



## **STREET COLLECTIONS POLICY**

### **Introduction**

Winchester City Council (the Licensing Authority) is responsible for issuing permits for street charitable collections within the District.

Charitable street collections are regulated under The Police, Factories, etc (Miscellaneous Provisions) Act 1916 [“the Act”] which regulates collections of money or sales of articles for charitable purposes in streets and public places.

The Act allows Local Authorities to make Regulations in respect of the administration of charitable street collections. These are available on the Council’s website or by contacting the Licensing Section.

The aim of this Policy is to provide guidance on the law relating to charitable street collections and how Winchester City Council administers applications for permits when applying the law and regulations, and to ensure fairness to charities.

### **Policy Objectives**

The Policy aims are:

- To ensure applications are made in a timely manner whilst setting out a clear and robust application process.
- To ensure impartiality and fairness in determining applications.
- To accommodate applications where possible, having regard to other activities occurring at locations applied for, to avoid conflict.
- To prevent nuisance or other detrimental impacts on the public using the streets.
- To ensure that all monies collected are rigorously handled, transferred and accounted for.

### **1. Administration of applications for charity Street Collection permits**

- 1.1. Any cash collection, undertaken in any street or public place, shall be licensed by way of a permit from the relevant Licensing Authority in accordance with the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972.

- 1.2. Street is defined in the Act as follows; *“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.*
- 1.3. Charitable collections in stores, supermarkets or on private land where the public do not have free access at any time do not require a Street Collection permit from the Licensing Authority. Collections will require permission from the store or private land owner to allow the collection to take place.
- 1.4. The Licensing Authority does not issue permits to collect in the Brooks shopping centre, which is privately owned and the public do not have free access at all times. In such cases, permission will be required from the Brooks Centre manager in advance of any charity collection.
- 1.5. For street collections taking place in the High Street and The Broadway, Winchester, charities will be restricted to one collection for a maximum of one day per calendar year, with the following exceptions:
  - The Royal British Legion, who will be permitted to undertake a Street Collection for a period of up to eight consecutive days on one occasion per annum;
  - The Hat Fair, who will be permitted to undertake a Street Collection for a period of up to four consecutive days on one occasion per annum.

It should be noted that these charities have been given preferential status in recognition of their special relationship and status with the city, either by virtue of the Armed Forces Community Covenant or for being long established in the city’s annual events calendar.

- 1.6. For the purposes of complying with section 1.5, the High Street and the Broadway shall be held to mean the contiguous highway between Jewry Street and the King Alfred statue and up to 10 metres along each lateral highway adjoining that route.
- 1.7. Daily street collection permits will not be issued during the month of December in Winchester city centre due to permits being issued for fundraising by way of Christmas carol singing at the Buttercross. See paragraph 1.26 below.
- 1.8. Pre booking: - The Licensing Authority will accept written requests to check availability and provisionally reserve a date and location prior to applying. This should be undertaken where possible by emailing [licensing@winchester.gov.uk](mailto:licensing@winchester.gov.uk) or telephoning 01962 848 238 stating the date and times requested. Alternatively contact can be made in writing to the address at the end of this Policy document. Once a date has been provisionally reserved, an application form must be received within **7 days or the provisional reservation will be cancelled.**
- 1.9. Applications will only be accepted on the Licensing Authority issued application form available by downloading from the Council’s website at [www.winchester.gov.uk](http://www.winchester.gov.uk) or from [www.gov.uk](http://www.gov.uk). All applications must be submitted no later than one month before the requested date of collection.

- 1.10. Where applications are submitted in response to national or international disasters, shorter application and determination periods will be allowed wherever possible and on a case by case basis. However the Licensing Authority cannot guarantee that a permit will be issued.
- 1.11. So as to ensure fairness for all charities, applications to hold street collections for the next calendar year will not be accepted prior to the 1<sup>st</sup> October.
- 1.12. Applicants may list multiple dates in order of preference on the application form if they are flexible on when the collection can take place. The location, date and time must be clearly stated on the application form.
- 1.13. Where applications are made for collections along a route, such as in a procession, full details of the route and number of collectors must be provided. A permit will not be issued without this information.
- 1.14. Where more than one application is received for the same date and location, preferential treatment will be given to local charities or charities collecting for local beneficiaries.
- 1.15. Allocation days per calendar year for the High Street and The Broadway, Winchester shall be limited to 40. In exceptional circumstances, such as in response to national or international disasters, this may be extended at the Licensing Authority's discretion, in consultation with the Chairman or Vice Chairman of the Licensing and Regulation Committee, or where they are unavailable a Member of the Licensing and Regulation Committee.
- 1.16. No collection shall be permitted in Winchester's High Street, or the Broadway on the same day that a Street Collection permit has already been issued to take place either on the High Street, the Broadway or in St Maurice Covert, with the exception of the Winchester Round Table who shall be permitted to undertake a Street Collection on the same day as the Royal British Legion only. This is in recognition of its links with the Council and its efforts in running the city's popular bonfire night, the date of which is often in close proximity to Remembrance Day.
- 1.17. A Street Collection permit will not allow the collector to use amplifiers, musical instruments, gazebos or any type of street furniture, with the exception as set out in 1.18, whilst a street collection is taking place. Street furniture includes:
  - furniture
  - Pop up signs
  - Displays
  - equipment
- 1.18. With the exception as set out in paragraph 1.19, a single small table only will be allowed during a street collection, so long as it does not cause an obstruction to the free flow of pedestrian traffic in its immediate vicinity. The acceptability of table size under this policy, shall be determined by the Licensing Officer and their judgement shall remain final.

- 1.19. The 'Picture King Alfred in coins' Mayors Charity event, will be permitted the use of a ground sheet or covering, upon which to set the coins and protected by barriers, so long as it does not cause an obstruction to the free flow of pedestrian traffic in its immediate vicinity.
- 1.20. No animals, other than assistance dogs, may accompany a collector at any time.
- 1.21. The legislation does not include any statutory criteria for the approval or rejection of an application for a permit. The granting or refusal of an application will be at the Licensing Authority's discretion having regard to the individual application, the date and any potential impact with other activities and the history of conduct during previous charity collections made by the applicant.
- 1.22. Where a financial return is not received within one month as required under section 16(1) of the Regulations no further permits shall be granted until such time as financial return is up to date. Where an applicant fails to comply with the regulations in respect of financial returns on two occasions, the Licensing Authority reserves the right to refuse any subsequent request for a permit by that applicant.
- 1.23. Without prejudice to the Licensing Authority's discretion in respect of applications, the Licensing Authority may also choose to refuse an application for one or more of the following reasons:
  - a) The collection is considered not to be for charitable purposes
  - b) The application contravenes the provisions of the street collection legislation and regulations
  - c) To limit the number of collections
  - d) The proceeds allocated for expenses is considered to be too high
  - e) Inaccurate information was provided on the application
  - f) The promoter or any other person involved has been convicted of certain criminal convictions, in particular offences of dishonesty, theft, blackmail or fraud.

A permit may be revoked after issue for any of the above or other relevant reasons.

- 1.24. Permits will only be granted to charities that are registered with the Charity Commission. Any applicants who are not working for a charity but who wish to apply for a street collection permit must obtain a letter of authorisation from the applicable charity.
- 1.25. The Licensing Authority may wish to make additional checks on a particular charity or promoter named on an application and reserves the right to do so. Enquiries may also be made with the Police and the Charity Commission where it is deemed appropriate.

- 1.26. Details of the applicant for a street collection permit may be shared with other Licensing Authorities within Hampshire and Isle of Wight for the investigation of an offence or where there are concerns regarding any part of the collection.
- 1.27. Permission will be required for carol singing in Winchester via the Licensing Section at Winchester City Council. Bookings will only be taken during the month of December and will allow for singing for a maximum of 2 hour time slots at the Buttercross or the location of the High Street Christmas tree only. . Weekend allocations will be restricted to a maximum of two time slots per applicant to ensure fairness to all charities. A form of statement return will not be required for carol singing for short durations.
- 1.28. The Licensing Authority reserves the right to deviate from this policy with the permission of either the Chairman or Vice Chairman of the Licensing and Regulation Committee, or where they are unavailable a Member of the Licensing and Regulation Committee.
- 1.29. Without prejudice to an applicant's right to make a formal complaint, all decisions made by the Licensing Authority under this policy, shall remain final.

## **2. Administration of Direct Debit collections**

- 2.1. Requests to collect direct debit information must be given in writing using an official email address or letter headed document and shall include the name of the charity for which the collection will take place on behalf of, the number of collectors, the proposed location and dates. Requests shall not be submitted more than one calendar month in advance of the proposed collection date.
- 2.2. Companies may check dates and location availability by emailing [licensing@winchester.gov.uk](mailto:licensing@winchester.gov.uk) or telephoning the licensing section on 01962 848 238.
- 2.3. Companies collecting direct debit information will be given permission to do so in Winchester town centre on no more than one occasion per company per month.
- 2.4. No direct debit collection shall take place on the same date and location of where a street collection permit has been issued.
- 2.5. No collection shall take place in the immediate vicinity of any market stall.
- 2.6. No company shall permit a person under the age of sixteen to act as a collector.
- 2.7. Companies shall ensure that all collectors are aware of the code of conduct as prescribed in the Code of Fundraising Practice.

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