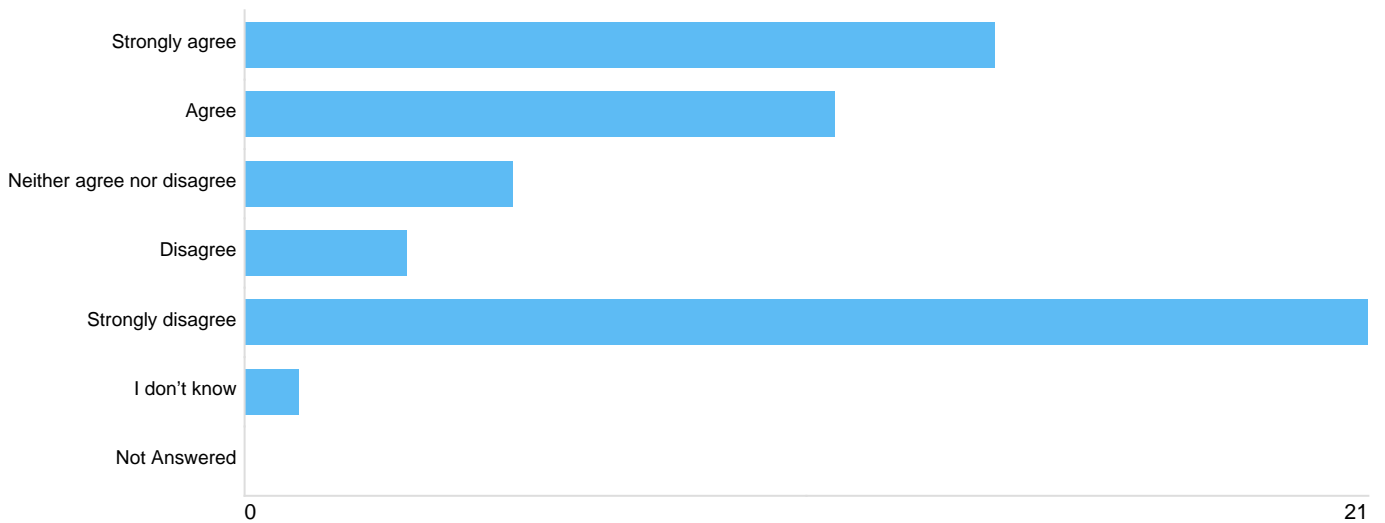
Option	Total	Percent
Strongly agree	21	38.18%
Agree	16	29.09%
Neither agree nor disagree	6	10.91%
Disagree	6	10.91%
Strongly disagree	6	10.91%
I don't know	0	0.00%
Not Answered	0	0.00%

**Street collections - Restrict street collections to town and village centres**



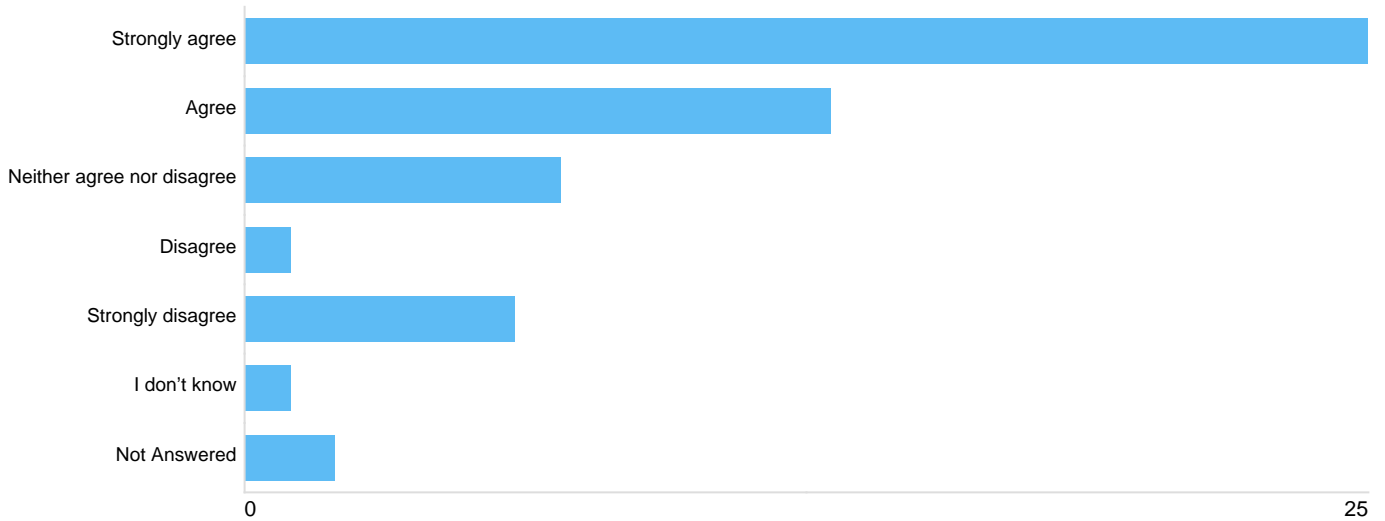
Option	Total	Percent
Strongly agree	16	29.09%
Agree	19	34.55%
Neither agree nor disagree	2	3.64%
Disagree	3	5.45%
Strongly disagree	14	25.45%
I don't know	1	1.82%
Not Answered	0	0.00%

**Street collections - Allow one street collection permit per charity for one day, per calendar quarter**



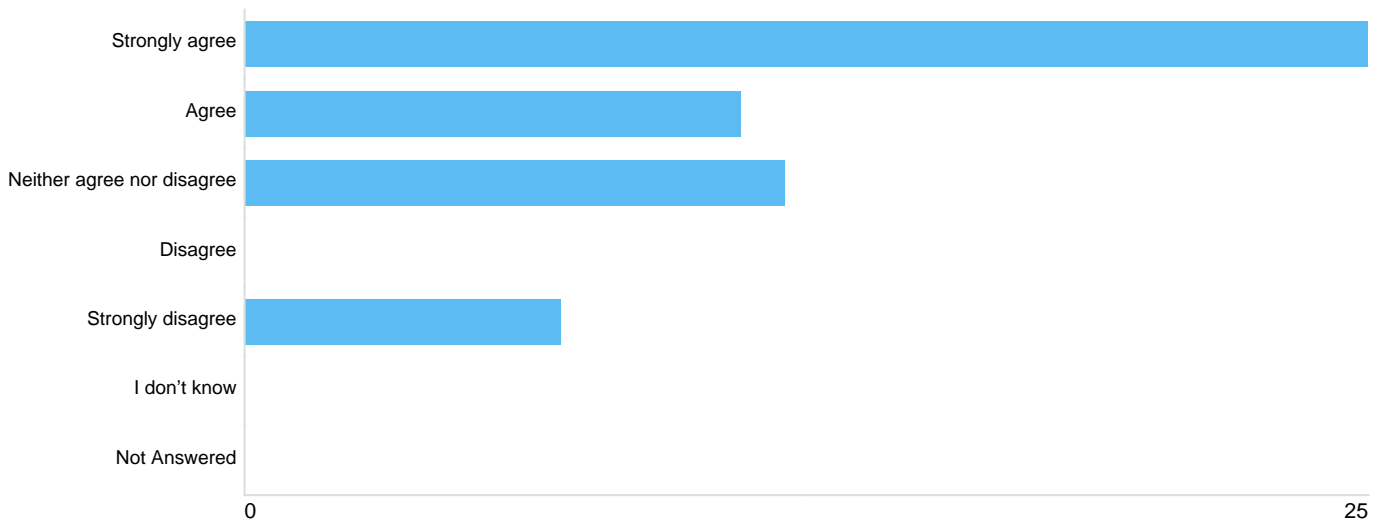
Option	Total	Percent
Strongly agree	14	25.45%
Agree	11	20.00%
Neither agree nor disagree	5	9.09%
Disagree	3	5.45%
Strongly disagree	21	38.18%
I don't know	1	1.82%
Not Answered	0	0.00%

**Street collections - Subject collectors proposing to use animals to additional checks**



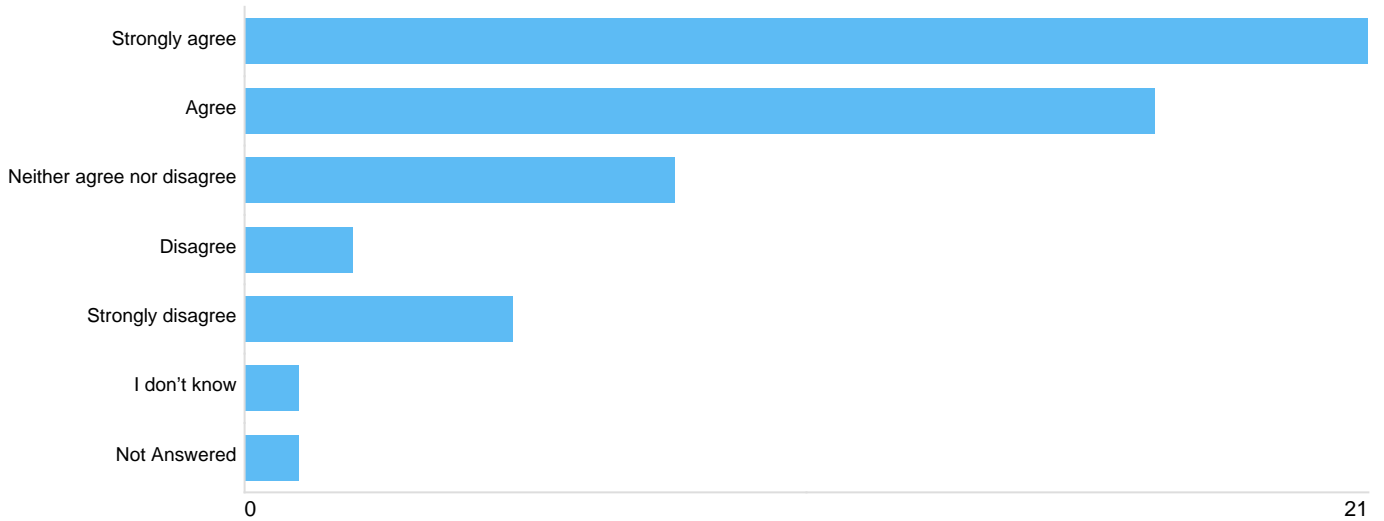
Option	Total	Percent
Strongly agree	25	45.45%
Agree	13	23.64%
Neither agree nor disagree	7	12.73%
Disagree	1	1.82%
Strongly disagree	6	10.91%
I don't know	1	1.82%
Not Answered	2	3.64%

**Street collections - Require charities to submit a declaration confirming that they are satisfied with the amount being donated to charitable causes by commercial collectors**



Option	Total	Percent
Strongly agree	25	45.45%
Agree	11	20.00%
Neither agree nor disagree	12	21.82%
Disagree	0	0.00%
Strongly disagree	7	12.73%
I don't know	0	0.00%
Not Answered	0	0.00%

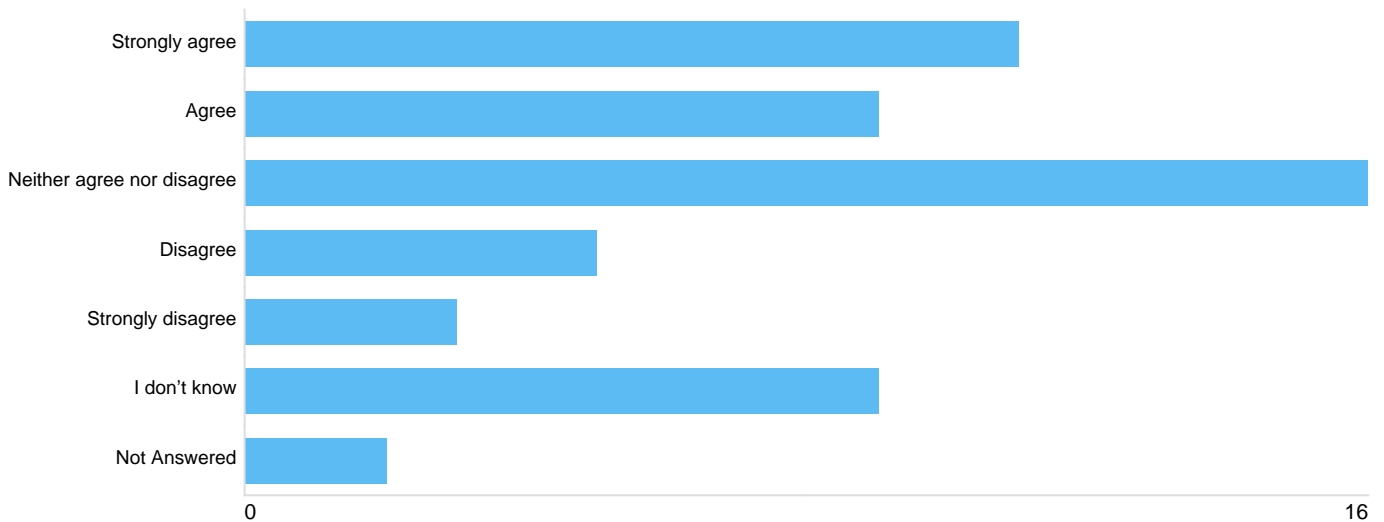
**Street collections - Require applicants to provide evidence of public liability insurance for a minimum of £5 million**



Option	Total	Percent
Strongly agree	21	38.18%
Agree	17	30.91%
Neither agree nor disagree	8	14.55%
Disagree	2	3.64%
Strongly disagree	5	9.09%
I don't know	1	1.82%
Not Answered	1	1.82%

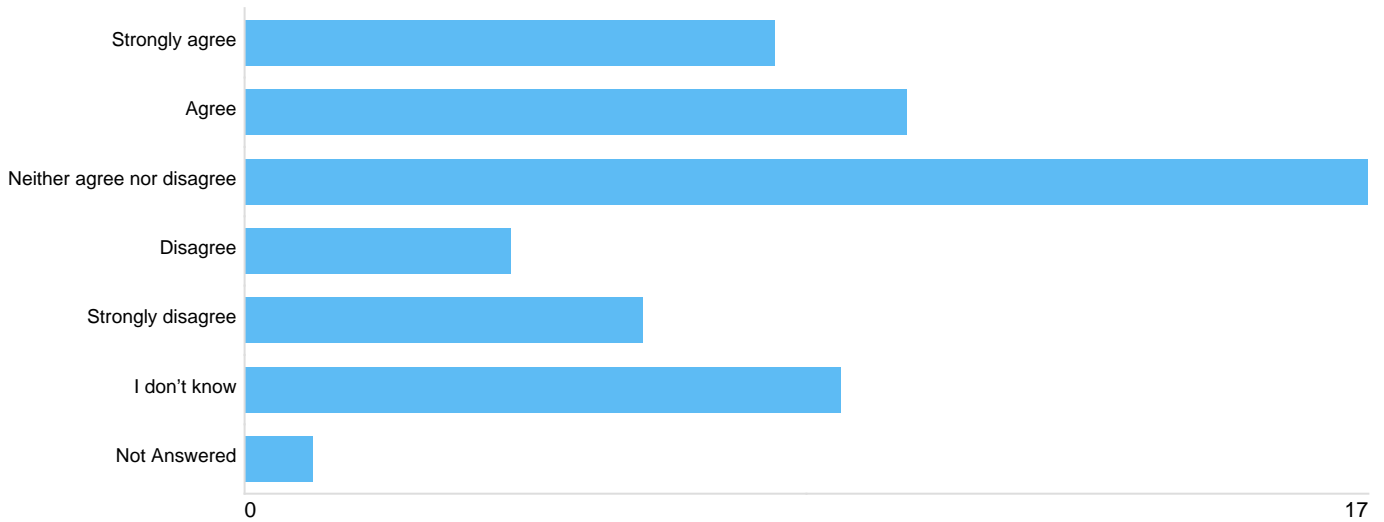
**Do you agree or disagree with the proposals for street collections related to Site Management Agreements?**

**Site Management Agreements - Only issue street collection permits for Aylesbury town centre on Wednesdays, Thursdays, Fridays and Saturdays**



Option	Total	Percent
Strongly agree	11	20.00%
Agree	9	16.36%
Neither agree nor disagree	16	29.09%
Disagree	5	9.09%
Strongly disagree	3	5.45%
I don't know	9	16.36%
Not Answered	2	3.64%

**Site Management Agreements - Only issue street collection permits for Wycombe town centre on Tuesdays, Fridays, Saturdays and Sundays**



Option	Total	Percent
Strongly agree	8	14.55%
Agree	10	18.18%
Neither agree nor disagree	17	30.91%
Disagree	4	7.27%
Strongly disagree	6	10.91%
I don't know	9	16.36%
Not Answered	1	1.82%

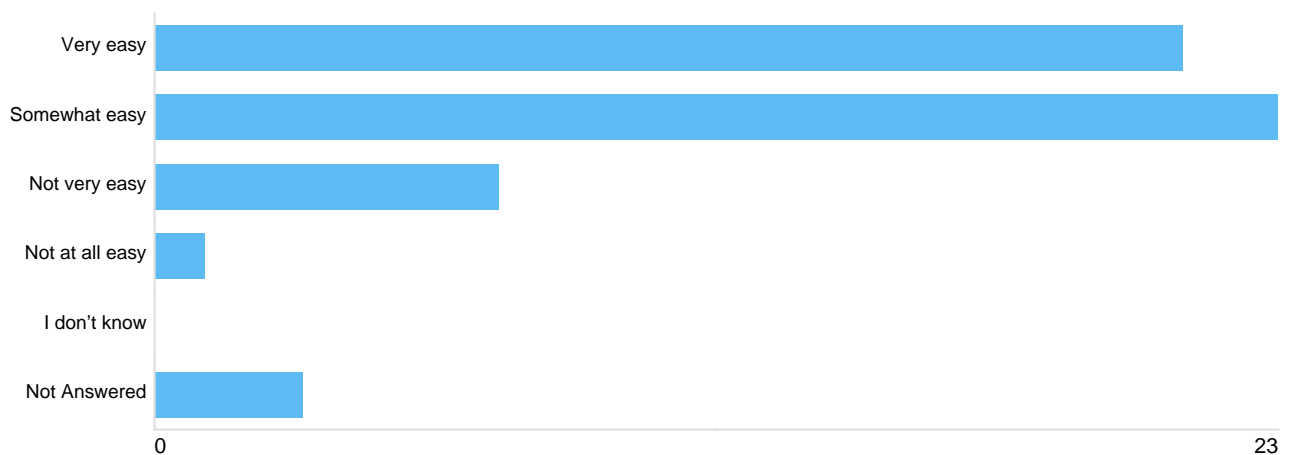
**Please tell us the reasons for your answers about the proposals for street collections:**

**Reasons**

There were **32** responses to this part of the question.

**How easy is the draft Buckinghamshire Council Charitable Collections Policy to understand?**

**Understand**



Option	Total	Percent
Very easy	21	38.18%
Somewhat easy	23	41.82%
Not very easy	7	12.73%
Not at all easy	1	1.82%
I don't know	0	0.00%
Not Answered	3	5.45%

**Easier**

There were 9 responses to this part of the question.

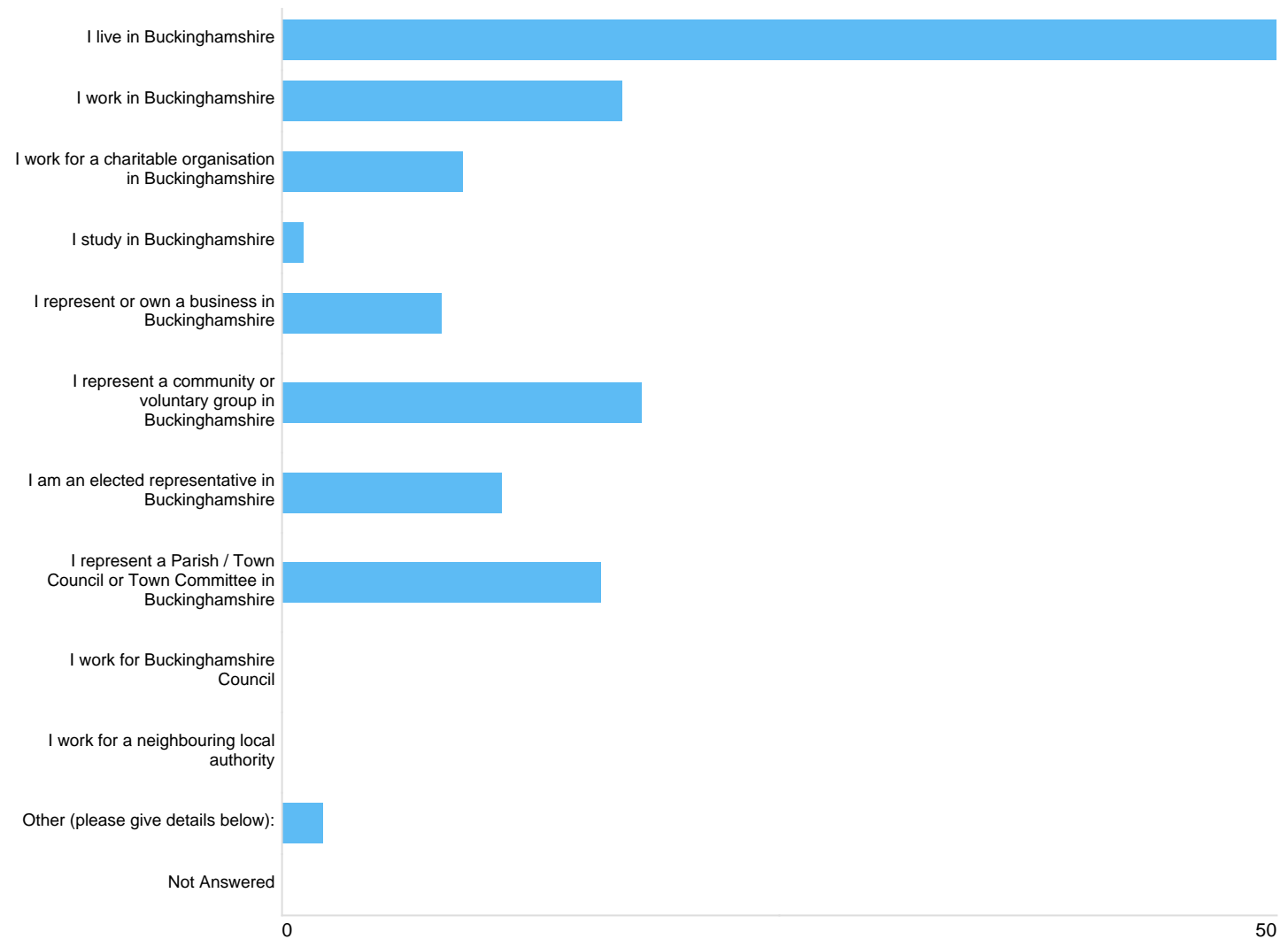
**If you have any other comments about the draft Buckinghamshire Council Charitable Collections Policy, please tell us here:**

**Other comments**

There were 14 responses to this part of the question.

**Which of the following describe you? (Select all that apply)**

**Capacity**



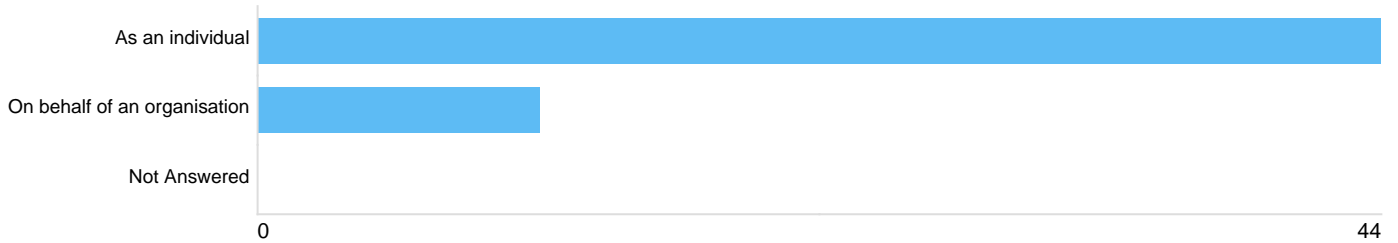
Option	Total	Percent
I live in Buckinghamshire	50	90.91%
I work in Buckinghamshire	17	30.91%
I work for a charitable organisation in Buckinghamshire	9	16.36%
I study in Buckinghamshire	1	1.82%
I represent or own a business in Buckinghamshire	8	14.55%
I represent a community or voluntary group in Buckinghamshire	18	32.73%
I am an elected representative in Buckinghamshire	11	20.00%
I represent a Parish / Town Council or Town Committee in Buckinghamshire	16	29.09%
I work for Buckinghamshire Council	0	0.00%
I work for a neighbouring local authority	0	0.00%
Other (please give details below):	2	3.64%
Not Answered	0	0.00%

**Other**

There were 2 responses to this part of the question.

**Are you responding as an individual or on behalf of an organisation (e.g. a business or a voluntary group)?**

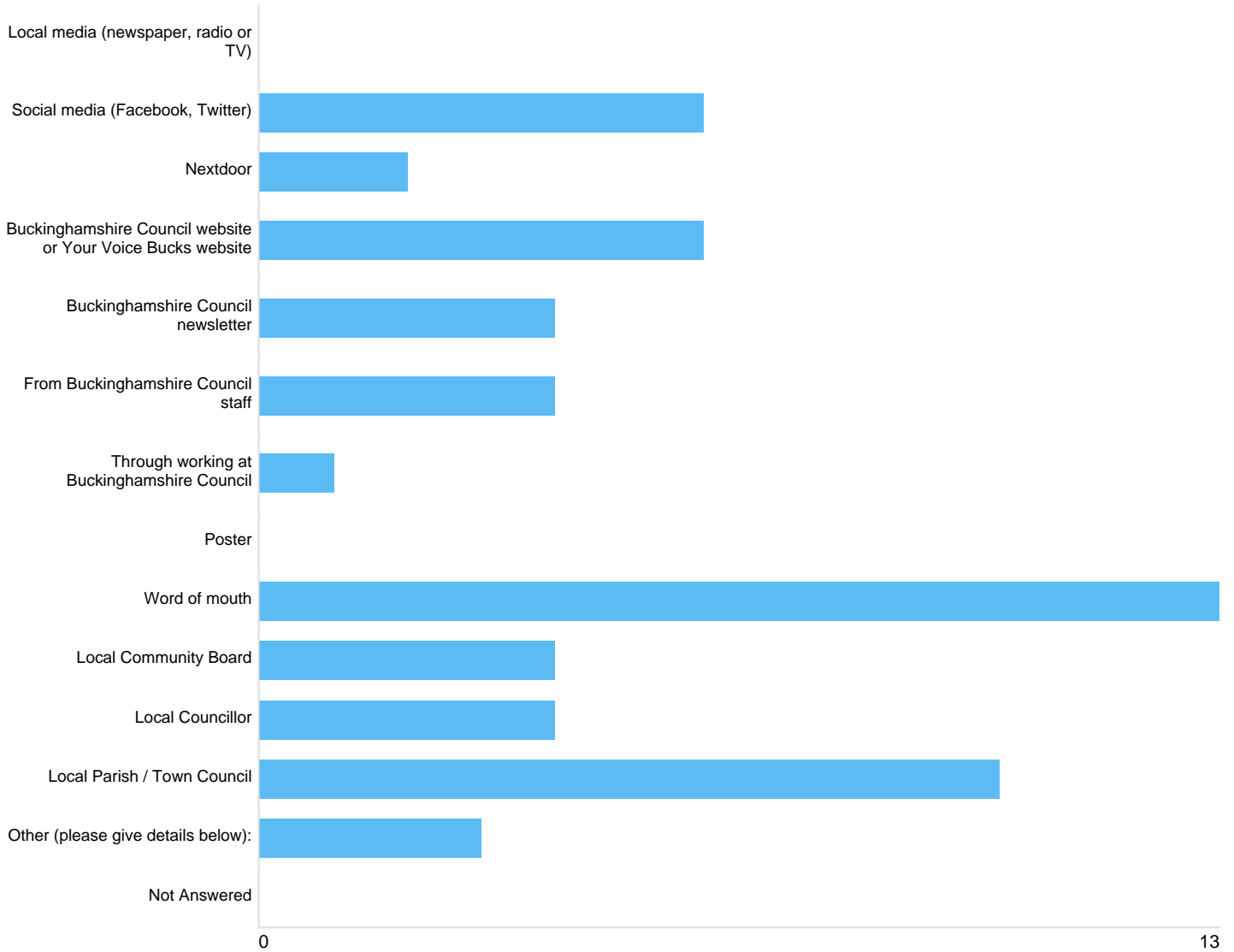
**Individual or organisation**



Option	Total	Percent
As an individual	44	80.00%
On behalf of an organisation	11	20.00%
Not Answered	0	0.00%

**How did you find out about this consultation? (Select all that apply)**

**Find out**



Option	Total	Percent
Local media (newspaper, radio or TV)	0	0.00%
Social media (Facebook, Twitter)	6	10.91%
Nextdoor	2	3.64%
Buckinghamshire Council website or Your Voice Bucks website	6	10.91%
Buckinghamshire Council newsletter	4	7.27%
From Buckinghamshire Council staff	4	7.27%
Through working at Buckinghamshire Council	1	1.82%
Poster	0	0.00%
Word of mouth	13	23.64%
Local Community Board	4	7.27%
Local Councillor	4	7.27%
Local Parish / Town Council	10	18.18%
Other (please give details below):	3	5.45%
Not Answered	0	0.00%

**Other**

There were 3 responses to this part of the question.

**Please provide the following details:**

**Name of organisation:**

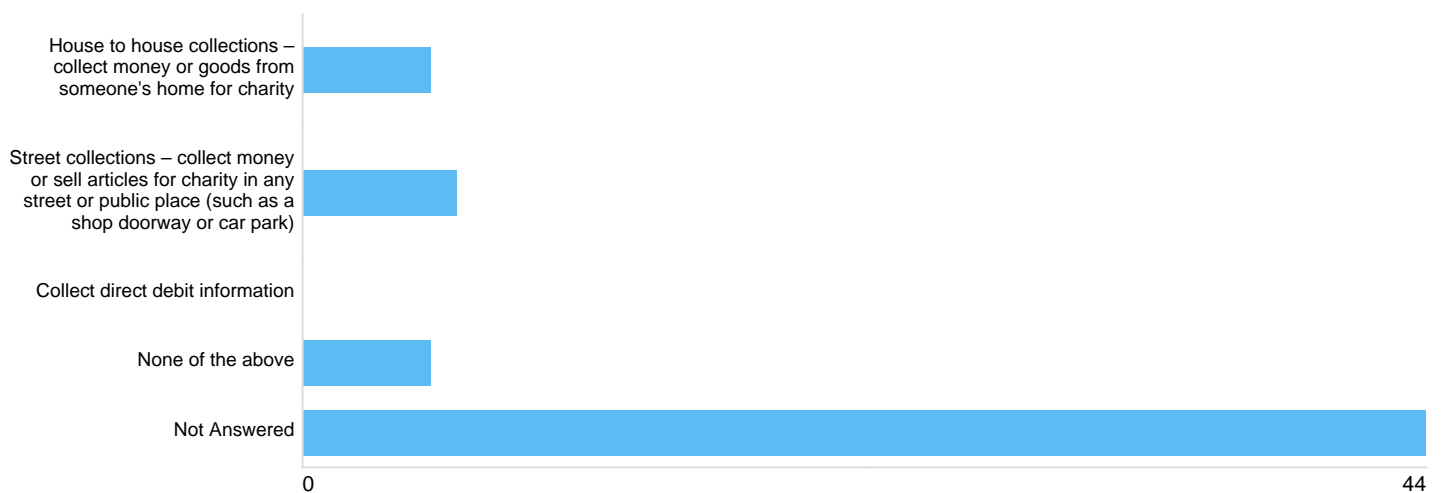
There were 11 responses to this part of the question.

**Your job title:**

There were 11 responses to this part of the question.

**Which of the following apply to your organisation? (Select all that apply)**

**Collections**

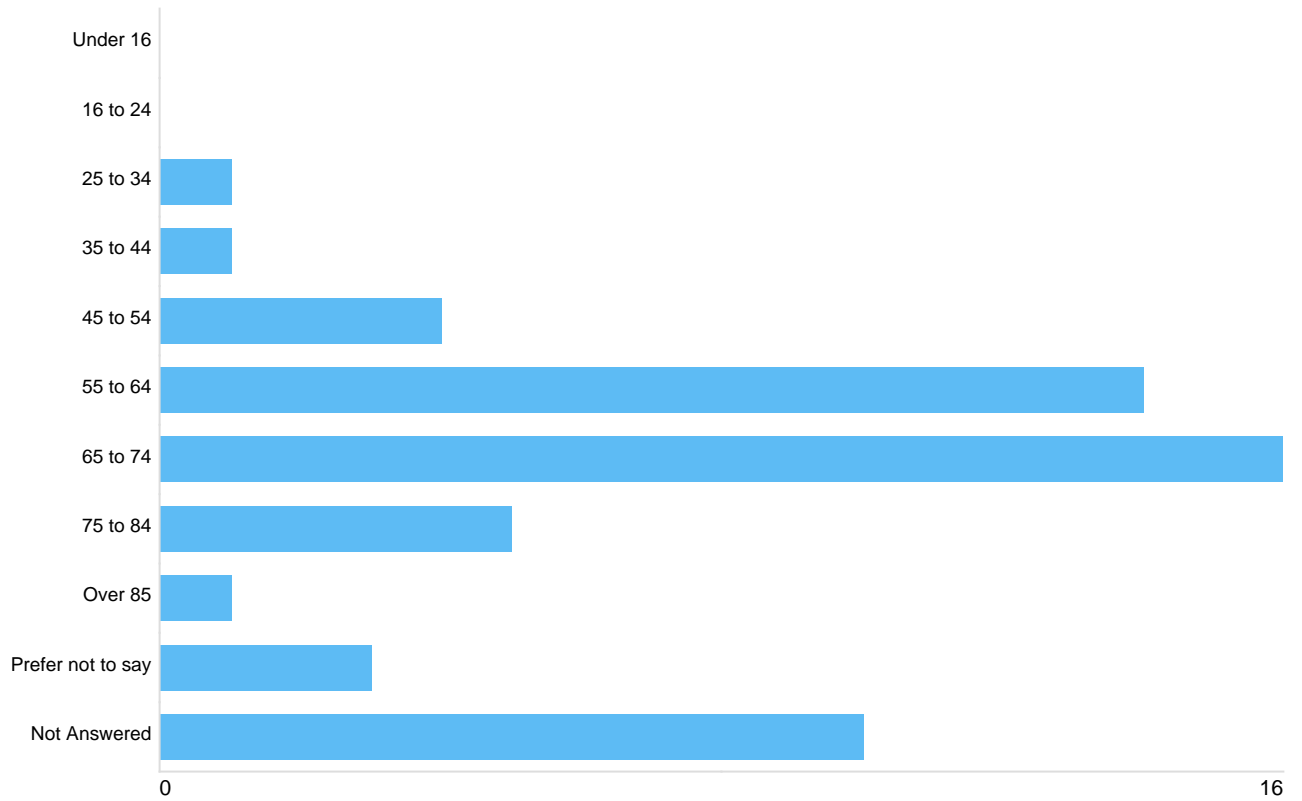




Option	Total	Percent
House to house collections – collect money or goods from someone's home for charity	5	9.09%
Street collections – collect money or sell articles for charity in any street or public place (such as a shop doorway or car park)	6	10.91%
Collect direct debit information	0	0.00%
None of the above	5	9.09%
Not Answered	44	80.00%

### What is your age?

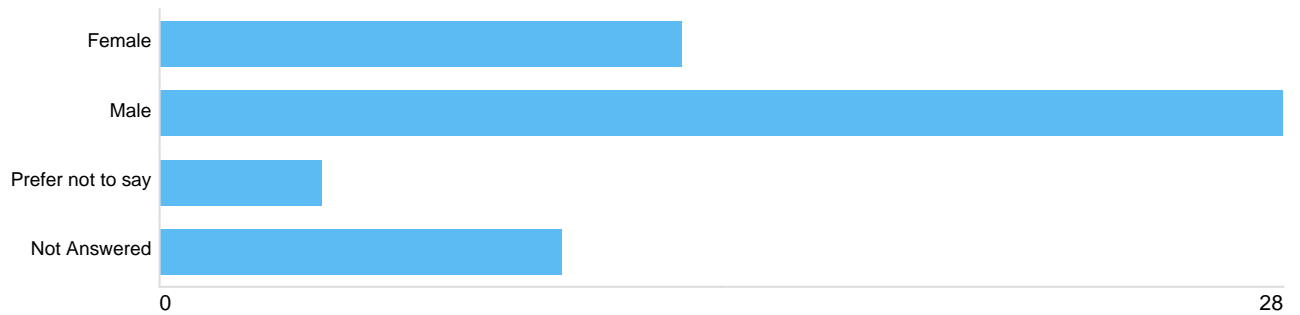
#### Age



Option	Total	Percent
Under 16	0	0.00%
16 to 24	0	0.00%
25 to 34	1	1.82%
35 to 44	1	1.82%
45 to 54	4	7.27%
55 to 64	14	25.45%
65 to 74	16	29.09%
75 to 84	5	9.09%
Over 85	1	1.82%
Prefer not to say	3	5.45%
Not Answered	10	18.18%

**Are you:**

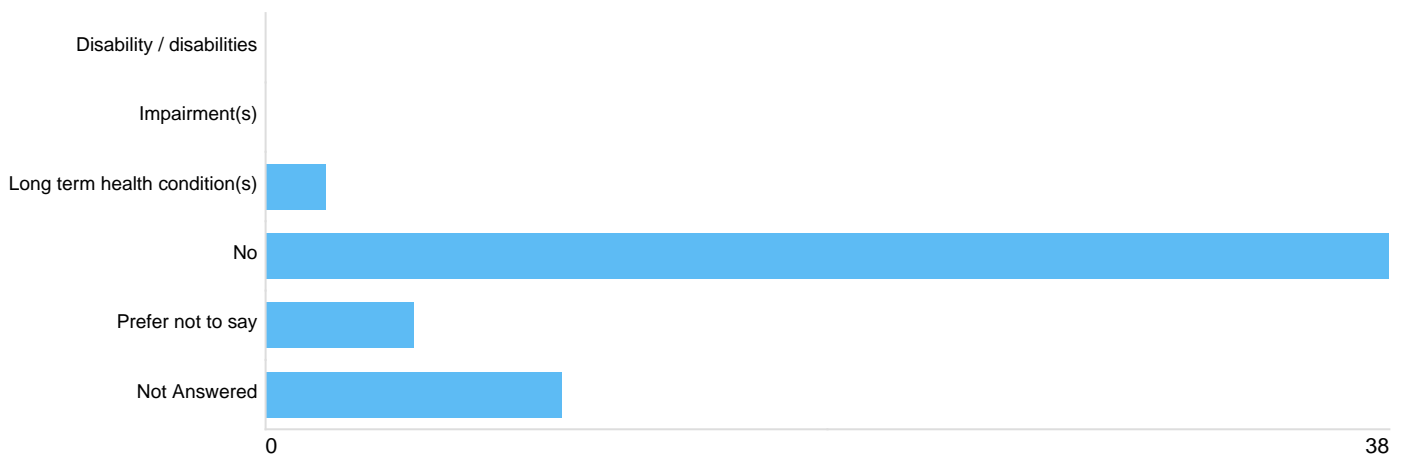
**Are you**



Option	Total	Percent
Female	13	23.64%
Male	28	50.91%
Prefer not to say	4	7.27%
Not Answered	10	18.18%

**Do you consider yourself to have a disability / disabilities, impairment(s) or long term health condition(s)? (Select all that apply)**

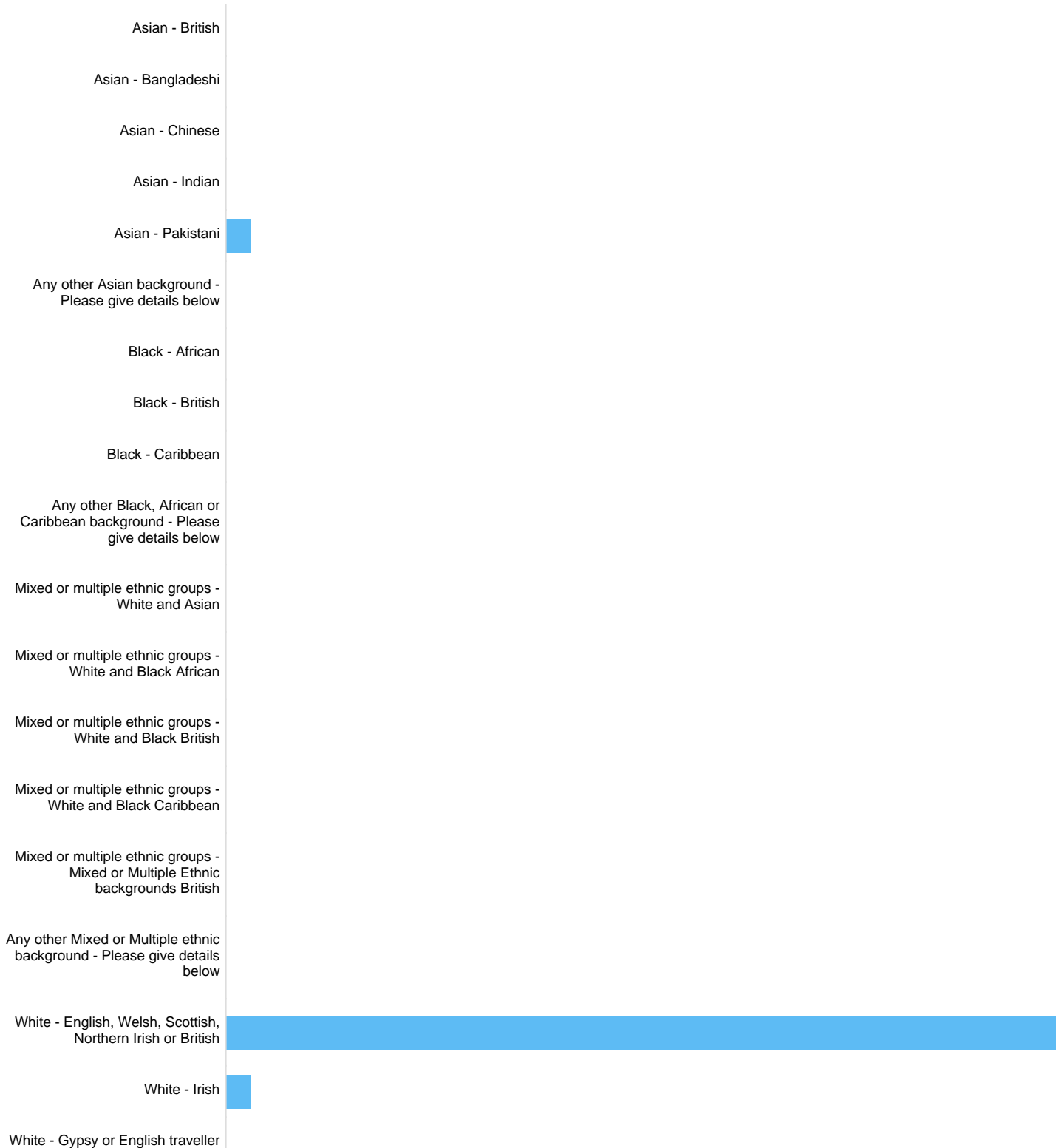
**Disability / impairment / long term health condition**

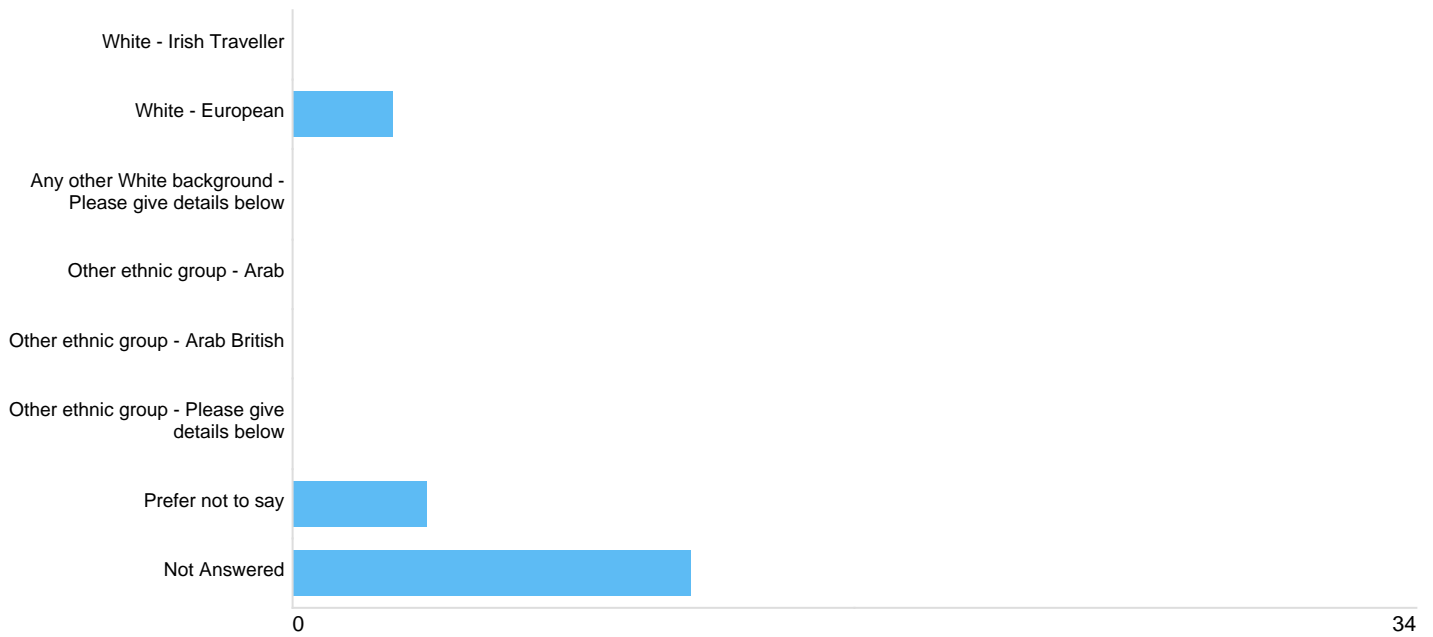


Option	Total	Percent
Disability / disabilities	0	0.00%
Impairment(s)	0	0.00%
Long term health condition(s)	2	3.64%
No	38	69.09%
Prefer not to say	5	9.09%
Not Answered	10	18.18%

## How would you describe your ethnicity?

### Ethnicity





Option	Total	Percent
Asian - British	0	0.00%
Asian - Bangladeshi	0	0.00%
Asian - Chinese	0	0.00%
Asian - Indian	0	0.00%
Asian - Pakistani	1	1.82%
Any other Asian background - Please give details below	0	0.00%
Black - African	0	0.00%
Black - British	0	0.00%
Black - Caribbean	0	0.00%
Any other Black, African or Caribbean background - Please give details below	0	0.00%
Mixed or multiple ethnic groups - White and Asian	0	0.00%
Mixed or multiple ethnic groups - White and Black African	0	0.00%
Mixed or multiple ethnic groups - White and Black British	0	0.00%
Mixed or multiple ethnic groups - White and Black Caribbean	0	0.00%
Mixed or multiple ethnic groups - Mixed or Multiple Ethnic backgrounds British	0	0.00%
Any other Mixed or Multiple ethnic background - Please give details below	0	0.00%
White - English, Welsh, Scottish, Northern Irish or British	34	61.82%
White - Irish	1	1.82%
White - Gypsy or English traveller	0	0.00%
White - Irish Traveller	0	0.00%
White - European	3	5.45%
Any other White background - Please give details below	0	0.00%
Other ethnic group - Arab	0	0.00%
Other ethnic group - Arab British	0	0.00%
Other ethnic group - Please give details below	0	0.00%
Prefer not to say	4	7.27%
Not Answered	12	21.82%

**Other**

There were 0 responses to this part of the question.

**Please tell us the reasons for your answers about the proposals for house to house collections: - Reasons**

I have been involved in house to house and street collections for over 40 years.

I agree with all of the proposals, especially to upgrade regulations for newer methods eg direct debit and commercial collectors.

Regarding the proposals to restrict house to house collections to 9:00am to 7:00pm:

From my personal experience this could be improved and clarified for the benefit of householders and collectors alike.

Firstly, I think 9am is unnecessarily early - many would find being knocked up at 9am unnecessarily intrusive - I think 10am would be better.

Secondly, I think 7pm is too early - in spring or summer continuing in daylight to 8pm would be better and acceptable. However I think collecting in the hours of darkness is NOT. That is likely to be perceived to be an intrusion and nuisance to residents.

So I would propose an amended hours formulation based on 10am until 8pm or dusk (whichever is earlier) would be better.

Regarding the proposal that no collections will be permitted where a "no cold calling" or similar notice is displayed.

Again from my experience this is too vague and open to interpretation. Many residents make up their own signs and these vary in wording leaving collectors unclear of the position.

This could be improved by making the wording more specific stating that no collections will be permitted where an official Trading Standards notice is displayed citing the "Consumer Protection from unfair trading regulations 2008". It will be clearer for residents and collectors alike to know precisely what form of notice will prevent callers, and the introduction of the new policy could be used as an opportunity for the Council to promote its trading standards consumer protection cold calling stickers.

As a house owner it is more difficult to refuse a collector on the door step, particularly when they are a neighbour.

ne collection a day is excessive - I do realize it is unlikely to happen.

The possibility of a charity collecting 4 times a year is excessive - once a year is enough

Training should be part of the criteria , we have a huge amount of vulnerable people in the community and these could be exploited so need qualified collectors , in some vulnerability training .

<p>I don't want any licenses to be issued to charities who will bother me at my home address. If a charity wants to collect clothing or items they can post me a bag through my door but I don't want to receive any cold calls from charity representatives on my doorstep at all, whatsoever. They are a nuisance, persistent when you say you don't wish to partake and take advantage of vulnerable people. Please don't allow licenses for door to door collection of direct debit information at all.</p>
<p>Rotary has been house to house collecting in the Gerrards Cross and Chalfonts area in the month of December for over 30 years. After direct costs, such as vehicle hire, all the proceeds are given to recognised local and national charities.</p> <p>The collections take place between 6pm and 8pm on weekdays and 5pm to 8pm at weekends.</p> <p>All the collectors are volunteers and the Christmas float collections are enormously popular with residents</p>
<p>7 00 pm seems a bit too early as a cut off time, particularly in the summer months when evenings are light. Many working people won't be home at that time. There seems a risk that the elderly and unwaged will be disproportionately targeted for house to house collections. Would it be possible to make it sunset if later?</p>
<p>The proposals appear sensible and in the public interest</p>
<p>once a quarter is too frequent utterly pointless to get a declaration, set a high minimum percentage</p>
<p>Too many supposed charities come to the door. Most are not local so the likes of Great Ormond Street should stay away</p>
<p>I doubt that most charities would know the ward boundaries to the exact house number. In addition a well organised charity could cover two wards easily and some may have bonafide projects in other wards for which they wish to raise awareness.</p>
<p>Too many other firms knocking on doors already in Hazlemere. Also the pressure is not nice when you answer the door and don't give</p>
<p>Why public liability insurance? Time limits too restrictive for face to face collections</p>

There has been concern expressed locally about the validity of people going door to door seeking money donations and/or direct debit sign ups and so better regulation is required.

I don't want any pressurized 'selling' tactics, and calling at one's door is pressurized. Any charity I donate to must supply a statement with clear information about what the charity aims to do, and also what proportion of money collected goes to support their aims.

I don't agree with House to House collections as they can be intimidating especially for older residents .

These proposals are an absolute invasion of private people's homes and should not be allowed. Most people that want to give to charity do so without these "chuggers" calling round at generally inconvenient times collecting sensitive information. A large percentage of the money collected is then paid to these professional fundraisers. This practice is outrageous and should be banned. Next you will be giving licences to the numerous so called ex-prisoners who are bussed into the area selling highly inflated cleaning materials. Please re-think this ridiculous idea!

I don't think this method of charity collection should be allowed at all.

It is an invasion of people's homes and there are far too many people that feel intimidated by what are normally professional fund raisers working to scripts designed to extract the maximum amount.

I do not wish to have house to house collections at all.

Personally I would never give direct debit information to someone calling at the door and even with these safeguards I would consider it unwise.

Per the suggested policy, house to house collections are to be allowed from 9:00am to 7:00pm.

The first aim of the draft policy is ensure that the interests of public donors and beneficiaries are safeguarded.

I would suggest that allowing cold calling as late as 7pm in winter when it is dark is not conducive to safeguarding.

The closing time should be 7pm or sunset, whichever is earlier.

Charities should not be able to knock at doors and ask for cash donations. This is intrusive and makes people feel obliged. They should be restricted to putting leaflets through doors and picking up donated items.

I don't believe this activity requires regulation

9am to 7pm is too long in the winter as it is dark before 6pm. Therefore witer collections should be shorter. to allow one charity on house to house per quarter seem as bit mean. Perhaps every two quarters.

Many Rotary Clubs, Round Tables etc have a long history of collecting door to door at Christmas with a Santa Claus Sleigh or similar. My Rotary Club (Great Missenden & District) covers Great Missenden, Prestwood, the Kingshills and South Heath. We also conduct a couple of Saturday morning static sessions in village centres. There is no street lighting on our patch, so the arrival of a brightly lit Santa with reindeer and sleigh, accompanied by recorded carols has a great impact, and is eagerly anticipated by excited children. We start each evening in December at around 5.00 p.m. and aim to finish around 7.30 p.m. Any earlier and people are not at home, any later can annoy parents because young children are in bed. We ask local charities to supply teams of collectors, and share the collections with them. Our portion of the collection is shared between the Rotary International Foundation (a US based charity) and our own local charity projects (we are a Registered Charity) . I see no need for a layer of bureaucracy, and suggest an exemption for established Rotary Club Christmas Collections.

Finishing at 7pm is too limiting. It would disallow people who work all day to collect for causes close to their heart. Also, many people aren't home by 7pm, so charities would be unable to maximise their income. Can I suggest a trial year for ending by 8pm, or later at the discretion of the charity / collectors, the key determinant being whether they are known in the area they are collecting and would be welcomed at any time?

Our Santa Carol float is beloved by parents and children. These new regulations would prohibit us (and other Clubs) from operating it at a time when parents and children would be able to see it. That will result in great disappointment and the loss of a favourite Christmas fixture. It would also, of course, reduce the amount we are able to collect and use to do our work.

These changes seem very sensible and proportionate.

Rotary Clubs in Bucks including my own, Buckingham, have a special push to collect money for charities every Christmas and have done so, without problem, for over 50 years. We respect people's privacy and the need to let children get to sleep so don't collect after 9 pm - but to finish by 7 pm is too early.

Likewise, the restriction on the number of days for collections is tight for us. We usually go out with our Santa sleigh over a three week period.



During the Christmas period Rotary clubs throughout the UK have Santa Floats that travel in towns and villages collecting house to house starting at 5.30 and finishing approx 8.30.

The local communities would be very upset if we did not visit them, particularly the children.

I've put strongly disagree as to how this proposal will affect the Rotary Santa Sleigh house to house collections during December - whilst I understand in principle what the proposal is trying to do there needs to be an exception policy that will still allow the Rotary Santa Sleigh house to house collections to continue (as per the official Rotary Club of Chesham) response to this consultation

These inflexible proposals will adversely affect Rotary Club of Chesham which uses a Christmas sleigh during December in Chesham and surrounding villages. It is impossible to continue with the collections if the fixed time limit of 19:00 is imposed.

These proposals severely limit the charitable collection carried out at Christmas time such as Santa's Sleigh

While I fully recognise the objective of the restrictions in the proposed policy it will have unintended side effects. My response addresses the Rotary Santa Sleigh Christmas collections which all towns and villages in Buckinghamshire benefit from in the evenings over typically 3 weeks leading up to Christmas. The purpose is to entertain mainly the children and some adults with the festive spirit of Santa and seasonal music and light displays. Money is collected for the Rotary charities by Rotarians. The proposed 7pm cut off severely limits how much of an estate or village can be covered. Our club's routes cover at least 3 wards so your proposal will require separate applications for each. I note you identify Santa sleigh as an exception in parts of your policy. I suggest you also exclude Santa sleigh collections (by recognised charities) for the following policy items:

- 7pm cut off ( suggest 8pm would be more reasonable);

- 14 day limit on the licence - (suggest 21 days in December);

- Single licence per ward - (suggest to apply to multiple wards together for licence. )

In Buckingham we also have Table running a float so we need to allow more than one licence per ward for this specific activity.

Your current proposals would have a huge impact on some very creditable house to house collections, notably the Christmas Santa's Sleigh collection. These visits are much loved by families throughout Buckinghamshire.

I am a member of Buckingham Rotary Club (a registered charity). This response is mainly associated with our annual Santa Sleigh collection in Buckingham and surrounding villages.

Regarding the limit that house to house collections must finish at 19:00:

To organise, set up and travel to a collection area means that we don't start collecting until between 17:30 and 18:00 pm (we rely on people who work to support the collection - to start earlier is difficult). The need to complete the round by 19:00, rather than our normal target time of 20:00, would necessitate doubling the number of days that we collect. As we alternate round days with Buckingham Table (a separate charitable organisation), to ensure that there is only one Santa collecting each evening, approximately half the collecting area will miss out.

The collection is used for local good causes - reduced collection time, reduces the amount collected, which restricts the causes we can support. The current national financial situation, especially the impact of rising prices and high inflation, means that disadvantaged residents are impacted.

Additionally there is the social impact for children in the area who will miss out on 'seeing 'Santa'. This should not be discounted as merely a shame - the complaints received if we miss out a road on a published round attest to the disappointment felt.

The Rotary Club of Chesham is pleased to respond to this consultation on a proposal that could have considerable impact on a hugely important activity in Chesham and in many other towns and villages in the county. The arrival of Santa's Sleigh in the streets, and to the front doors, of thousands of homes brings great pleasure to families and particularly children, enhancing the 'magic' of Christmas.

Any Rotarian who is a member of one of the many clubs organising a 'Santa's Sleigh' activity will tell you of the importance of this event. It gathers considerable funding for local causes. In Chesham this money (over £10,000 each year) is split with schools and various charitable organisations in the town who help with the collections. But the thanks we get is warmest from the parents witnessing the faces of their children as Santa arrives on his sleigh in their street. The experience is never forgotten and many parents tell us not only of the pleasure it brings to their children but also brought to them many years ago when they were children.

We cannot over emphasise the importance of this activity. That it raises such big sums of money for use in our towns is significant but equally important is the joy it has brought to many over the years.

It has been suggested that there might be specific exemption managed by many different Rotary Clubs for this pre-Christmas activity and the following notes help to explain why this is so important.

## House to House Collections

Dealing with house-to-house collections. The proposal is to restrict these so that they finish by 7.00pm and to grant licences for a maximum of 14 days. The current house-to-house licence allows us to travel to almost every street in Chesham and call on houses to collect money for local charities but more importantly it enables hundreds of children to see Father Christmas in his Sleigh in their street. They also of course receive a sweet from Santa.

We have a minimum of 16 different routes in and around Chesham so the proposed 14 days is not enough for us to cover all of Chesham. When we take the Sleigh out, we have a different local charity providing the collectors who knock on the doors and collect money. The vast majority of the collectors work full time and as soon as they finish work on their day with the Sleigh we meet up and out we go. That means that we cannot start until 5.30 - 6.00pm. We aim to finish by 8.30pm but the current licence allows us to be out until 9.00pm. If the proposal for ending at 7.00pm is implemented it would not be possible to be out for more than one hour when most routes take two and half to three hours.

If there was no exemption the money raised for our local schools and charities, such as Scouts and the Toy Bank, through the deployment of the Sleigh wouldn't just be reduced but, more likely, completely eliminated as, what is now being proposed, will so severely limit future 'Sleigh activity' as to make it uneconomic to construct and manage. The major detrimental effect will be on money raised for local organisations and will kill off much loved and greatly appreciated regular Sleigh activity (which has been operating in Chesham for around 40 years at least) in the weeks running up to Christmas.

Since moving to Buckingham 27 years ago, our family and neighbours have been delighted to see Santa and his helper elves light up the street at Christmas music and good wishes, while raising money for many different local charities as the Santa float passes through our community. These proposals will end what is a wonderful local tradition, loved by children (young and old). There is no call from residents to stop this tradition, quite the contrary. It will deprive small local charities of much needed funding and place a greater burden on charity organisers to seek out new funding options or restrict or close down their operations. This will rob Buckingham of a valued and loved tradition.

Dear Sir/Madam

I write on behalf of the Rotary Club of Great Missenden and District

Thank you for the opportunity to provide our views on the Draft Buckinghamshire Council Charitable Collections Policy.

Our Rotary Club, like many Clubs the length and breadth of the country, operate a Santa Sleigh during the month of December every year. These events bring much joy to members of our communities, young and old, and we are concerned that a number of the provisions in the draft policy would have a negative effect on our operations. This, as I shall explain in my response, will in turn effect what we are trying to achieve.

I must stress that we are in favour of the aims and objectives that are set out in Sections 1.2 and 1.3 of your proposal. We are simply wanting to outline where our operations, which benefit the community, may not match the exact requirements laid out in your Draft Policy.

Our concerns lie in 4 areas of the Policy

[1] section 2.8: “.....licences will not be granted for periods of longer than 14 days”.

It is not practical for our Rotary Club [and I would guess most others] to complete all its activities within 14 days. We would like to see the facility for a licence to be granted for “28 days up to and including 24 December”. Having to curtail our activities by not starting until 10 December will mean that some of our routes may not be covered, thus depriving the residents of the opportunity to see our Sleigh and donate to our chosen local charities.

[2] section 2.10: “....In order to prevent nuisance to residents, no collection shall take place outside the hours of 09:00 and 19:00”

Whilst we are in accordance with the principle of not causing nuisance to residents, we would like the facility to be able to collect until 2000. Although it is clearly in our interest not to be collecting too late in the evening [children are in bed, elderly rightly will not come to the door], there are on occasions where our operations do extend past 1900. Often this is caused by the numbers of residents who come out to visit Santa and his Sleigh, thereby delaying our progress. All our routes are advertised in advance in the local press/ websites so residents know when we will be ‘on our way’ in their vicinity.

[3] section 2.11: “....Applications for a house to house collection licence will be dealt with on a “first come, first served” and case by case basis”.

Whilst we note the comment in 2.8, our Rotary Club, along with others, will be disappointed if our pre-Christmas sleigh collections cannot take place because we have been 'beaten to it' by, for example, a national charity. Rotary Clubs ensure, amongst themselves, that there will be no conflict or clashing over routes. Your map in Appendix 2 is very helpful in that respect – it shows clearly the definition of the 'Missendens' area which is the area where our Club will carry out its Santa Sleigh activities.

[4] section 3.12: "In order to ensure that all charities are given equal opportunities, no more than one street collection permit will generally be issued to any charity in each calendar quarter".

As well as our house-to-house collections we traditionally locate our float stationary in a number of areas within the Missendens area during the weeks up to Christmas. If permits are intended to be issued on 'one permit, one day, one location' basis for each calendar quarter, then this would cause Rotary Clubs a serious problem as they would only be allowed to hold one street collection prior to Christmas. We would like to see this section amended to cover our requirement for more than one street collection [in one area eg Missendens] permit in the 28 days before 24 December.

On behalf of our Rotary Club, I hope you will be able to give due consideration to the 4 areas described above; I am more than happy to be contacted if you require any further clarification. In conclusion I must add that whilst a main aim of our Santa Sleigh is fundraising [last Christmas 10 local charities benefitted from distributions from our Trust Fund], there is also a definite community benefit in what we do. Santa is invariably welcomed wherever he appears and we often hear comments such as parents saying 'I remember your float coming round when I was a child' and 'Christmas has not really started until Santa has been down our street'.

I do hope consideration will be given to the points I have raised which will enable our very successful Santa Sleigh to continue providing the 'community service' it has done for many years.

Our Rotary Club operates many charitable collections throughout the year which will be impacted by the proposals but, like many Clubs (not just Rotary Clubs but Lions, Scouts etc) the length and breadth of the country, operate a Santa Sleigh during the month of December every year. For those not familiar with this, we tow a sleigh complete with one of our members acting as Father Christmas, around the streets of

the area, covering a different area each evening. These events bring a lot of happiness to members of our communities, young and old, and we are very concerned that a number of the provisions in the draft policy would have a serious impact on our operations both curtailing the number of areas we visit and reducing the donations that we receive.

In 2022, our Sleigh collection raised in excess of £4,500 for local causes. We split this money between a number of small, local charities and it makes a massive difference to their finances. It is also notable that even at a time when many people are struggling financially, they still made an effort to contribute to the worthwhile work we do in supporting local charities. Indeed we often get elderly residents who save their loose change all year for us or others who run after us to make a donation because they were slow getting to the door. We even managed to take Santa out during the pandemic although with no door to door collection, and people donated online or literally threw money to our team. People saw it as a sign of 'normality' that we were out and were incredibly grateful.

As a Rotary member, I have helped collect significant donations for the local charities which we support. The proposals are not in the interests of fundraising for these charities nor indeed for the welfare of the beneficiaries of these charities.

it would be impossible to have a rota for our Christmas float that finishes at 19.00. A 20.30 is more practicable. .Only one house to house collection may curtail charity collections

I am thinking particularly about the sleigh that goes round in the weeks leading up to Christmas and would not want this to be restricted to the times and days that your are suggesting. The faces on the children when they see it have to be seen to be believed.

It is agreed that collections should be licensed and held responsible for their actions.

**Please tell us the reasons for your answers about the proposals for street collections: - Reasons**

Regarding restricting collection to town and village centres, and regarding the associated hours.

Consideration should be given to allowing street collections outside the approaches to train stations - which may not be located in the town or village centres. Collections in the vicinity of train stations could be permitted to start at 7am or even 6am.

Regarding the proposed declaration by charities regarding the amount donated, this seems too loose. Consideration should be given to requiring the charity to confirm the % of the amount collected that they receive from the commercial collector or the % of 'commission' charged by the commercial collector for their services.

I wasn't aware that street collection permits existed in Aylesbury and Wycombe. I also wasn't aware that such licenses were not required in surrounding towns and villages.

Does that mean that The Big Issue Lady who sits on Princes Risborough High Street every week for the past 10 years at least is doing so without a license? If so, then I believe that street collection permits should also be required for surrounding towns and villages, not just limited to Aylesbury and Wycombe.

I used to be involved in licensing of street collections in HW and one of the problems was the big national collections tied to a particular date (eg Red Cross Day, Poppy Appeal) which could push out smaller local collections. I can see that the one collection per quarter policy might address this but it may be difficult to manage in practice.

The proposal appear to be in the public interest

Get a bit fed up when get stopped by charities trying to extort money when get I am just trying to do my shopping. Most of them are not local so should leave available slots for local charities

Some Wycombe charities are not based in Wycombe Town.

Some Wycombe Town charities have projects in several wards so are now prevented from street collection in several locations. Looking at the Charity Commission website some charities cover the old Wycombe District so are disadvantaged by this new rule where for example

they cannot collect in Wycombe Marlow and Risborough on the same day. This could cause disadvantage if Wycombe charities cannot go to Marlow for example.
Doesn't matter what day they do street collections
Should send public survey.
We did wonder if The Big Issue salespeople needed some form of regulation as it is basically a form of street collection
this is a badly worded survey, if you disagree, are you saying that 4 days is not enough, 4 days is too any, or you disagree with the whole concept of street collections - which is my situation.
I do not want to be approached by "chuggers" whilst on a shopping expedition. Their salaries are paid as a percentage of the monies they raise and do not go to the charity they are collecting for. Most people who want to give to charity make their own arrangements and do not appreciate these tactics.
I think the hours collection is permitted should end much earlier, 4.00pm for example. I think collectors should have to disclose how much of thr money given in for example a year will end up going to the charity, and how much will be kept by the collection organisation.
Per the suggested policy, street collections are to be allowed from 8:00am to 8:00pm. The first aim of the draft policy is ensure that the interests of public donors and beneficiaries are safeguarded. I would suggest that street collections as late as 8pm in winter when it is dark is not conducive to safeguarding. The closing time should be 8pm or sunset, whichever is earlier.
This activity does not cause any problems and does not require regulation
Not too concerned about street collections, we have always followed the existing rules for our limited Christmas static events in our villages.
If an area isn't suitable as a collection point then the charity won't want to waste resources there. Please respect the judgement of people and not micro-manage charities out of existence.



As with our Santa Float, our static collections are a Christmas fixture in different locations during the season. These restrictions would severely limit the fundraising which is vital to the community work we do.

These all seem sensible and proportionate proposals; my only reservation is whether at certain times of year, Christmas in particular, they might require some variation to allow for the larger outdoor gatherings that often take place in the evenings e.g. town centre lighting up celebrations.

At Christmas, we normally collect outside supermarkets, on private land, with their permission. To restrict us to one per calendar month in December would kibosh our main charitable season. And to limit it to just one charity at that time, seems a bit restrictive, since Christmas is a big time for charitable giving. It will just making collecting more difficult when, as I believe, there is no evidence of any problem.

Rotary clubs throughout the UK collect during the Christmas period mostly at supermarkets from 10.00 am to 17.00 hrs, which are on supermarket property.

I've put strongly disagree as to how this proposal will affect the Rotary Santa Sleigh static street collections during the Christmas in Chesham event and during December on the Broadway on a Wednesday and Saturday during December - whilst I understand in principle what the proposal is trying to do there needs to be an exception policy that will still allow the Rotary Santa Sleigh street collections (and similar events) to continue (as per the official Rotary Club of Chesham) response to this consultation

Rotary Club of Chesham provide a Christmas sleigh in the centre of Chesham with a Santa Claus on five or six market days in December. This provide a festive atmosphere and encourages families with young children to visit the town. At the same time there are collectors and the proceeds are used for many local and international charities. The proposals would mean that the sleigh would only visit on one occasion.

Suggest you add some dflexibility for Santa sleigh collections which may not be in a town centre

Too restrictive.

I think that permits should allow collection for more than one day (perhaps valid for one week or 3 days?). Given the lengths they are going to go to get this permit, which they rightly should have to go through, that one day they have to collect donations the weather may be very bad or other reasons prevent them from gaining many donations.

Our street collections take place at supermarket locations outside the town/village centre locations - if this is treated as on private property and licensing rules do not apply, I have no issue with the constraint.

However, limiting a single charity to only one day per quarter, does mean that we would lose collection opportunities at weekends in December when, typically, we would have Santa's sleigh on display for three to four days.

The Rotary Club of Chesham is pleased to respond to this consultation on a proposal that could have considerable impact on a hugely important activity in Chesham and in many other towns and villages in the county. The arrival of Santa's Sleigh in the streets, and to the front doors, of thousands of homes brings great pleasure to families and particularly children, enhancing the 'magic' of Christmas.

Any Rotarian who is a member of one of the many clubs organising a 'Santa's Sleigh' activity will tell you of the importance of this event. It gathers considerable funding for local causes. In Chesham this money (over £10,000 each year) is split with schools and various charitable organisations in the town who help with the collections. But the thanks we get is warmest from the parents witnessing the faces of their children as Santa arrives on his sleigh in their street. The experience is never forgotten and many parents tell us not only of the pleasure it brings to their children but also brought to them many years ago when they were children.

We cannot over emphasise the importance of this activity. That it raises such big sums of money for use in our towns is significant but equally important is the joy it has brought to many over the years.

It has been suggested that there might be specific exemption managed by many different Rotary Clubs for this pre-Christmas activity and the following notes help to explain why this is so important.

Street Collections.

The proposal is to allow one street collection permit per charity for one day per calendar period. That period relating to Christmas events is October, November and December. In recent years we have had the Sleigh in a static location in the Market Square Chesham for the Christmas in Chesham event which is always towards the end of November. In addition, from early December we have the Sleigh in a static location in The Broadway Chesham on market days, every Wednesday and on Saturdays from 9.00am until 3.00pm. Father Christmas is in his Sleigh during all of that time and children can get up in the Sleigh, sit next to Santa, have their photo taken and chat to him. That totals 6 or 7 occasions currently. The proposal would restrict that to once only.

If there was no exemption the money raised for our local schools and charities, such as Scouts and the Toy Bank, through the deployment of the Sleigh wouldn't just be reduced but, more likely, completely eliminated as, what is now being proposed, will so severely limit future 'Sleigh activity' as to make it uneconomic to construct and manage. The major detrimental effect will be on money raised for local organisations and will kill off much loved and greatly appreciated regular Sleigh activity (which has been operating in Chesham for around 40 years at least) in the weeks running up to Christmas.

Christmas street collections can be concentrated during a particular period, such as Christmas and restricting to 1 per quarter does not recognise this. Would prefer it was limited to 4 per year, so charities can collect during set periods, such as the lead up to Christmas.

Dear Sir/Madam

I write on behalf of the Rotary Club of Great Missenden and District

Thank you for the opportunity to provide our views on the Draft Buckinghamshire Council Charitable Collections Policy. My response below is that given in response to the house-to-house collection and item 4 below [regarding section 3.12] is pertinent to our response regarding street collections.

Our Rotary Club, like many Clubs the length and breadth of the country, operate a Santa Sleigh during the month of December every year. These events bring much joy to members of our communities, young and old, and we are concerned that a number of the provisions in the draft policy would have a negative effect on our operations. This, as I shall explain in my response, will in turn effect what we are trying to achieve.

I must stress that we are in favour of the aims and objectives that are set out in Sections 1.2 and 1.3 of your proposal. We are simply wanting to outline where our operations, which benefit the community, may not match the exact requirements laid out in your Draft Policy.

Our concerns lie in 4 areas of the Policy

[1] section 2.8: ".....licences will not be granted for periods of longer than 14 days".

It is not practical for our Rotary Club [and I would guess most others] to complete all its activities within 14 days. We would like to see the

facility for a licence to be granted for “28 days up to and including 24 December”. Having to curtail our activities by not starting until 10 December will mean that some of our routes may not be covered, thus depriving the residents of the opportunity to see our Sleigh and donate to our chosen local charities.

[2] section 2.10: “...In order to prevent nuisance to residents, no collection shall take place outside the hours of 09:00 and 19:00”

Whilst we are in accordance with the principle of not causing nuisance to residents, we would like the facility to be able to collect until 2000. Although it is clearly in our interest not to be collecting too late in the evening [children are in bed, elderly rightly will not come to the door], there are on occasions where our operations do extend past 1900. Often this is caused by the numbers of residents who come out to visit Santa and his Sleigh, thereby delaying our progress. All our routes are advertised in advance in the local press/ websites so residents know when we will be ‘on our way’ in their vicinity.

[3] section 2.11: “...Applications for a house to house collection licence will be dealt with on a “first come, first served” and case by case basis”.

Whilst we note the comment in 2.8, our Rotary Club, along with others, will be disappointed if our pre-Christmas sleigh collections cannot take place because we have been ‘beaten to it’ by, for example, a national charity. Rotary Clubs ensure, amongst themselves, that there will be no conflict or clashing over routes. Your map in Appendix 2 is very helpful in that respect – it shows clearly the definition of the ‘Missendens’ area which is the area where our Club will carry out its Santa Sleigh activities.

[4] section 3.12: “In order to ensure that all charities are given equal opportunities, no more than one street collection permit will generally be issued to any charity in each calendar quarter”.

As well as our house-to-house collections we traditionally locate our float stationary in a number of areas within the Missendens area during the weeks up to Christmas. If permits are intended to be issued on ‘one permit, one day, one location’ basis for each calendar quarter, then this would cause Rotary Clubs a serious problem as they would only be allowed to hold one street collection prior to Christmas. We would like to see this section amended to cover our requirement for more than one street collection [in one area eg Missendens] permit in the 28 days before 24 December.

On behalf of our Rotary Club, I hope you will be able to give due consideration to the 4 areas described above; I am more than happy to be contacted if you require any further clarification. In conclusion I must add that whilst a main aim of our Santa Sleigh is fundraising [last Christmas 10 local charities benefitted from distributions from our Trust Fund], there is also a definite community benefit in what we do. Santa is invariably welcomed wherever he appears and we often hear comments such as parents saying 'I remember your float coming round when I was a child' and 'Christmas has not really started until Santa has been down our street'.

I do hope consideration will be given to the points I have raised which will enable our very successful Santa Sleigh to continue providing the 'community service' it has done for many years.

Only allowing one street collection permit per charity for one day, per calendar quarter will severely impact the Rotary Club (of which I am a member) collections. As well as our house-to-house collections we traditionally locate our float stationary in a number of areas within the Missendens area during the weeks up to Christmas. If permits are intended to be issued on 'one permit, one day, one location' basis for each calendar quarter, then this would cause Rotary Clubs a serious problem as they would only be allowed to hold one street collection prior to Christmas. We would like to see this section amended to cover our requirement for more than one street collection.

The proposed changes are too restrictive and some requirements would be unworkable.

All collections should be licensed. All requirements of the licensing body should be adhered to.

#### **How easy is the draft Buckinghamshire Council Charitable Collections Policy to understand?**

Explain why these policies are in place have a guide to reference, what protection is required to support the community and vulnerable people in the community.

Not really, my overall opinion is that house collections will fade out personally.

Abandon it it's a completely crazy idea and will not be appreciated by the majority of Bucks County Council residents. Use the money elsewhere!

Take a stronger line and ban this intrusion on our lives.

I spend between 5 and 15 hours a week working pro-bono for a charity so please do not interpret my answers as anti charity, they are anti intimidation, which is how many people interpret the approach by charities collection methods.

An option of do you want this at all to stop all the other questions. Eg. I have strongly agreed against the timings of the collections but that does not clarify that I don't want any timings for collections.

too complicated

It would have been easier to outline what the exact changes from existing situation to proposed situation are for example in a table - keep it simple!

Perhaps create a summary document with easier language and clear step by step guidance for those wanting to obtain a charitable collections license. I understand the technical language is necessary to create a legal document but there could be a way to communicate the main points in a more user friendly manner.

**If you have any other comments about the draft Buckinghamshire Council Charitable Collections Policy, please tell us here: - Other comments**

I think an assessment of each household should be undertaken by the door to door representative of that charity and a understanding when to not take money from a person who could be vulnerable.

Please don't allow door to door cold calls from charity representatives asking for direct debit details on the spot. They use pressure selling and are an unacceptable threat particularly to elderly or vulnerable residents. I'm not elderly or vulnerable and I consider them a pest. They can be very persistent and I don't agree that Buckinghamshire Council should be encouraging such cold calling of their residents. You should be protecting us from such nuisance.

Wycombe Town is disadvantaged by this.

Needs applications to be efficiently processed in a timely manner

<p>The questions are badly weighted, if you disagree with the policy, are you saying that there should not be a policy, or it should be more draconian - ie not allow any street or doorstep collections, Or you think the at proposed policy is too restrictive ?</p>
<p>Use the money elsewhere a suggestion would be to make the Planning Department more user friendly.</p>
<p>Unfortunately I misread draft as daft, which probably sums up my views rather well!</p>
<p>The time allowed for collections etc needs to be carefully balanced with the safety of the collectors and collectees.</p>
<p>There may be a need to tighten the initial issuing of licences, but that can be done without restricting the options available to charities after a licence has been issued.</p>
<p>I understand that this is aimed at rationalising policies held by the former District Councils which I do appreciate (being chair of another countywide body). As I understand it though, there have been complaints about charitable collections especially by the likes of Rotary which is a valued, worldwide organisation with lots of clubs across the county. These proposals if enacted would drive a coach and horses through our main charitable giving season. Please do take note of our concerns and act! Many thanks.</p>
<p>There has not been prior consultation with local charities which would show the proposal are not practical. House to house collections have taking place for many years without any problems, and any time restrictions would greatly affect the amount of money collected for local charities.</p>
<p>I am worried that many smaller charities and those like Rotary who raise funds that are 100% dispersed to charity - either local, national or international - will have their fund raising ability severely curtailed by some of these proposals. Whilst I understand that there is a desire to stop any nuisance caused by charities making collections such as the "chuggers", this proposal will curtail the genuine charity collectors who do not pester. I have been volunteering with Rotary International for a number of years and we have door to door collections with Santa's Sleigh throughout December every year, raising thousands for small local charities who would really miss the funds. In all the time I have done this I have not heard a single complaint from a resident, in fact the reverse as most say how much they look forward to us appearing.</p>
<p>My Rotary Club, like many Clubs the length and breadth of the country, operates a Santa Sleigh during the month of December every year. These events bring much joy to members of our communities, young and old, and there is a concern that a number of the provisions in the draft policy would have a detrimental impact on the Buckinghamshire Rotary Clubs' operations. In 2022, my Rotary Club's Sleigh collection raised in excess of £4,500 for local causes. This at a time when many people are struggling financially but they still felt able to contribute to</p>

the worthwhile work we do in supporting local charities. In turn, a reduction in our fundraising operations will mean that our supported charities will suffer and be less able to help the less fortunate members of the local community. Whilst I accept there is a need for regulation, I would like to point out that such operations, which benefit the local community, may not match the exact requirements laid out in your Draft Policy. My Club members have always been warmly received and there has never been any issue or nuisance arising from the collections.

I hope my Club can continue to do this worthwhile work in its existing efficient framework.

Ok as it is.





Bucks Council Charitable Collection Policy Consultation  
Licencing Services  
The Gateway  
Gatehouse Road  
Aylesbury, Bucks  
HP19 8FF

1<sup>st</sup> June 2023

Dear Sir

Purely by chance as there has been no direct communication I have seen the proposed new rulings from the Council for charity collection at Christmas time.

The Two Rotary Clubs of Aylesbury have been sending out a Santa float for some 30 years now and bring great delight to the children of the town who fervently await Santa's arrival to their homes. They wait in groups with their parents, and we call on houses as we go, using teams from the charities who will benefit from the collections. Our own Rotary members guide and supervise the collection safety rules laid down in a risk assessment prepared each year. A licence is applied for in plenty of time before the start and we are fully insured for public liability under a Rotary countrywide block cover.

Looking at the proposed new rulings it would mean we could not cover the town and all the streets visited in both club's schedules within 14 days. We don't collect at weekends. Also, timing, it is important that we start at 6.00pm for the younger children who go to bed early and importantly to ensure that parents who are working are back home to supervise the older children and sometimes don't return until 7.00 pm. We finish without fail by 8.00pm. This has never been a problem and we have not had any adverse complaints other than from parents whose street we have not visited and want to know why! Cold calling notices are respected, and we will not knock on doors displaying such signs.

To implement these new rulings will severely affect the charities we collect for (every penny goes to charity, collections are not raided for administrative purposes).

They will badly restrict the route visits and disappoint hundreds of children.

Last year £6,000 was distributed to 6 different local charities and qualified as our largest fundraiser of the year. Rotary Clubs across the UK run similar floats and are well known and appreciated for the visiting Santas.

We must strongly object to any proposed changes in timing and calling that will badly affect this yearly event and cause loss of revenue to the charities. Frankly there is no reason for doing it.

Yours sincerely

  
Charles Chaney MCIM  
President



**From:** [Rotary Treasurer](#)  
**To:** [Licensing Mailbox](#)  
**Subject:** [EXTERNAL] Buckinghamshire Council Charitable Collections Policy consultation  
**Date:** 16 June 2023 09:56:31

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## **Buckinghamshire Council Draft Charitable Collections Policy**

As Treasurer, I am writing on behalf of The Rotary Club of Gerrards Cross and Chalfont St. Peter (Charity No. 1054714).

If the draft is approved as it stands it will significantly restrict the main annual collection that our Rotary Club does each December in Chalfont St. Peter, Gerrards Cross and Chalfont St.Giles.

It is our most significant fundraising event for the Club each year to enable us to donate to local charities and support local elderly people and schools. Each year the community in each of the areas expect to see us. The children wait for us to drive Santa and his sleigh along their street. The proposed rules would reduce the amount raised to well below half the amount we usually collect.

The proposed rules for House to House collections will impose the following restrictions;

1 Permitted times. We currently collect up to 20:30 each evening. The proposed policy would restrict this to 19:00.

This will preclude people who work normal office hours from volunteering to help with the collections.

2 Maximum number of days. We typically obtained licences from the beginning of December up to Christmas Eve (around 23 days). The proposed policy would restrict this to 14.

3 Number of licences. We currently apply for three house to house licences for December to cover the three areas we collect in. The proposed policy would restrict this to one.

This would reduce the amount we could collect by a further one-third.

The proposed rules for Street Collections will impose the following restriction.

For three Saturdays in the run up to Christmas we collect in Chalfont St. Giles, Gerrards Cross and Chalfont St. Peter. The proposed policy would restrict this to one.

It can be seen in the records kept by Buckinghamshire Council and previously by Chiltern and South Bucks District Councils that our Rotary Club has been collecting in December for many years and the proposed policy would all but bring an end to our fundraising and the expectations of the local community.

In summary:

**Less time to collect**  
**Less days to collect**  
**Less sites**  
**Not viable**

Please will you change the draft policy to allow us to continue to support our community with the money we collect each Christmas.

Please confirm that the six licences already issued to the Club for next December will be valid.

Regards

David North  
Hon. Treasurer  
Gerrards Cross & Chalfont St Peter Rotary Club.

## **BUCKINGHAMSHIRE COUNCIL CONSULTATION ON CHARITY COLLECTION REGULATIONS (consultation ends 20<sup>th</sup> June 2023)**

### **MISBOURNE MATINS ROTARY CLUB RESPONSE**

- 1 My name is Anthony Shinner ( [REDACTED] ) and I have been a member of Misbourne Matins Rotary Club since its founding in 1997. It is based principally in Gerrards Cross and Chalfont Peter For the last 12 or so years I have applied for and held charity collection permits on behalf of the club, and I am authorised by the club to make this response on their behalf
- 2 The club is a registered charity 1094635 affiliated to Rotary International, A significant mission of Rotary is supporting 'charitable causes' in the community. Much of the funding for this derives from traditional Christmas collections which take place from about 2<sup>nd</sup> to about 24<sup>th</sup> December annually
- 3 From time to time the club has made other fund raising collections with specific aims such as disaster fund-raising for Tsunami victims, earthquake, flooding and other catastrophic events worldwide. Most recently the club made a collection for Ukraine support. A particular advantage of collections made by Rotary clubs is that they often attract match funding from the worldwide Rotary Foundation. As a general rule Misbourne Matins do not deduct expenses which are usually+ funded by the members of the club
- 4 Throughout the history of the club, collections at Christmas have been a mix of Street and House to House (H2H) collections, and pre covid the club ran 20 such collections, down currently to about 14. The Christmas collections have also included 'pub' collections where the landlord has expressly permitted them (and a strict protocol sets the procedure for these). The sums from pub collections have always been included in the H2H returns (see also para 19 below)
- 5 Practice in recent years has been to split the Christmas collection four ways, ¼ to Rennie Hospice, ¼ to Thames Valley Air Ambulance, ¼ to Scanappeal and the remainder to the club's charity account towards the club's other donations, including eg schools, youth clubs and the like
- 6 Whilst other fund raising activities take place in a typical club year the Christmas collection is important both to the club and to the charities referred to at para 5 above for whom our Christmas collection can generate between £1500-2000 each every year

### **HOUSE TO HOUSE (H2H) collections**

- 7 **'require a licence for collecting direct debit information house to house'**- Does this mean a separate and additional licence to House to House licence/permit?
- 8 **Cut off times for H2H collections** in December (the 'Santa collections;') needs to be later than 7pm. We generally curtail collections at around 8pm but lots of residents often return from work well after 6pm. We suggest an absolute cut off at 9pm.with an advisory that collections do not go on beyond 6pm We have always collected specific routes. The combined Santa & Christmas carols is a significant event for lots of the children; when they hear the collecting float on its way many families are outside waiting for the Christmas float to arrive
- 9 December 'santa permits' need to be for 24 days. !4 days will merely involve more paperwork and more work for your officers
- 10 What is meant by **'council wards'**? Is it Buckinghamshire Council or Town and Parish councils? Wards can be widespread in some parts of the county. This restriction needs to be clearer. We go to some lengths to check with the known charities (eg other rotary clubs, round table etc) to ensure we do not clash

## STREET COLLECTIONS

- 11 In Dec.2022 we made five different collections in Denham which itself is a segmented location (eg Denham village, Denham Green, Higher Denham). The existing forms of application do not sit comfortably with the need to identify an area. Perhaps rather than *'all areas'* applicants should state specific areas within the 14 days suggested in your draft
- 12 BUT an all areas permit in December needs to be for 24 days
- 13 ***'one H2H licence per quarter...'*** will not work for December 'santa' collections. We do not recall ever having made a H2H collection outside December
- 14 Need to define **'one area'** eg we have collected annually at the BP petrol station Oxford Rd Gerrards Cross, which is 'out of town' but your current list of streets does not provide for this
- 15 Restrict to **town and village centres** – why? Collections at eg BP garage (above) and Tesco Express on the A413 are well outside the town/village centres (they are technically on private property but see para 18 below)
- 16 'one street collection per charity per quarter' is too restrictive and would decimate the value of the 'santa' collections

## Other issues

- 17 The current system of application is both awkward and time consuming. Why should a charity not be able to submit a single application instead of eight or so separate but near identical applications for street permits. The proposed collections can be scheduled to the permit or licence. This would surely simplify the process not just for applicant(s) but for your officers as well
- 18 we would welcome a definitive statement on what is considered 'private property'. In past years we have been told variously we did not need a permit for eg a Tesco supermarket where access was on its own land but another year told it was required
- 19 Similarly with public houses we have been told previously by your officers that the landlord's permission only is required. We have only ever collected at pubs after getting that permission – were we to need permits it could be a very long list!

### **Summary**

- 20 We fear that strict application of the proposed changes as drafted will have a serious impact not least on funding for the 3 charities referred to at para 5 above. We have been able to make them donations of c£1500-2000 each as a result of the Christmas collections

(approved by members of Misbourne Matins Rotary Club on 14.06.2023)

**From:** [Mervyn Edwards](#)  
**To:** [Licensing Mailbox](#)  
**Subject:** [EXTERNAL] Buckinghamshire Council Charitable Collections Policy Consultation  
**Date:** 20 June 2023 12:47:52

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**Subject: Bucks consultation document on House to House and Street collections**

Good morning

I am writing to you on behalf of the Rotary Club of Chesham and outlining the concerns we have regarding the Rotary Christmas Float and Sleigh if these proposals are accepted and implemented. The Rotary Club has been responsible for the Christmas Sleigh in Chesham town and surrounding area for the past 9 years. One of my roles in all that time is to apply for the one Licence and two Permits which are required for us to operate the Sleigh in and around the Chesham area throughout December every year.

The proposals are in two parts, House to House Collections and Street Collections.

Dealing with House to House Collections first. The proposal is to restrict house to house collections to finish by 7.00pm and to grant licences for a maximum of 14 days. The house to house Licence allows us to travel to almost every street in Chesham and call on houses to collect money for local charities but more importantly it allows hundreds of children to see Father Christmas in his Sleigh in their street. They also of course receive a sweet from Santa.

We have a minimum of 16 different routes in and around Chesham so the 14 days is not enough for us to cover all of Chesham. When we take the Sleigh out, we have a different local charity provide the collectors who knock on the doors and collect money. The vast majority of the collectors work full time and as soon as they finish work on their day with the Sleigh we meet up and out we go. That means that we cannot start until 5.30 - 6.00pm. We aim to finish by 8.30pm but the recent Licences have allowed us to be out until 9.00pm. If the proposal for ending at 7.00pm is implemented it would not be possible to be out for more than one hour when most routes take two and half to three hours. It would make taking the Sleigh out in the weekday evenings impractical and therefore it is likely that the visit of the Sleigh and Santa to the majority of streets in the Chesham area would not take place.

Street Collections. The proposal is to allow one street collection Permit per charity for one day per calendar period. That period relating to Christmas events is October, November and December. In recent years we have had the Sleigh in a static location in the Market Square Chesham for the Christmas in Chesham event which is always towards the end of November. In addition from early December we have the Sleigh in a static location in The Broadway Chesham on market days, every Wednesday and Saturday from 9.00am until 3.00pm. Father Christmas is in his Sleigh during all of that time and children can get up in the Sleigh, sit next to Santa, have their photo taken and chat to him. That totals 6 or 7 occasions currently. The proposal would restrict that to once only. It is likely therefore that we would not have the Sleigh and Santa at the Christmas in Chesham event. We would probably prefer to use

up our Permit for one day at one Saturday close to Christmas in The Broadway. A substantial reduction in occasions when the children could see the Sleigh and Santa in the daytime.

I apologies for the length of this message but I have tried to paint the picture of what is a potential disaster for the Christmas Float and Sleigh in Chesham if these proposals are accepted. At the very least there should be consideration of an exemption of these proposals to allow a Christmas Float and Sleigh to make more appearances and for longer and later times of the day and evening.

Kind regards

Mervyn Edwards  
Rotary Club of Chesham



<preview.png>

Charitable Collection Policy  
consultation Printed survey  
PDF Document · 266 KB



**From:** [Kathryn Graves](#)  
**To:** [Licensing Mailbox](#)  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] Buckinghamshire Council Charitable Collections Policy consultation  
**Date:** 20 June 2023 09:49:11

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Hi,

We are grateful for the opportunity to comment on the new charitable collections policy. The policy was considered at Chesham Town Council's meeting of the 19<sup>th</sup> June and they have authorised me to respond with the following comments:

The council was pleased that there will be a specific exception during the pre-Christmas period, which enables more than one house to house collection to be permitted in each location per day. However, other aspects of the policy will cause significant problems for the Santa Sleigh which has been operated very successfully in Chesham by the Rotary Club of Chesham for many years.

Specifically, for House to House Collections, the policy proposes to restrict collections between 9am and 7pm. The Santa Sleigh relies upon volunteers to carry out the collections, many of whom work full time, making it impossible for them to complete weekday collections by 7pm. The policy also proposes to grant only once licence per quarter to any organisation and the licence will be granted for a maximum of 14 days. The Santa Sleigh collections run across most of December to fully cover Chesham.

For Street Collections, the policy proposes to restrict collections between 8am and 8pm. The Sleigh is a feature of the Town Council's Christmas in Chesham event, which runs until 9pm. The policy would prevent Rotary from collecting donations for the last hour of the event, which is unhelpful, as the sleigh always has a long queue of parents and children throughout the evening, with parents being very happy to provide donations in return for their children getting to sit in the sleigh. The policy also proposes to allow just one Street Collection permit per charity per calendar quarter, which covers a single day. At present the Santa Sleigh attends The Broadway on a number of dates in December.

The Santa Sleigh is not only an important mechanism for collecting donations for a variety of local charities, but is a positive, seasonal experience for local children and helps to create a festive atmosphere in the town centre during December each year.

Within the Decision Making and Appeals section of the policy, it is stated that: "4.9 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. Departure from the policy may be permitted in accordance with this section if it is considered necessary to do so in specific circumstances." The council seeks reassurance that the Licensing Team has the flexibility to depart from the policy where there are special collections of a local and traditional nature, such as Rotary's Santa Sleigh, who need to collect later into the evening and over more days than the policy allows.

Finally, the town council would like to request if Bucks Council has the ability to delegate authority to town and parish councils to authorise departure from the

policy for such local and traditional cases.

Many thanks,  
Kathryn.

Kathryn Graves  
Community, Economy & Environment Manager  
Chesham Town Council

Tel: 01494 774842 ext 113

Web: <http://www.chesham.gov.uk>

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Dear Licensing,

Coleshill Parish Councillors have reviewed your recent consultation on Licensing Charities to call door to door to sign up residents for donations. The Council have read the documents attached to the consultation and are alarmed that Buckinghamshire Council would even consider allowing Charities to canvas door to door unannounced.

Councillors representing the Parish were all against the plan agreeing that as a small hill-top village with no street lighting residents would not welcome this intrusion at their home.

The reasons given for being against this form of licensing are summarised as follows:

The approach offers no realistic safeguards for householders, is impractical administratively and should be considered invasive by nature. Although there is recognition the representatives of charities are 'commercial collectors' there is no consideration of the behaviour such collectors are likely to exhibit as they try and reach personal revenue-generation targets which are inextricably linked to their personal income on residents.

A) "Require a licence for collecting direct debit information house to house restrict house to house collections to 9:00am to 7:00pm – no collections will be permitted where a “no cold calling” or similar notice is displayed" There is no evidence residents want or welcome collectors representing charities (or other salespeople) to call house to house. Older residents, vulnerable people and residents at home alone are at significant risk of granting money and information via this method, and although the notional exclusion of a sticker on the door is proposed it does nothing to protect these groups.

B) "Allow only one house to house collection in any one council ward area on any given day, other than for exceptions stated in the policy" Although this 'rule' suggests careful management, it is likely to be unenforceable. Charities will be focused more on collection revenue than adherence, and why Council should invest resources into this scheme when resources are in such demand is not clear either.

C) "Grant licences for a maximum of 14 days" The time limit looks like an effort to generate revenue from charities as it is arbitrary.

D) "Allow charities one house to house licence per calendar quarter (January to March etc.) see B

E) "Require charities to submit a declaration confirming that they are satisfied with the amount being donated to charitable causes by commercial collectors" This is not relevant.

F) "Require applicants provide evidence of public liability insurance for a minimum of £5 million" This only raises concerns as to what risks are anticipated needing such insurance.

If the consensus is that this policy go ahead, Council believes the current draft requires amending –

1. That the hours of 9am to 7pm is inappropriate when considering the more vulnerable population, those who live alone or are isolated, day light hours and those with children/dependents.
2. The proposal is not clear on how many collections any one given household can expect to receive in any given time period.
3. The amount being donated to the charitable donations is not specified as Council believe it should be.

Council is also concerned that should this policy go ahead then it could open the flood gates for those criminal gangs who are already known to try calling at residents' homes e.g. Nottingham Knockers. These pose as reformed criminals trying to sell small household items but who are in fact looking at the security of properties with a plan to come back later and burgle them.

If a license is given can the Council please request 250 `no doorstep selling` stickers so that 1 can be issued to every home in the parish. Please send to : Coleshill Parish Council, Village Hall, Barrack Hill, Coleshill HP7 0LN

Coleshill Parish Council 20.6.23



**DRAFT**

**Buckinghamshire Council**

**Charitable Collections Policy**

September 2023

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# Introduction and guide to the Policy

**1.1** Buckinghamshire Council, as the Licensing Authority, regulates charitable collections which take place both in streets and from house to house. The relevant legislation is set out below. The purpose of this policy is to ensure that the application process and method of determination is fair, open and transparent.

- The House to House Collections Act 1939
- The House to House Regulations 1947
- The Police, Factories, etc (Miscellaneous Provisions) Act 1916 and as amended by the Local Government Act 1972
- Model Regulations set out in the Charitable Collections (Transitional Provisions) Order 1974

## Aims and objectives

**1.2** The aims of this policy are to ensure that:

- the interests of public donors and beneficiaries are safeguarded
- collections are carried out to high standards by bona fide, authorised charitable organisations
- proceeds of the collection are properly accounted for
- a fair proportion of the proceeds are donated to registered charities
- unacceptable nuisance to the public is prevented
- unlicensed collections are prevented from taking place
- action is taken where there is evidence of unlicensed collection activity

**1.3** To achieve the aims of this policy, the Licensing Authority will:

- ensure openness, fairness and impartiality in determining applications
- accommodate, where possible, all eligible requests
- provide equal opportunities for collectors

- achieve a fair balance between national and local charities

## Exchange of information and data protection

- 1.4** The Council will share information which has been supplied by applicants or acquired in the course of exercising licensing functions with other agencies or enforcement bodies where it is lawful to do so and in accordance with the data protection legislation. This may include requests from the Audit Commission or other regulatory agencies where it is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Further information about how the Council uses personal information can be found [here](#).

## Standards

- 1.5** The Fundraising Regulator is the independent regulator for fundraising in England, Wales and Northern Ireland. The Licensing Authority expects all organisations to adhere to their Code of Fundraising Practice, a copy of which can be found [here](#).
- 1.6** The Chartered Institute of Fundraising (CloF) is the professional membership body for certain types of fundraising in the United Kingdom which are not regulated by permits or licences, including the collection of direct debit mandate information in public places. The CloF have produced guidance on this type of face-to-face fundraising which can be found [here](#).
- 1.7** In preparing this policy, the relevant Provision of Services Regulations and associated legislation and guidance have been taken into consideration. The Regulations aim to remove obstacles when applying for authorisations and to prevent the imposition of disproportionate or unnecessary requirements. Further information about the Regulations can be found [here](#).

## Consultation and implementation of the policy

- 1.8** This policy will be reviewed every five years. In addition, the policy may be updated at any time if it is considered necessary or appropriate. Any changes to this policy must be agreed by the Licensing and Regulatory Committee unless this function is delegated to an appropriate officer.
- 1.9** Any significant changes to the policy will only be made after full consultation with all stakeholders, including charities, residents, businesses and other relevant organisations and Council departments.



## 2. House to house collections

- 2.1** Buckinghamshire Council, as the Licensing Authority, is empowered under the House to House Collections Act 1939 and the House to House Collections Regulations 1947 to licence house to house collections for charitable, benevolent or philanthropic purposes. This includes the collection of either money or other property directly from a person's property or a business premises where some or all of the proceeds are given to a charity.
- 2.2** The Licensing Authority considers that the collection of direct debit mandate information is included within the definition of proceeds as "money or other property" within section 11(1) House to House Collections Act 1939. A house-to-house collection licence is therefore also required for this type of collection.
- 2.3** The only exemptions to the requirement to hold a licence are either for those charities that hold a National Exemption Order or where the need for a licence is waived by the Chief of Police. National Exemption Orders are issued direct to the organisation by the Cabinet Office and a list can be found in the Cabinet's guidance for the [National Exemption Order Scheme](#). The exemption allows an organisation to collect in an area without applying for a licence, but it must inform the Council of the dates and areas of any planned collections.
- 2.4** The need for a licence can be waived by the Chief Constable of the local police area if he is satisfied that the purpose of the collection is local in character and the collection is likely to be completed in a short period. In such cases, the applicant is granted a certificate in the prescribed form and as a result, a licence is not required and the provisions of the Act or Regulations would not apply to that collection.

### Applications

- 2.5** An application to carry out a house to house collection may be made for any Buckinghamshire Council Ward. A map of the collection areas (ward boundaries) is at Appendix 2. More than one ward can be specified on an application as part of the same collection.
- 2.6** Applications must be made on the Council's prescribed application form.
- 2.7** Applications will not be accepted more than twelve months in advance of the collection and the requested dates must be specified. Speculative and retrospective applications will not be accepted. Unless there are exceptional circumstances, a minimum of 28 days' notice must be given between the application and the proposed collection date(s).
- 2.8** In order to ensure that all charities are given equal opportunities, house to house collection licences will generally be subject to the following restrictions:

- licences will not be granted for periods of longer than 14 days. However charities may apply for licences to be granted for a longer period of up to 28 days during the pre-Christmas period commencing from 1<sup>st</sup> December. Any application of this type will be determined on its own merits.
  - only one house to house collection will be permitted to any one charitable organisation in each calendar quarter (January – March etc.).
- 2.9** Only one house to house collection will be permitted in each location (Buckinghamshire Council Ward) per day with the following exceptions:
- where collection dates of charities holding an Exemption Order overlap with a collection date granted by the Council to a non-Exemption Order holder
  - for small scale collections in a very limited area
  - for organised one-day charitable events
  - during the pre-Christmas period, such as for the Santa Sleigh
- 2.10** In order to prevent nuisance to residents, no collection shall take place outside the hours of 09:00 and 20:00 and no contact should be attempted at properties where a sticker or sign is displayed which prohibits cold calling. Applicants may apply for collections to take place beyond 20:00 during the pre-Christmas period (from 1<sup>st</sup> December). Each application of this type will be determined on their own merits.
- 2.11** Applications for a house to house collection licence will be dealt with on a “first come, first served” and case by case basis.
- 2.12** Evidence of public liability insurance cover of a minimum of £5 million must be provided with the application.
- 2.13** The Licensing Authority reserves the right to make more detailed enquiries about all applications where considered appropriate taking into account all circumstances of an application. This could include consulting with Thames Valley Police.

## **Licensee responsibilities**

- 2.14** The responsibilities of licence holders and collectors are set out in the House to House Collections Act 1939 and the House to House Collections Regulations 1947/SI2662. An extract of the Regulations outlining these responsibilities is set out at Appendix 1 to this policy. Licence holders and collectors are expected to comply with these requirements.
- 2.15** On approval of an application, the applicant will be issued with a licence to be retained during the collection along with a document to be sent to HM Stationery Office (<https://www.tsoshop.co.uk> or 0333 202 5070) to obtain a certificate of authority and the required number of collector badges. The licence and completed document should either be scanned and emailed to [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk) or

sent via post to: TSO Customer Services, 18 Central Avenue, St Andrews Business Park, Norwich, NR7 0HR. Licence holders should allow at least 5 working days for HM Stationery Office to process requests.

**2.16** The key responsibilities relating to a collection are as follows:

- any collection must be authorised by the Licensing Authority and a licence issued
- all collectors must be over 16 years old
- each collector must wear a badge and carry a certificate of authority
- collectors must produce their badge on demand to the occupant of any house, any police officer or an authorised officer of the Council
- if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.
- no collection must be undertaken in a manner that would inconvenience or annoy any person.

**2.17** The key responsibilities following a collection are as follows:

- collectors must not be given access to the contents of collection boxes prior to their being returned to the licence holder for opening and counting.
- collection boxes must only be opened in the presence of the licence holder and another responsible person. Once opened, the contents must be counted immediately, and the total amount collected in each box recorded.
- following the collection, the licence holder must complete a prescribed “return” form to the Council within one month of the end of the collection period. The licence holder must certify the return and it must be countersigned by a qualified accountant.

### **3. Street Collections**

**3.1** Buckinghamshire Council, as the Licensing Authority, is empowered under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, to license collections made in “any street or public place within their area” for “the benefit of charitable or other purposes”. It is unlawful to hold a street collection for the benefit of charitable, benevolent or philanthropic purposes, without first obtaining a street collection permit from the Council.

**3.2** ‘Street’ is defined as including any highway and any public bridge, road, lane, square, court, footway, passage or alley whether a thoroughfare or not.

- 3.3** 'Public place' is defined as "a place to which the public has access". The public place need not be in public ownership and includes shopping centres and entrances to shops.
- 3.4** Charitable collections that take place inside a shop, store, supermarket or other business at the discretion of the manager or relevant person do not require a street collection permit provided that collectors remain inside the premises and do not collect outside on the premises frontage or car park, even where the outside area is in private ownership. Where a charitable collection takes place outside the premises, on the premises frontage or car park a street collection permit would be required together with the consent of the land owner even if the outside area is privately owned.
- 3.5** Street collection permits authorise both the collection of money for charity and the sale of charitable items in a public place, which is exempt from the requirement of a street traders licence under Schedule 4, Part 2(i) of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.6** The collection of direct debit mandate information is not covered by street collection legislation, although Site Management Agreements with the Chartered Institute of Fundraising (CioF) are in place for Aylesbury and High Wycombe town centres. The agreements specify the days, times and locations that fundraisers are permitted to collect direct debit information. The current agreements can be found [\(here\)](#).
- 3.7** Any charitable collection of money or sale of items held in conjunction with a pedlar's licence will not be permitted without an appropriate street collection permit having been issued by the Council.
- 3.8** Moving collections such as carnival processions and other similar events involving the collection of donations from the public along a route will require a street collection permit.

## **Applications**

- 3.9** An application for a street collection permit must be made on the Council's prescribed form. Applications must specify the proposed location/s of the collection. More than one location can be applied for on the requested date of collection.
- 3.10** Applications for a street collection permit will be considered and dealt with on "first-come, first served" and case by case basis.
- 3.11** Applications for a street collection cannot be made more than twelve months in advance of the collection date and a minimum of 28 days notice must generally be given between the application and the proposed date of collection. This requirement may be waived in exceptional circumstances (such as national or international disasters) at the discretion of the Licensing Manager.

- 3.12** In order to ensure that all charities are given equal opportunities, street collection permits will generally only be issued for one day, per quarter for any charity. However, the Council will consider deviating from this policy in the pre-Christmas period (from the 1<sup>st</sup> December), or for other significant cultural or calendar events, or during an annual nationwide campaign.
- 3.13** It is expected that the benefitting charity will be registered with the Charities Commission.
- 3.14** A copy of the written agreement or letter of authorisation between the benefitting charity and the street collection organiser must be provided with the application.
- 3.15** Where the proposed collection is to take place outside a store or supermarket, written permission from the landowner or appointed person must be provided with the application.
- 3.16** Where the proposed collection is to take place within an enclosed Shopping Centre, written permission from the management company must be provided with the application.
- 3.17** Evidence of public liability insurance cover of £5 million must be provided with the application. In a case where permission is sought for an animal to be used during a street collection the insurance policy must specifically include the use of animals in connection with the collection. In addition, a health and safety risk assessment relating to the use of an animal at the proposed location at the time and date of the collection must also be supplied.
- 3.18** The use of animals in conjunction with street collections is discouraged. Each application will be treated on its own merits but applications are likely to be subjected to additional scrutiny and further information is likely to be required, specifically in terms of ensuring the welfare of any animals participating in the collection.
- 3.19** Deductions for travel expenses to and from the place of collection will not be permitted.
- 3.20** Any application for street collection permits relating to outdoor challenge sponsorship events will be considered on a case by case basis in order to assess whether the proportion of funds collected to be applied to the activity costs comply with the statutory requirement that no payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of the collection.
- 3.21** The street collection permit must be retained and provided to a member of the public, police officer or authorised officer on request.

- 3.22** Any money collected must be retained in a suitable container and in line with the Regulations set out at Appendix 3 of this policy.
- 3.23** Any collector must be aged 16 or over.
- 3.24** Collections will generally only be permitted within town or village centres and other commercial areas such as out of town shopping centres or service stations.
- 3.25** In order to prevent nuisance to visitors and businesses, only one street collection will be permitted in each area on any given day.
- 3.26** Collections will generally only be permitted between the hours of 08:00 and 20:00.
- 3.27** In line with the Site Management Agreement agreed with the CloF, street collection permits will generally only be issued for Wycombe town centre on Tuesdays, Fridays, Saturdays and Sundays.
- 3.28** In line with the Site Management Agreement agreed with the CloF, street collection permits will generally only be issued for Aylesbury town centre on Wednesdays, Thursdays, Fridays and Saturdays.

### **Sale of small society lottery tickets**

- 3.29** The sale of small society lottery tickets under the authorisation of a street collection permit is only permitted where:
- specific permission to do so has been granted by the Licensing Authority.
  - the organisation holds a valid small society lottery registration.
  - the sale of tickets will only take place from behind a counter or stall.
  - the lottery tickets have been printed in accordance with the requirements of the Gambling Act 2005 and associated Regulations.
  - the sale of the tickets will be in accordance with any relevant Gambling Commission code of practice.
  - proof of public liability insurance of £5 million has been provided with the application.

### **Pedlar's Licences**

- 3.30** A street collection or sale of items held in conjunction with a pedlar's licence will not be permitted within the Council area without an appropriate street collection permit having been issued by the Council.

## **4. General provisions**

### **Fees**

- 4.1** There is no statutory charge for the issue of a street collection permit or house to house collection licence.

### **The allocation of licences and permits**

- 4.2** When deciding whether to grant a licence or permit, consideration will be given to the following:
- if the collection is linked to specific events in the area
  - if the collection is linked to a nationwide campaign
  - if the collection will benefit local good causes, local hospices, community fundraising, etc.
  - if the collection is being held on behalf of a national charity, is there likely to be some benefit to the residents of Buckinghamshire Council
  - what proportion of funds collected will be applied for purely charitable purposes
  - if a licence has been previously refused by Buckinghamshire Council or any other Local Authority
- 4.3** Applications for licences or permits relating to emergency disasters will be considered on a case to case basis.
- 4.4** Details of issued permits and licences will be made available on the Council's website.

### **Grounds for refusal**

- 4.5** The Licensing Authority can refuse or revoke a licence or permit for a number of reasons, including the following:
- if too high a proportion of the proceeds are to be spent on expenses
  - if not enough of the proceeds are to be given to the charity or cause
  - if the applicant or holder of the licence has refused or failed to provide the Authority with information as required by the application process

- the grant of a licence would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824
- the applicant or the holder of the licence has been convicted of or cautioned for a relevant criminal offence.
- there is evidence of non-compliance with any requirements or legislation in relation to a previously issued licence or consent.
- the applicant or the holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper, to secure compliance with the provisions of the House to House Regulations, or to prevent prescribed badges or certificates of authority being obtained by persons other than persons so authorised

**4.6** In addition to the above, the following additional notes are included for guidance to applicants to ensure that applications can be processed quickly and efficiently:

- any financial information provided in relation to the proportion of the proceeds which will be donated to charity must be clear and transparent. It is likely that an application will be refused if the Authority cannot be confident in any information or calculations provided in this respect.
- the Authority must also be satisfied that the amount given to the charity is adequate in relation to the proceeds received. A declaration will be required from the benefitting charity confirming either that a proper balance has been achieved between costs and the amount being donated to charitable causes (where collections are carried out by the charity itself) or that the charity has carried out due diligence and is satisfied with the level of remuneration going to charitable causes (where collections are carried out by commercial organisations on behalf of the charity).
- if required returns have not been supplied to the Authority following previous licensed collections within the Council area by the same organisation or individual, it is likely that further applications will be refused.

## **Decision Making and Appeals**

- 4.7** In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy.
- 4.8** Notwithstanding the existence of this policy, each application will be accepted and determined on its own merits based on the principles set out in this policy.
- 4.9** Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. Departure from the policy may be permitted in accordance with this section if it is considered necessary to do so in specific circumstances.



- 4.10** Decisions to refuse an application or revoke a licence or permit are delegated to appropriately trained and authorised officers. Any such decision will be notified to the applicant in writing, setting out the grounds for refusal or revocation.
- 4.11** Any person aggrieved by the refusal to grant an application or revoke a permit for a street collection should appeal against the decision within fourteen days from the date on which the notice is given. Any appeal must be made to the Head of Licensing Services at Buckinghamshire Council and their decision will be final.
- 4.12** Any person aggrieved by the refusal to grant an application or revoke a licence for a house to house collection may appeal against the decision within fourteen days from the date on which the notice is given. Any appeal must be made to the Secretary of State and the Secretary's decision will be final.

## **Regulation and enforcement**

- 4.13** Charities are generally expected to be registered with the Charity Commission or be a recognisable charitable organisation.
- 4.14** Where a statement of return has been "Nil" (unless in the case of a cancelled collection) or there has been a failure to return the statement of return to the Council within the statutory period, subsequent applications are likely to be refused.
- 4.15** If a collection is cancelled by the organisation and a collection licence/permit has been issued, the licence must generally be returned to the Council at least 7 days prior to when the collection is due to take place. Failure to do so may result in future applications being refused.
- 4.16** All house to house collections will be conducted in accordance with all relevant legislation and specifically the Regulations set out at Appendix 1.
- 4.17** It is an offence for any person to promote or make collections from house to house without the promoter first obtaining a licence from the Licensing Authority. 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 of up to £200 or in some cases up to six months imprisonment and a fine of up to £1,000.
- 4.18** All street collections will be conducted in strict accordance with the Street Collection Regulations made by the Council which are set out at Appendix 3.
- 4.19** Any person who acts in contravention of any of the street collection regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale (£200) or in the case of a second or subsequent offence a further fine not exceeding level 1 (£200) on the standard scale.

- 4.20** It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible collectors and permit or licence holders.
- 4.21** The Council will operate a proportionate enforcement regime in accordance with the Council's enforcement policy which is available [here](#).
- 4.22** With regard to charitable collections, the Council aims to:
- safeguard the interests of both public donors and beneficiaries
  - facilitate well-organised collections by bona fide charitable institutions and ensure that good standards are met
  - prevent unlicensed collections from taking place
  - ensure that when collecting money it is collected in appropriate vessels only, contactless payment devices are acceptable providing the device clearly and prominently displays the name of the beneficiary.
  - ensure that collectors are properly authorised
  - ensure that the proceeds of a collection are properly accounted for
  - ensure that the Licensing Authority receives, within the prescribed timescales, the statutory returns
- 4.23** The responsibility for the overall supervision of house to house and street collections lies with the Head of Licensing Services.

## Appendix 1

### House to House Collection Regulations 1947 (extract)

#### Statutory Rules and Orders 1947 No 2662

##### Extract of Regulations

Every promoter of a collection shall exercise all due diligence:-

- (a) to secure that persons 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.
- (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 collection 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, collecting 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 the 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 District Secretary for the area in respect of which the licence was granted.
7. Every collector shall:-
- (a) sign his name on the prescribed certificate of authority issued to him and produce it on

the 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.
8. No person under the age of sixteen years, shall act or be authorised to act as a collector of money.
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.
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 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 or 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 person from whom he received the contribution.
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.
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 collection box is delivered unopened to a bank, 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.

13.

- (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation:-
  - (a) every envelope used shall have a gummed flap by means of which it can be securely closed;
  - (b) no collector shall receive a contribution except in an envelope which has been so closed; and
  - (c) these regulations shall have effect subject to the following modifications:-
    - (i) sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
    - (ii) regulation 10 shall not apply;
    - (iii) regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
    - (iv) in regulation 11 for the words "with the seal unbroken" there shall be substituted the words "unopened";
    - (v) in paragraph (3) of Regulation 12 for the words "As soon as a collecting box has been opened" there shall be substituted the words "As soon as the envelope has been opened" and the words "with the distinguishing number of the collecting box" shall be omitted.
- (3) In this regulation "envelope collection" means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14.

- (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the Council by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one Local Authority area, a combined account of the collections made in all or any of those areas may, by agreement between the chief promoter and the respective local authorities, be made only to such of the respective local authorities as may be so agreed.

- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- (3) The licensing authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations

made under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act, 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, insofar as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph

(1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. The account required by the preceding regulation:-

(a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule

to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and

(b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

16. Vouching of Accounts

(1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.

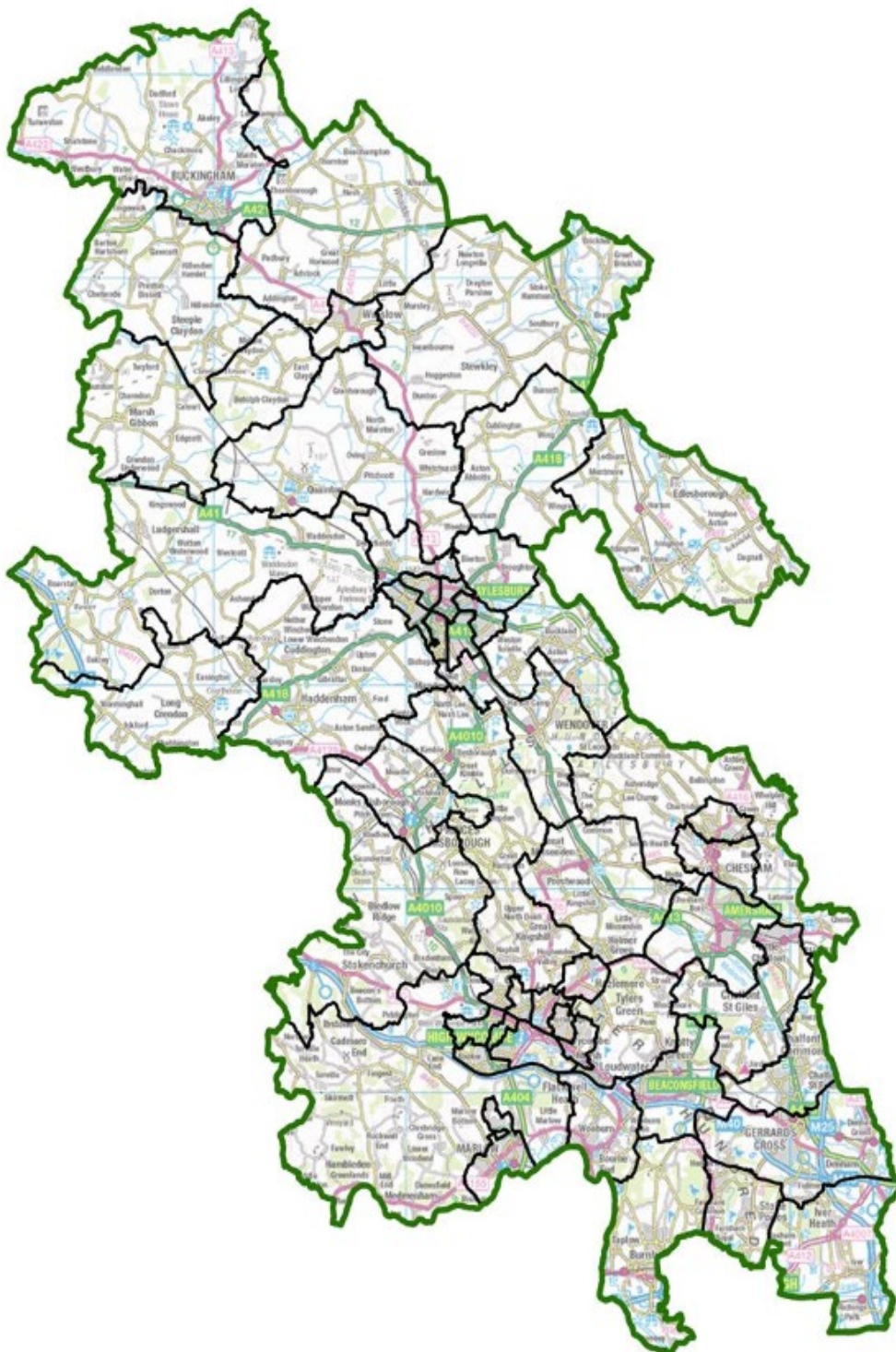
(2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

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.

## Appendix 2

### House to House Collection Areas -

For a detailed interactive map click [here](#)



## Appendix 3

### Street Collection Regulations

#### Made under the Model Regulations set out in the Charitable Collections (Transitional Provisions) Order 1974

In pursuance of Section 5 of the Police, factories, etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 of the Local Government Act, 1972, Buckinghamshire Council 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 Buckinghamshire Council area 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 collectors;  
  
“the licensing authority” means Buckinghamshire 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 area of Buckinghamshire 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 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 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 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 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.

- 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 contributors 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 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 (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 the 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.
  - (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 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 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) That said the 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, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

- (3) Buckinghamshire 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 in Scotland
- the Chartered 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; or
- (b) To the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.