

## **APPENDIX A**

### **STREET COLLECTION POLICY**

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Section 5 of the Police, Factories and c. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 of the Local Government Act 1972.	Statute
Street collection permit application form	
Street collection permit	
Blank statement of return form	

If you have any further questions about this policy or for further information, including applications forms, please contact:

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# **STREET COLLECTIONS POLICY**

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# STREET COLLECTIONS POLICY

## 1. BACKGROUND INFORMATION

It is unlawful in the United Kingdom to hold a street collection on any street or public place without first obtaining a Street Collection Permit from a local authority.

Slough Borough Council regulates<sup>1</sup> charitable collections in accordance with Section 5 of the Police, Factories and c. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972 and the Charitable Collections (Transitional Provisions) Order 1974.

A Pedlars Licence, issued by the Police cannot be used for this purpose.

Some issues relating to street collections are at the discretion of Slough Borough Council and it is important that the council, as licensing authority, has a policy regarding these issues.

From xx 2015, the council as licensing authority will only issue street collection permits to **local organisations** (and their authorised collection agents) whose collection proceeds will be used for the benefit of Slough's communities.

**This policy should be read in conjunction with the Regulations set out at Appendix D adopted by the Council and approved by the Secretary of State on .**

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<sup>1</sup> See appendix D regulations

## **2. THE AIMS OF THIS POLICY**

2.1 This policy is designed to:

- Ensure that members of the public are safeguarded so that they are not subject to unauthorised donation requests.
- Ensure that applications are considered in a timely way.
- Ensure impartiality and fairness in determining applications.
- Accommodate all eligible requests, subject to capacity, bearing in mind that certain days are especially sought after.
- Reduce nuisance to residents and visitors.
- Safeguard the interests of the public, donors and beneficiaries.
- Facilitate well organised collections by bona fide charitable institutions and ensure that good standards are met.
- Prevent unauthorised collections.
- Prevent collections in specified locations.
- Ensure that wherever possible, no more than one organisation will be permitted to collect in the same area on the same day.
- Ensure money is collected securely and proceeds properly accounted for.
- Achieve a fair balance between local and national causes.

## **3. SCOPE OF THIS POLICY**

This policy covers the whole of the borough of Slough.

## **4. ELIGIBLE APPLICANTS**

- 4.1 Organisations whose purposes/intentions are charitable within the meaning of Section 1 of the Charities Act 2011 set out at appendix A..
- 4.2 Before allowing any collection, the council must be satisfied that the organisation:

(i) is a bona fide charity; and

(ii) is providing a public benefit which serves the needs of persons resident in the borough (see appendix A) .

## **5. DEFINITION OF STREET COLLECTION**

- 5.1 Street collections for charitable, benevolent or philanthropic purposes usually involve the collection of cash in the street or any public place.
- 5.2 The definition also includes the sale of articles in the street or any public place the proceeds of which are for charitable, benevolent or philanthropic purpose.

## **6. COLLECTION DATES**

- 6.1 Street collection permits are in great demand and as such the numbers issued by the licensing authority need to be carefully controlled.
- 6.2 To provide as many different organisations (and their authorised collection agents) with the opportunity to fundraise, the licensing authority maintains a list of available dates.
- 6.3 Wherever possible, no more than one eligible organisation will be permitted to collect in the same area on the same day.
- 6.4 Where more than one applicant applies for a street collection permit on the same date, the allocation of that date will be determined on a first come first served basis.
- 6.5 No guarantee can be given that an applicant's preferred day will be allocated.
- 6.6 If the licensing authority is unable to allocate the preferred date, alternatives will be offered, wherever possible.
- 6.7 The licensing authority will not grant licences for periods in excess of 14 days.

- 6.8 A calendar year runs from 1st January to 31st December each year.
- 6.9 Collection dates will not be confirmed until the licensing authority has received a fully completed street collection permit application form and supporting information from the applicant.

## **7. COLLECTION TIMES AND LOCATIONS**

- 7.1 Street collections may only take place between the hours set out in the licence but no earlier than 10:00 and no later than 18:00 hours..
- 7.2 Street collections may only take place In the location set out in the licence.
- 7.3 There are a number of specified locations in the borough where an application for a street collection permit will **not** be granted. These are listed in appendix B to this policy.
- 7.4 Street collections in the permitted areas of Slough High Street are restricted to Wednesdays, Saturdays and Sundays only.

## **8. APPLICATION PROCESS**

- 8.1 All applications for a street collection permit must be made using a street collection licence application form. This form can be downloaded from the council's website at [www.slough.gov.uk/business/licences-and-permits/street-collection-permits.aspx](http://www.slough.gov.uk/business/licences-and-permits/street-collection-permits.aspx) .
- 8.2 This form must be made accompanied by the following supporting information:
- Literature about the organisation.
  - A copy of the published accounts for the collecting organisation for the previous financial year; an electronic copy is acceptable.
  - If the applicant is not an official of the organisation, a letter from the organisation authorising the applicant to undertake a collection on their behalf.

- Any agreement or contract details between the applicant and the organisation benefiting from the collection; an electronic copy is acceptable.
- 8.3 Failure to provide this information in support of an application will render the application incomplete and will result in it being rejected.
- 8.4 The licensing authority reserves the right to make more detailed enquiries about an application in certain circumstances. This could include consulting with the Police.
- 8.5 If additional information is requested from the applicant, it must be provided no later than 10 working days before the first proposed collection date. Failure to do so could result in a delay in the licensing authority considering and or refusing the application.
- 8.6 Where an applicant refuses or neglects to provide the licensing authority with the requested information that the licensing authority reasonably requires, it will refuse the application.
- 8.7 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.
- 8.8 The use of stalls, trailers, vehicles, animals or other displays or advertising in connection with a street collection will be permitted at the discretion of the licensing authority.
- 8.9 There is no fee for making an application for a street collection permit.

## **9. APPLICATION DEADLINES**

9.1 An application for a street collection permit may be submitted to the council a minimum of 30 days before the first proposed collection date but no earlier than six months in advance of the proposed start date of the collection.

9.2 Applications will be dealt with on a first come first served basis.

## **10. DECISIONS**

10.1 The licensing authority, in exercising its discretion in carrying out its regulatory functions, will have regard to this policy and the principles set out herein.

10.2 Each application for a street collection permit will be considered on its own merits based on the licensing principles detailed in this policy and using the decision making process illustrated at appendix C to this policy.

10.3 The licensing authority may authorise a departure from this policy only if it considers it necessary and/or in exceptional circumstances..

10.4 Where it is necessary for the licensing authority to depart substantially from this policy, clear and compelling reasons for doing so will be given in writing.

## **11. EXCEPTIONAL CIRCUMSTANCES**

11.1 The licensing authority operates a policy of allowing one eligible organisation to collect in an area on any given day. Exceptions to this will be for national charities whose collections are linked to specific dates in the year and to whom preference will be given, for example The Royal British Legion Poppy Appeal.

11.2 The licensing authority may also, at its discretion, make an exception to this policy in respect of proposed street collections in response to a national or international disaster; including but not limited to urgent



appeals by individuals or groups collecting on behalf of the Disaster Emergency Committee (DEC). Further information on DEC is available at [www.dec.org.uk/](http://www.dec.org.uk/)

## **12. SUCCESSFUL APPLICATIONS**

12.1 If an application for a street collection permit is granted the applicant will receive the following documents from the licensing authority:

- A street collection permit made out in the name of the applicant.
- A blank statement of return form.<sup>2</sup>

## **13. COLLECTION PRINCIPLES**

13.1 The licensing authority requires that all eligible organisations undertaking street collections in the borough adhere to:

- the Institute of Fundraising's Code of Fundraising Practice.<sup>3</sup>
- The Licensing Authority expects all collectors to follow the advice provided by the Public Fundraising Regulatory Association.<sup>4</sup>
- The Regulations set out at Appendix D.

## **14. REFUSAL/REVOCATION**

14.1 The licensing authority can refuse or revoke a street collection permit for a number of reasons:

- If the applicant is found not to be a bona fide charity providing a public benefit which serves the needs of persons residents in the borough.
- If the applicant is found to have:

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<sup>2</sup> This form can be downloaded from the council's website at [www.slough.gov.uk/business/licences-and-permits/street-collection-permits.aspx](http://www.slough.gov.uk/business/licences-and-permits/street-collection-permits.aspx)

<sup>3</sup> <http://www.institute-of-fundraising.org.uk/guidance/code-of-fundraising-practice/>

<sup>4</sup> [http://www.pfra.org.uk/professional\\_standards/code\\_rules#Street](http://www.pfra.org.uk/professional_standards/code_rules#Street) Rule Book

- previous convictions
- been in breach of its licence conditions
- been observed conducting collections in an aggressive manner

## **15. RETURNS**

- 15.1 Within **one month** of the date of the street collection having taken place, the permit holder must send a completed statement of return form to the licensing authority in accordance with section 17 in the Regulations at Appendix D..
- 15.2 Failure to comply with section 17 in the Regulations within the specified deadline is an offence and will result in any future applications for a street collection permit being refused by the licensing authority for a period of 6 months.
- 15.5 No further permits will be considered if there are any outstanding financial returns due to the licensing authority from a charity or organisation's previous street collection.
- 15.6 A letter from the benefiting organisation confirming the donation amount received from the collection must also accompany the returns form.

## **16. ENFORCEMENT**

- 16.1 The licensing authority operates a proportionate enforcement regime in accordance with the council's relevant enforcement policies.
- 16.2 The general enforcement aims of the council are to:
- Safeguard the interests of the public, donors and beneficiaries.
  - Facilitate well organised collections by bona fide charitable organisations and to ensure good standards are met.
  - Prevent unlicensed collections from taking place.

16.3 A copy of the council's Consumer Protection and Business Compliance Enforcement Policy can be found at

<http://www.slough.gov.uk/council/strategies-plans-and-policies/consumer-protection-and-business-compliance-enforcement-policy.aspx>

## **17. SHARING OF INFORMATION**

17.1 The licensing authority may share with other enforcement bodies (including the Police) any information supplied by applicants, or required in the course of exercising its licensing functions, where it is lawful to do so.

17.2 Personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of a crime or where it is required by law, or in connection with legal proceedings.

17.3 Where applicable, it will be under the relevant Information Sharing Protocol.

## **18. APPEALS**

There is no formal right of appeal against any decision made by the licensing authority to grant or refuse an application for a street collection permit.

## **19. CONTACTS**

### **Licensing team**

#### **Slough Borough Council**

Email: [Licensing@slough.gov.uk](mailto:Licensing@slough.gov.uk)

Tel: 01753 875664

Web: [www.slough.gov.uk/business/licences-and-permits](http://www.slough.gov.uk/business/licences-and-permits)

### **Charity Commission for England and Wales**

[www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)

### **Companies House**

[www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)

**Institute of Fundraising**

[www.institute-of-fundraising.org.uk/home](http://www.institute-of-fundraising.org.uk/home)

**Public Fundraising Regulatory Association**

[www.pfra.org.uk](http://www.pfra.org.uk)

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## **Appendix A: Definitions**

### **1. Definition of charitable purpose**

The council will use Section 1 of the Charities Act 2011, which defines charitable purpose as:

1. the prevention or relief of poverty
2. the advancement of education
3. the advancement of religion
4. the advancement of health or the saving of lives
5. the advancement of citizenship or community development
6. the advancement of the arts, culture, heritage or science
7. the advancement of amateur sport
8. the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
9. the advancement of environmental protection or improvement
10. the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
11. the advancement of animal welfare
12. the promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services
13. other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

## 2. Definition of charity

Most organisations that are charities are required to register with the appropriate regulator, but significant exceptions apply so that many organisations that are bona fide charities do not appear on a public register maintained by the Charity Commission.

In order to determine whether an applicant is a charity the council will refer to Section 1 Charities Act 2011, which provides the following definition:

*“(1) For the purposes of the law of England and Wales, “charity” means an institution which —*

*(a) is established for charitable purposes (see definition 1 above) only, and*

*(b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.”*

This means that the following types of legal entity may be eligible to apply for a street collections licence under this policy:

- 1) **Charitable Companies** - these are formed and registered under the Companies Act 2006; they also include a companies already registered under the Companies Act 1985, or one which was already in existence at that time; and which is established for **exclusively** charitable purposes.
- 2) **Charitable Incorporated Organisations** – these have powers similar to a company but without the need to register as a company. CIOs have a legal personality, the ability to conduct business in their own name, and limited liability so that its members and trustees do not have to contribute in the event of financial loss. From March 2013 all CIOs have to register with the Charity Commission.
- 3) **Charities incorporated by Royal Charter** – these tend to be organisations with a legal personality (or, in some instances, transforms a charity incorporated as a company into a charity incorporated by Royal Charter). The Charter must be approved by the Privy Council before receiving Royal Assent. Although the nature of these charities will vary depending on the clauses enacted, these generally have the same limited liability as a company and the ability to enter into contracts.
- 4) **Common Deposit Funds** – these are charities established by Scheme under s.100 of the 2011 Act. Test = question in the form / copy of governing document
- 5) **Common Investment Funds** – these are established by scheme under s.96 of the 2011 Act. But the definition for the purposes of the Charities (Accounts and Reports) Regulations 1995, and the Financial Services and Markets Act 2000 (Exemption) Order 2001, and clause 38 of the Trustee Bill excludes such funds whose trusts provide for participation only by charities which have the same charity trustees as the fund (i.e., pool charities). In a CIF a participating charity has a "share" or a number of the "units" in a portfolio of the CIF rather than

an individual list of stock holdings of its own. CIFs are established as separate charities in themselves (i.e. aside from the individual participating charities), with trustees appointed in accordance with the Scheme.

- 6) **Community Trusts or Community Foundation** - these are fund-raising and grant making charities established to raise new resources for local charities in a specific geographic area (or "community") and to promote the effective use of these resources. Community Trusts are most commonly constituted as charitable companies limited by guarantee. Test = question in the form / copy of governing document.
- 7) **Companies limited by guarantee** - these are private limited companies where the liability of members is limited. They do not have a share capital, but instead have members who are guarantors instead of shareholders. In the event of the company being wound up the members agree to pay a nominal sum which can be as little as £1.
- 8) **Excepted charity** - these are charities that do not have to register with the Charity Commission, but, in most other respects, are fully within their jurisdiction (either due to a Charity Commission ruling, legislation or because their income is considered as too small). They tend to include churches and chapels of some Christian denominations and the funds associated with them, charitable funds of the armed forces, scout and guide groups.
- 9) **Exempt charity** - these charities do not have to register with the Charity Commission, as they are covered by other statutory instruments. Examples of exempt charities are listed in Schedule 3 to the 2011 Act (although it should be noted that not every institution listed in this schedule is not necessarily a charity; the Act grants exempt status only "so far as they are charities").
- 10) **Non-company charities** – these are non exempt charities other than those which are formed and registered under the Companies Act 1985 and the Companies Act 2006, or to which the provisions of those Acts apply.
- 11) **Trusts** – these are essentially a relationship between three parties, the donor of some assets, the trustees who hold the assets and the beneficiaries (those people who are eligible to benefit from the charity). When the trust has charitable purposes, and is a charity, the trust is known as a charitable trust. They will have Trust Deed or Declaration of Trust, which comes into operation once it is signed by all the trustees.
- 12) **Unincorporated associations** - these is the most common form of organisation within the voluntary sector in England. An unincorporated association is essentially a contractual arrangement between individuals who have agreed to come together to form an organisation for a particular purpose. They normally have a governing document and a constitution or set of rules, which will deal with such matters as the appointment of office bearers, and the rules governing membership.

### **3. Definition of public benefit**

It is a legal requirement in the Charities Act that, to be a 'charitable purpose', the purpose must be 'for the public benefit'. There are two aspects of public benefit:

- 1) The 'benefit aspect' – this is about whether the purpose is beneficial. In order to satisfy the 'benefit aspect' of the legal requirement:
  - the purpose must be beneficial
  - any detriment or harm that results from the purpose must not outweigh the benefit
- 2) The 'public aspect' – this is about who the purpose benefits. In order to satisfy the 'public aspect' legal of the legal requirement:
  - it must benefit the public in general, or a sufficient section of the public
  - and not give rise to more than incidental personal benefit

The council will use the flow diagram at Appendix B to determine whether the purpose of the applicant's collection satisfies both the 'benefit' and 'public' aspect requirements of the Act.

### **4. Definition of borough**

The area covered by Slough Borough Council.



## **Appendix B: Excluded Areas**

Street collection permits will **not** be granted in the following locations:

### **Stoke Poges Lane and the immediate vicinity**

- Stoke Poges Lane – Elliman Avenue to Belgrave Road
- Elliman Avenue – Stoke Poges lane to Shackleton Road
- Carrington Road
- Oakley Crescent
- Leeds Road
- Carmarthen Road
- Belgrave Road – Carrington Road to Stoke Poges Lane
- Shackleton Road – Elliman Avenue to Carrington Road

### **Diamond Road and the Immediate Vicinity**

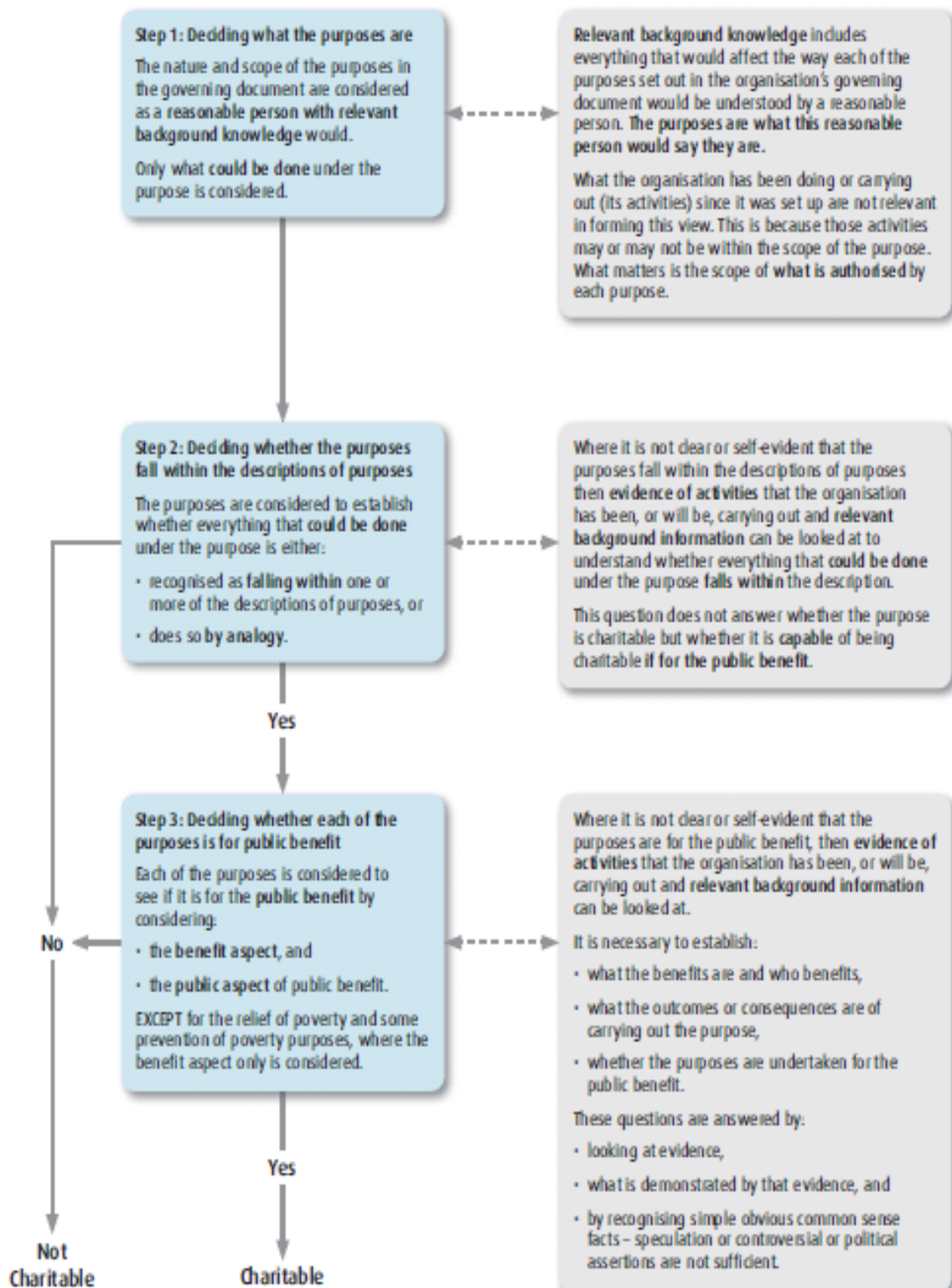
- Diamond Road
- Atkin Avenue
- Princes Street
- Wexham Road – A4 Wellington Street to the railway bridge
- A4 Wellington Street – Wexham Road to A412 Uxbridge Road
- A412 Uxbridge Raod – Wellington Street to Victoria Road

### **Montem Lane and the Immediate Vicinity**

- Montem Lane – A4 Bath Road to Ledgers Road
- Henry Road
- Arthur Road
- King Edward Road
- Oban Court

### **Town Square, Slough High Street**

## Appendix C: Decision making process flow chart



## **Appendix D: Regulations**

[Insert once confirmed by Secretary of State]

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