APPENDIX A

SOUTH HOLLAND DISTRICT COUNCIL

CHARITABLE STREET COLLECTIONS POLICY

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1. Introduction – Street Collections

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

The legislation stipulates that any charitable collection to be undertaken in a street or public place requires a permit. It is a criminal offence to conduct a collection in any street or public place within the South Holland District without first obtaining such a permit from the Council.

For the purposes of this policy the Council will identify charitable purpose as meaning any charitable, benevolent or philanthropic purpose that includes the following:

- the prevention or relief of poverty;
- the advancement of education;
- the advancement of religion;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;

- the advancement of environmental protection or improvement;
- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- the advancement of animal welfare;
- the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services.

2. Policy Intention

The aim of this policy is to ensure that residents in the South Holland District, who want to donate to charity through charitable street collections, are able to do so in good faith and secure in the knowledge that what they donate will directly benefit the named charity.

This will be achieved through the issuing of permits to collect in accordance with the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and associated regulations.

The intention of this policy is also to give clear guidance to both Officers and Members of the Council's Licensing Committee on factors to be taken into account when determining applications for charitable street collection permits.

All refusal decisions will be notified to the applicant in writing.

The Act does not make provision for legal appeals against the decision of the Council in relation to the refusal of a street collection permit.

3. Scheme of Delegation

The Council has delegated to its Officers the authority to consider and determine applications for permits, subject to the criteria set out in this policy document.

The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a permit should be granted, then that permit application should be forwarded to the Council's Licensing Committee Panel (consisting of Councillors) for determination.

The delegation will be as follows:

Matter to be Dealt With	Delegation
Setting or Amending Policy	Material amendments are a matter for the Licensing Committee Minor amendments such as changes to references, legislation and guidance, are delegated to the Head of Public Protection/Public Protection Manager in conjunction with the Chair of the Licensing Committee
Grant of a Permit	Officers / Licensing Committee Panel
Refusal / Revocation of a Permit	Delegated to Officers where refusal is due to numbers within a location being exceeded or required timescales not being met.

	Delegated to Licensing Committee Panel for refusals for other reasons, or revocations

Please note that Officers can refer an application to the Licensing Committee Panel at any time for determination.

4. Application Process

An application for a permit should be made to the Council in writing on the prescribed application form no later than twelve weeks before the proposed collection date. The exceptions to this expectation are applications for Christmas Town Centre Street Collections – see section 7 of this policy document.

The following will be required to be submitted with the permit application:

- the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- details of street collection permits refused (in the South Holland or any other Council's area);
- for transitory / mobile collections, details of the proposed routes must be provided with the application.

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

5. Determination of Application

Each application will be determined on individual merits and with the aim of promoting the principles and objectives contained in this policy document.

The legislation does not include statutory criteria for the approval or rejection of a permit request. The criteria, for the approval or refusal of a permit, are a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant / refuse /limit permits on various grounds that are not specific within the legislation and regulations.

The Council reserves the right to make detailed enquiries about an applicant and the proposed charitable collection in relevant and appropriate circumstances.

Where the application for a permit includes a street procession or placing a structure or vehicle on the street / highway; or where the proposed collection relates to the sale of articles in a street / public place, permission should be sought in advance from the relevant authority.

There are no statutory grounds for refusing an application for a permit. However, the Council will refuse the application if it considers that the collection:

- Is not for "charitable or other benevolent purposes", and/or
- Contravenes the provisions of the Street Collection legislation and regulations.

In addition, the Council may refuse any application for any of the following reasons:

- To limit the number of street collections,
- If too high a proportion of the proceeds are likely to be spent on expenses,

- If inaccurate information was provided on the permit application,
- If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty (e.g. theft, blackmail or fraud etc.).
- If no previous returns have been supplied to the Council after previous collections by the same organisation within the South Holland District.

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

Where appropriate this Authority reserves the right to ask an applicant to produce the result of a current basic Disclosure and Barring Service disclosure relating to the applicant for the permit.

Once issued, a permit may be revoked if it is believed the objectives of this policy are or could be compromised.

The Council's charitable street collection regulations set out the procedure for submission of a statement of income and expenditure following the completion of the collection. All items required under these regulations must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to submit the required return may prejudice any future permit applications.

6. Allocation of Street Collection Days

The Council operates a diary booking system on a "first come first served" basis for the allocation of street collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation's preferred date will be allocated to that organisation. Where an organisation's preferred date cannot be granted, alternative dates may be suggested where practicable.

It is this Authority's policy that an organisation is normally limited to one collection day per calendar year in the same town or village. The exceptions to this policy are:

- Royal British Legion Poppy Appeal
- BBC Children in Need Appeal

The Council will normally only permit a maximum of one charitable street collection in any town or village centre per day - although collection applications for other areas in the District away from a town or village centre may be considered at the Council's discretion.

The date of the Royal British Legion Poppy Day Appeal and the preceeding week are permanently reserved for that charity.

7. Miscellaneous Matters

Emergency and Special Collections: In exceptional circumstances, such as an emergency appeal or a national special event, consideration may be given to the grant of additional permits or reduced notice time, at the discretion of the Council.

Transitory / Mobile Collections: Transitory / mobile collections, (i.e. those whose collections pass through the District), will normally be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.

Christmas Town Centre Street Collections: In addition to the requirements set out above, the Council will not accept applications for Christmas Town Centre Street collections until the first week of September every year. For the purposes of this policy Christmas Town Centre Street Collections are defined as collections taking place during period 24th November to 24th December in a town or village centre.

An application for a permit for a Christmas Town Centre Street Collection should be made to the Council in writing on the prescribed application form no later than four weeks before the proposed collection date.

Animals: The use of animals in conjunction with street collections is discouraged by this Authority and will only be supported in conjunction with recognised animal charities.

Duration of Permit: The permission to carry out a street collection is valid only for the period of collection specified in the permit. There are no provisions in the legislation for renewal of permits. Therefore, in all cases where a street collection permit has expired, a new application will have to be made for future collections.

Direct Debit Collections: The Council does not control collections where pledges are collected for direct debit donations (clipboard collectors or 'chuggers') because they do not collect actual money and there are no legal provisions for the Council to regulate collections of this type at present.

8. Monitoring and Reviewing Progress

This policy will be actively monitored in its first year of introduction to determine its impact and will be reviewed during that period if deemed necessary.

In addition, this policy will be placed on the Council's Policy Register and will be subject to review every 5 years, unless revisions are deemed necessary prior to that date.

Draft June 2022.