



GUIDANCE FOR APPLICANTS

For applications for street collection
permits

under the

Police, Factories etc (Miscellaneous
Provisions) Act 1916

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GUIDANCE FOR APPLICANTS

Street Collection Permits under the Police, Factories etc (Miscellaneous Provisions) Act 1916

1. INTRODUCTION

This guidance is for individuals who are promoting, or intend to promote any collection for a charitable purpose in a street or public place within the borough of Rushmoor in accordance with the Police, Factories etc (Miscellaneous Provisions) Act 1916 and associated regulations.

(1) What we mean by “collection”

“Collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes

(2) What we mean by “Charitable Purpose”

“Charitable purpose” means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law.

(3) What we mean by “street” or “public place”

The expression “street” includes any highway and any public bridge, road, lane footway, square, court, alley or passage, whether a thoroughfare or not. A “public place” is defined in many ways, but, for the purposes of street collections, we consider that a common sense approach should apply.

When do I not need a street collections permit?

Although normally any promoter of a (proposed) street collection requires a permit to complete it, there are certain areas or activities which may mean you do not need a street collection permit from us. These are:

- (i) where the collection is to take place in an area where there is no public right of access (e.g. inside a shopping mall, cinema, theatre, private dwelling or works/business premises).
- (ii) where an individual is “selling articles in any street or public place where the articles are being sold in the ordinary course of trade and for the purpose of earning a livelihood”. However, even where only a small proportion of any income from selling goods is to be applied to charitable purposes and the majority retained in order to earn a livelihood a street collections permit is required.

NB: Other permits or authorisations may still be required in this circumstance (e.g. consent for street trading permit).

(iii) at a meeting in the open air (e.g. an organised rally of like minded persons meeting for a common purpose).

2. MAKING AN APPLICATION

For all applications for a street collections permit, the following documents and submissions must be provided. Unless otherwise stated, all documents must be original, as photocopies will **NOT** be accepted.

As we administer a large range and volume of licenses and other authorisations, all applications for street collections permits must be made in good time and normally at least 28 days in advance of the start date of the proposed collection.

Please note that applications that do not meet the criteria detailed below may be deemed invalid and/or rejected.

(a) Application Form

Applications must be made in writing on the form prescribed by Rushmoor Borough Council, which includes information the council requires to process the application.

In completing the application form, applicants should take particular note of the following matters.

- (1) **Declaration of Convictions - Promoter** -The application form requires a declaration of convictions to be made by, and about the promoter.
- (2) **Declaration of Convictions - Collectors** - The application form requires a declaration of convictions to be made by the promoter in respect of each individual (to be) authorised by him to act as a collector for the purposes of the (proposed) collection.
- (3) **Declaration of likely expenses and/or deductions** - The application form requires a declaration of the amount (as a cash value) that will (likely) be incurred as expenses as a result of the (proposed) collection or otherwise be deducted (for whatever reason). This amount is inclusive of the total amount (likely to be) paid by way of remuneration to those involved in the collection and any other similar expenses.
- (4) **Area and date(s) of proposed collection(s)** - The application form requires you to specify the area and/or location in which the proposed collection is to take place, together with the date(s) on or between which the proposed collection is to take place.

(b) Statement of Account for Previous Collections

Where the collection is (proposed to be) made by a promoter that has undertaken any collection of a similar nature in the last 12 months, a statement of account (in prescribed form) for each collection must accompany the application.

NB: Where the previous collection(s) took place within the borough of Rushmoor and a statement of account was submitted to us in respect of the collection(s), a duplicate of this will not be necessary.

(c) Supporting Literature

Where the charitable purpose benefiting from any (proposed) collection is not a charity registered with the Charity Commission, the application should be accompanied by supporting literature providing further information in respect of the charitable purpose.

(d) Fee(s) & Charges

There are no fees and charges to be paid in respect of this service.

3. GENERAL APPROACH TO THE ALLOCATION OF STREET COLLECTION DATES

(a) Equality of opportunity

We recognise that street collections are a relatively simple, cost effective and a popular way of fundraising by both charities and supporters wishing to raise funds on their behalf. In seeking to raise what are often much needed funds, we also recognise that both charities and their supporters are often and understandably keen to maximise the(ir) street collection opportunities. Sometimes this can cause problems as collectors seek to maximise the duration, frequency and/or timing of the(ir) proposed collection(s). Together, these factors mean that we receive a great many applications for street collection permits by and, on behalf of, many different charitable and benevolent causes each year; often for collections at the same time at seasonal, festive and other key times of the year.

So as to promote fairness and equality of opportunity to all charitable and benevolent causes, we will normally seek to apply the following limits and general principles when allocating dates -

- (1) Up to 7 (seven) consecutive days only may be block-booked for any single collection by the same promoter and/or on behalf of the same beneficent charity in the same defined area; and
 - (2) A period of at least one full clear calendar month must pass between any street collection(s) undertaken by the same promoter and/or on behalf of the same beneficent charity in the same defined area; and
 - (3) Up to a total maximum of 6 (six) street collections may be undertaken by the same promoter and/or on behalf of the same beneficent charity in the same defined area in any consecutive 12 month period; and
 - (4) We will normally seek to avoid the allocation of dates to the same promoter and/or on behalf of the same beneficent charity in the same defined area for successive seasonal, festive or other key dates in the year (e.g. the last Saturday before Christmas, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Easter weekend and/or any Bank Holiday(s)). However, exceptions may be made for some charitable concerns that are seasonal in nature (e.g. the 'Poppy Appeal') and/or those involved in community events.
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(b) Multiple collections

While recognising the good work and cause(s) of individual charities and the dedication of those that fundraise on their behalf, we also recognise that multiple collections undertaken in the same area at the same time can sometimes cause unwanted problems. These can include the annoyance of local residents, shoppers and businesses who might be asked to donate to a variety of different charities within in a short space of time and/or within a small area or distance. Multiple collections at the same time and place can also lead to a reduction in the proceeds collected by, or on behalf of individual charities on the(ir) allocated collection day(s) and can sometimes mean that collections become financially unviable.

Given the potential problems, we will normally seek to avoid the authorisation of multiple collections in the same defined area at the same time and/or on the same day. Exceptions may be made at our discretion and may, for example, include emergency or urgent charitable appeals (e.g. Asian tsunami appeal) and during community or town centre events. Where exception is made, we will seek to notify any other authorised collection in the same area concerned.

(c) Booking of dates

To avoid disappointment and to help with the planning of a street collection, we would encourage applicants to 'book' their preferred collection date(s) in advance of making an application for the(ir) associated street collection permit(s). To 'book' your preferred street collection date(s), please contact us using the contact details given on the right.

NB: The 'booking' service is offered on a 'first-come, first-served' basis and on the understanding that any 'booking' is provisional only. Provisional dates will only be held for a maximum of 14 days pending an application for a street collection permit. Provisional dates may only be treated as being confirmed on notice of grant of the respective application for a street collection permit. Should any application with 'provisionally booked' date(s) be submitted after receipt and/or determination of any other application requesting one or more of the same dates, the application that was submitted and/or determined first shall take order of preference.

4. WHAT HAPPENS NEXT

On receipt, your application for a street collection permit will be allocated to one of the Council's licensing officers. The licensing officer will check to ensure that the application is valid and has been satisfactorily completed i.e. all the relevant information and documentation has been provided.

(a) What will happen if we identify a problem?

If there is a relatively minor problem with the application, the licensing officer may contact you for further information or may return the application (or part of it) to you for your attention as may be appropriate. Where there is a fundamental error, the application may be rejected.

(b) Multiple collections and collection date(s)

While we encourage applicants to contact us to provisionally 'book' their collection date(s) in advance of making an application for a street collection permit, not all applicants do so. We will therefore advise you as soon as possible whether the dates you have requested have been allocated to you or another organisation (see above). Where possible, we will endeavour to offer an alternative date for your collection where this may be necessary.

(c) Consultation with Police and other Local Authorities

We will normally notify the Police of receipt of any application for a street collection permit and contact other local authorities where similar collections have been, or are proposed to be, undertaken. We may subsequently take their views into consideration; particularly where there may be concern in respect of one or more of those matters listed in section (d) below

(d) Determination of the application

In deciding whether we will grant or refuse an application for a street collections permit we will normally consider the following matters:

- (i) Whether you proposed collecting date(s) will clash with another collection in the same area.
 - (ii) Whether there is evidence to suggest that the promoter and/or any other person(s) connected with the (proposed) collection are not deemed to be “fit and proper”.
 - (iii) Where there is evidence to suggest that the promoter and/or collectors have previously failed to comply with the provisions of the act and regulations, either with Rushmoor Borough Council or with elsewhere.
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(e) How long will it take us to determine your application?

We aim to process applications for a house to street collections permit within a period of 28 days (beginning on the first working day after the day on which we receive the application). However, because we deal with a large number and variety of applications, permits and other authorisations, it can sometimes take us a little longer.

(f) What happens if your application is refused?

If, after consideration of relevant information, we refuse the application on determination, we will inform you of our decision in writing, together with the reason(s) for refusal. There is no right of appeal and the decision of Rushmoor Borough Council is final.

(g) What happens if your application is granted?

Where an application for a street collection permit is granted, we will advise you by notice of grant and send you the relevant permit document(s) so that you can lawfully conduct your collection.

Where appropriate, we will also contact the intended beneficent charity / cause to advise them that you will be conducting a street collection on their behalf on the dates allocated to you.

5. WHAT HAPPENS AFTER THE COLLECTION

Once the collection has been conducted the promoter must complete a statement of accounts by way of the returns form prescribed by Rushmoor Borough Council. The basic details of this return (i.e. the total amount raised and total amount applied to charitable purposes) will then be published on the council's website for public viewing.

NB: Failure to submit a suitable return may affect any future application(s) for a street collections permit (see section 2(a)(3) above).

By law, the promoter must also arrange for a public notice to appear in a local newspaper giving details of the proceeds and distribution of the collection. Officers of the Council may monitor the local press to ensure compliance, but it is strongly recommended that a copy of the public notice be forwarded to us once published. In the case of any notice advertised in a local newspaper, this should comprise a **full** copy of the newspaper concerned.

6. USEFUL CONTACTS

Institute of Fundraising

This institute offers support to all fundraisers and has formulated codes of conduct and codes of fundraising practice.

Institute of Fundraising
Park Place
12 Lawn Lane
London
SW8 1UD
Telephone: 020 7840 1000

<http://www.institute-of-fundraising.org.uk/>

Charity Commission

The Charity Commission is the independent regulator for charitable activity

Charity Commission Direct
PO Box 1227
Liverpool
L69 3UG
Telephone: 0845 3000 218

<http://www.charitycommission.gov.uk/>