



Warwick District Council

Street Collection Policy

Police, Factories etc. (Miscellaneous Provisions) Act 1916

2021 – 2026

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1: INTRODUCTION

Objectives of the policy

- 1.1 The purpose of the policy is to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications for Street collections. It also sets out the reasonable expectations of applicants for charitable collections within Warwick District.
- 1.2 Central to the Council's policy are a number of key objectives which are:
 - To ensure members of the public know which charity they are donating to and to ensure all monies collected are given to the correct charity.
 - To ensure all monies collected are given to registered charities and unregistered organisations who prove their charitable purposes.
 - To ensure visitors to the town centres of Warwick District Council are not constantly being approached to donate monies to a number of charities on the same date and to ensure they are approached in a civil, polite and orderly manner.

Purpose of the policy

- 1.3 This document states Warwick District Council's policy on the regulation of Street Collectors.
- 1.4 The policy is intended to ensure that those who wish to donate to charity through street collections, are able to do so, in good faith, knowing that a significant amount of the money they donate will directly benefit the charity.
- 1.5 This policy seeks to ensure that these objectives are achieved in a consistent, fair and proportionate way. In considering each application for the grant of a street collection the guidance provided by this document will be applied.

Policy review

- 1.6 This Policy will be kept under review and a full consultation exercise carried out when major changes are made to it. It is anticipated that major reviews of the Policy will take place every 5 years.
- 1.7 The Policy will be regularly evaluated and may be changed at any time to reflect minor, administrative or legislative changes or to amend any inconsistencies between the legislation and policy without a full consultation process being carried out. Any major changes will be agreed by the Executive Committee.
- 1.8 Examples of 'major changes' are changes that are:
 - likely to have a significant effect on permit holders
 - likely to have a significant procedural effect on permit holders
 - likely to have a significant effect on the community

Contacting the team

- 1.9 If after reading this booklet you require further information you are welcome to seek assistance from the Licensing Team.

Email: Licensing@warwickdc.gov.uk

Address: Licensing, Health and Community Protection, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

The Law

- 1.10 Street Collections are covered by regulations made under the Police, Factories etc. (Miscellaneous Provisions) Act 1916 as amended by section 251, schedule 29 of the Local Government Act 1972.
- 1.11 5(1) of the Police, Factories & etc. (Miscellaneous Provisions) Act 1916 states "each of the authorities specified in subsection (1A) may make regulations with respects to places where and the conditions under which person may be permitted in any street or public place, within their area, to collect money or sell articles for the benefit of charities or other purposes, and any person who acts in contravention of any such regulation shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale or in the case of a second or subsequent offence not exceeding level 1 on the standard scale".
- 1.12 1(A) the authorities referred to in subsection (1) above are (c) the council of each district. The Act enables the local authorities to attach any conditions to a street collection permit where necessary to ensure the collection is undertaken fairly and in an orderly manner.

Definition of a street collection

- 1.13 A street collection is defined as a collection of monies that takes place on a "street" this includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not (as defined in section 5(4) Police, Factories & etc (Miscellaneous Provisions) Act 1916) or other area to which the public have access without payment. The Courts have confirmed that any land located away from the highway which the public can access without payment, including privately owned land, is capable of being a street for these purposes. For example, this could include car parks, trading estates, forecourts, open spaces etc. However, the Council takes the view that street collection controls would not normally apply within buildings.

2: PERMIT REQUIREMENTS

Permitted areas

- 2.1 For the purposes of Street Collections, Warwick District Council is made up of five distinct areas. Leamington Spa, Whitnash, Warwick, Kenilworth and 'Rural'. Applications can be made for one area or a number of areas. One area is advisable as this allows other collectors to collect in other areas on the same day.
- 2.2 Warwick District Council will allow only **one collection to take place in any given area per day**. The collection areas are defined as Leamington Spa, Whitnash, Warwick and Kenilworth town centres and 'Rural' is defined 'any other Village' inside the boundary.
- 2.3 Individual roads can be applied for and these roads will be specified on the collecting permit.
- 2.4 Collections may take place on any day of the week including Public Holidays.
- 2.5 The Licensing Authority may, in granting a permit, limit a collection to such streets or public places or such parts thereof as they think fit.
- 2.6 No collection shall be made in any part of the carriageway of any street which has a footway, except where the collection or sale has been authorised to be held in connection with a procession/race. For example; Carnivals, Cycle Races, Running events and Santa/Christmas Events.
- 2.7 No collection shall be made in any street or public place to the obstruction or annoyance of any person in such street or public space.

Number of collections

- 2.8 Warwick District Council will allow no more than 1 collection per calendar year (January to December) for any one organisation or individual.
- 2.9 Collections are booked on a first come, first served basis. This is to ensure that all charities whether large or small, have equal access to popular collection dates.
- 2.10 Where more than one organisation applies for a permit for the same date at the same time, then preference will be given to the more local organisation in order for the proceeds to benefit the local communities. Priority will be given to charities based in and around Warwickshire.

Number of collectors

- 2.11 No persons may assist or take part in any collection without the written authority of the society, committee, or other body to whom a permit has been granted.
- 2.12 Written notice must be provided to us as either part of the application or prior to the collection, confirming details of all person(s) taking part in the collection. You must provide the collectors, name, address and date of birth, this is to enable us to check the suitability of the collectors and for enforcement.

- 2.13 When the agreed collectors change, we are happy to accept amendments to the collectors details prior to the street collection taking place.
- 2.14 Warwick District Council will restrict the number of people collecting monies (at any one time) to six per area.
- 2.15 No person under the age of 16 years old shall act or be permitted to act as a collector.

Collectors behaviour

- 2.16 Failure to comply with the Street Collection Regulations may result in future applications for a permit being refused. A copy of the regulations are attached as Appendix 1.
- 2.17 No collector shall importune any person to the annoyance of such person.
- 2.18 Any person acting as a collector in a street or public place shall occupy a stationary position at some place on the footway. Not more than two persons shall act as collectors at the same place and no person shall collect money within 25 metres of the place where any other person(s) is/are collecting.
- 2.19 No leaflets or similar shall be handed out during the collection.
- 2.20 Every collector shall carry a collecting box.
- 2.21 All collecting boxes shall be numbered sequentially with a different number for each box used and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- 2.22 All money received by a collector from contributors shall immediately be placed in a collecting box.
- 2.23 Every collector shall deliver, unopened, all collecting boxes in his/her possession to a promoter.
- 2.24 A collector shall not carry or use any collecting box, receptacle or tray which does not display prominently the name of the charity/fund for which they are collecting for, nor carry or use any box or other receptacle(s) which are not duly numbered.
- 2.25 No payment or reward shall be made or given to any collector directly or indirectly, or to any person connected with the promotion or conduct of a collection, 100% of the monies collected must be given to the society/charity for which the collection was obtained for.
- 2.26 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Institute of Fundraising Face to Face Activity Code of Fundraising Practice on face-to-face fundraising and any interpretation of the code made by the PFRA. Failure to comply could result in the refusal of further permits issued by Warwick District Council. This code can be viewed at www.pfra.co.uk.
- 2.28 Warwick District Council take the welfare of animals seriously therefore if you wish to use/bring an animal(s) to a collection you will need to supply a copy of

the animals Performing Animal Licence with your application form. Guide or Assistance dogs are exempt from this restriction.

Registered charities and charitable organisations

- 2.29 Warwick District Council will consider applications from registered charities and a registered charity number will need to be provided on the application form.
- 2.30 Should the collection be on behalf of a registered charity then a letter of authority will be required which must accompany the application from the organisation.
- 2.31 Should a non registered organisation wish to submit an application, then they will have to provide information with regard to the charitable purpose (i.e. Relief of poverty, advancement of health or saving of lives) and show they benefit the public.

Exceptions

- 2.32 Warwick District Council reserves the right to deviate from this policy where it is satisfied that there is sufficient cause for doing so.
- 2.33 Exceptions to this policy may be made for collections such as the Royal British Legion's Poppy Appeal and Santa collections within the District and when natural disasters have occurred such as a tsunami or earthquake.
- 2.34 Collections for Children in Need, Red Nose Day and Sports Relief are discouraged as the organisers themselves prefer sponsored events.

3: APPLICATION PROCESS

Application process

- 3.1 No collection of money shall be made in any street or public place within Warwick District unless the person, society, committee or other body of persons responsible for such collection have obtained a permit from Warwick District Council for such a collection.
- 3.2 Application forms can be obtained from the Warwick District Council website, and an example is attached as Appendix 2.
- 3.3 Anyone wishing to conduct a street collection must complete the relevant application form. Applications must be submitted in writing **no less than one month before the date on which the proposed collection is due to take place.** (The application period of one month may be reduced if we are satisfied that there are special reasons for doing so.)
- 3.4 Applicants must supply information relating to:
 - the name of the society, committee or other body of persons responsible for the collection including their address and telephone number. This could be the head office address for the Society.
 - the name of the persons making the application for the permit, including their position within the society, their address, telephone number and date of birth.
 - the relationship between the Charity and the person making the application.
 - the name of the charity for which the collection will benefit, the registered Charity number, the address and telephone number of the Administrative Centre of the Charity, the name of the secretary, together with the objects of the Charity or Fund.
 - the dates, times and localities you wish to collect and also requests details of any deductions that may be made for expenses from the collection.
 - whether they intend to have volunteers or collectors and requests their full name, address, date of birth and if they have ever been convicted of offences involving dishonesty.
 - the name and address of the Accountant responsible for processing the monies collected including the details of the Accountant's qualifications.
- 3.5 The application form must be signed and dated by the person making the application.
- 3.6 Failure to complete the application form and provide the relevant documentation may result in your application been rejected.
- 3.7 Officers have delegated powers to grant an application where all of the criteria set out in this policy are met. Each permit will include a copy of the Warwick District Council Street Collection Regulations, a copy of which is attached as Appendix 1.

Permit fee

3.8 There is no fee for a Street Collection permit.

Further information

- 3.9 Warwick District Council may request (at the time of application or later) that additional information is provided, as may be considered relevant for the purpose of considering the application.
- 3.10 Failure to provide such information may result in the application being rejected.

Refusal of an application - hearing procedure

- 3.11 Where Licensing are unable to issue a permit to an applicant (for example, if the applicant has a conviction for dishonesty) then the application would need to be determined by the Licensing and Regulatory Panel.
- 3.12 Where an application is to be considered by the Licensing and Regulatory Panel the applicant will be notified of the time and date of the hearing.
- 3.13 Prior to the hearing, all parties will be supplied with a copy of the report. The report will contain a summary of the application, representations and any other relevant information.
- 3.14 At the hearing, all parties will have the opportunity to address the Licensing and Regulatory Panel and ask questions of fact of other parties. The Licensing and Regulatory Panel may also ask questions of all parties that they feel relevant to the determination process.
- 3.15 The Licensing and Regulatory Panel will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within 7 days.

Proceeds statement form

- 3.16 Within one month after the date of any collection or sale the person, society, committee or other body of persons responsible for the collection shall forward to Warwick District Council's Licensing Authority a statement in the form set out in the Schedule to the Regulations. If there are multiple collections in the same month, the return must be submitted to the Licensing Authority within one month of the final collection. This form will be attached to the permit when it is granted (an example is attached as Appendix 3).
- 3.17 The proceeds statement form must be certified by the auditor of the society or by some independent responsible person.
- 3.18 This statement of returns must detail the amount received and the expenses incurred in connection with such collection.

Enforcement

- 3.19 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.

Appendix 1

- 3.20 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Enforcement Policy.
- 3.21 The responsibility for the overall supervision of Street Collections lies with the Head of Health and Community Protection.

Offences and penalties

- 3.22 No collection shall be made except upon the day and between the hours stated in the permit.
- 3.23 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.
- 3.24 Any person who acts in contravention of any of the foregoing Regulations will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale. (currently £200).

4: DEFINITIONS

<i>Collection</i>	means a collection of money for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly
<i>Promoter</i>	means a person who causes others to act as collectors
<i>Licensing Authority</i>	means Warwick District Council
<i>We</i>	means Warwick District Council
<i>Permit</i>	means a permit for a collection
<i>Contributor</i>	means a person who contributes to a collection for the benefit of charitable or other purposes:
<i>Collecting Box</i>	means a box or other receptacle for the reception of money from contributors.

APPENDIX 1

WARWICK DISTRICT COUNCIL

Regulations made by Warwick District Council with regard to street collections.

In pursuance of section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972, Warwick District 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 Warwick District 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;
"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 Warwick District 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 the Warwick District Council 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 in the permit.
5. The Warwick District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6.
 - a) No person may assist or take part in any collection without the written authority of a promoter.
 - b) 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 Warwick District Council 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 Warwick District Council 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 not importune any person to the annoyance of such person.

Appendix 1

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 Warwick District Council 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.

Provided that the Warwick District Council may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.

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 a 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 Warwick District Council.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Warwick District Council.
- (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 either a qualified accountant or an independent responsible person acceptable to the Warwick District Council,

Appendix 1

- (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the Warwick District Council satisfy it as to the proper application of the proceeds of the collection.
 - (2) The Warwick District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
 - (3) For the purpose 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 of Scotland;
 - the Association of Certified Accountants;
 - the Institution 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.



STREET COLLECTIONS

Application form

Application form for permission to collect money or sell articles in streets or public places within the Warwick District for the benefit of charitable or other purposes.

Section 1

Name of Society, Committee or other organization responsible for the collection	
Address (this should be the address of the Head Office of the Society or other body etc.)	
Email Address	
Telephone number	

Section 2

Name of the person making the application for the permit, who will be responsible for the collection	
Home Address (including Postcode) note: this is the address that will appear on the permit	
Position in above Society	
Date of Birth	
Email Address	
Telephone number	

Section 3

Relationship between Charity and person making the application	
PLEASE NOTE: If the relationship is one of 'Professional Fundraiser' please supply a copy of contract or agreement between the applicant body and the charity.	
PLEASE NOTE: If you intend to collect on behalf of a charity of which you are not a member, written authority MUST be obtained from the said charity authorizing you to organize collections on the charity's behalf and submitted with this application.	

Section 4

Name of the Charity or Fund which is to benefit	
Registered Charity Number	
Address of the Administrative Centre of the fund (i.e. Local Centre)	
Name of the Secretary	
Telephone number	
Objectives of the Charity/Fund	

Section 5

Desired collection date	
Alternative date(s)	
Desired location for collection (indicate preference with 1 st , 2 nd , 3 rd etc.) Leamington Spa Warwick Kenilworth Rural/Other – please specify	

Disposal of the receipts. Are the whole of the receipts to be paid over for the benefit of the Charity or Fund, or will any deductions be made for expenses, or other purposes?	
If any deduction is made, state for what purpose and give an estimate of the sum which will be deducted	

Section 6

Has the Society, Charity or person making this application ever had a street collection permit refused or revoked?	
If yes, please give details	

Section 7

Please indicate whether you intend to have volunteers or paid collectors carrying out the collection			
If collectors are to be paid, please give payment details			
Please supply details of collectors in table below (Use separate sheet if necessary)			
Full Name	Date of Birth	Address	
Have any of the collectors ever been convicted of offences involving dishonesty?			
If the answer to the above question is yes, please provide full details (<i>use a separate sheet if necessary</i>)			

Section 8

Appendix 1

Name and Full Address of Accountant	
Details of accountant's qualifications	

Section 9

Signature of person making this application	
Date of application	
False or misleading information given will lead to the application being rejected, and may also result in prosecution.	

If your application is granted, please note that you will be subject to the attached regulations.

Please note: There are usually more applications than dates available and it might not be possible to grant all applications.

Once this form is fully completed, return it to:

Licensing Team
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ.

SCHEDULE (FORM OF STATEMENT)
TO BE COMPLETED FOLLOWING THE COLLECTION



Street Collection Permit
Proceeds Statement Form

Your Permit Number	
---------------------------	--

Name of person to whom the permit was granted	
Address of person to whom the permit was granted	
Name of the charity or fund which is to benefit	
Date of collection	

Show nil entries

Proceeds of Collection	Amount	Total	Expenses and Application	Amount	Total
From Collecting Boxes			Printing and Stationery		
Interest on proceeds			Postage		
Other items			Advertising		
			Collecting Boxes		
			Badges		
			Emblems		
			Other items:-		
			Payments approved under		
			Regulation 15(2)		
			Disposal of Balance		
			(insert particulars)		
TOTAL £			TOTAL £		

Certificate of the person to whom the permit was granted

I certify that to the best of my knowledge and belief the above is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date (Signed)

Certificate of accountant/Auditor

I certify that I have obtained all the information and explanations required by me and that the above is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date (Signed).....

Qualification