



<u>Committee and Date</u>
Strategic Licensing Committee
16 th June 2010

<u>Item/Paper</u>
11
Public

POLICY AND REGULATIONS FOR STREET COLLECTIONS

Responsible Officer Lynne Towers
e-mail: lynne.towers@shropshire.gov.uk Tel: 01939 237492 Fax:

Summary

Under transitional arrangements, policies adopted by the five former District and Borough Councils were automatically transferred to Shropshire Council on 1st April 2009. The result of this has been that there are different policies operating in each of the former Council areas.

This report is part of the ongoing process to standardise conditions and policies within Shropshire Council's area of responsibility.

Recommendations

That the Committee recommend that Council:-

- A Adopt the draft Policy on Street Collections, attached as Appendix A;
- B Approve the draft Regulations issued under 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, attached as Appendix B.

REPORT

1. On 1st April 2009 the policies and conditions that were independently adopted by the five District/Borough Councils in Shropshire were automatically transferred under transitional arrangements to Shropshire Council. As a result, there is currently a difference between the conditions that are attached to the same permits issued by the different offices within the Authority and the policies that they operate under.
2. The Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972 enables local authorities to make regulations with respect to the places where and conditions under which street collections may take place.

3. The adoption of a single policy and set of regulations will ensure a consistent approach and reduce the risk of confusion or incorrect advice.
4. A copy of the recommended policy is attached as Appendix A to this Report and regulations for street collections are attached as Appendix B.
5. The draft policy includes proposals limiting the number of street collections in each town and restricting organisations to one street collection permit per town per annum. The draft Regulations are aligned with the statutory guidance in the Charitable Collections (Transitional Provisions) Order 1974.
6. The creation of regulations would require the completion of a statutory process. They must be published in two successive issues of two newspapers circulating in the Shropshire Council area and thereafter be confirmed by the Secretary of State prior to publication.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

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

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights Act 1988

Environmental Appraisal N/A

Risk Management Appraisal

A single policy and set of regulations would provide a consistent approach to street collections within Shropshire, which would reduce the risk of the provision of incorrect advice.

Community / Consultations Appraisal

Consultations on this proposal have been undertaken with both Trading Standards and West Mercia Police only

Cabinet Member: Mike Owen

Local Member: All areas of the Council

Appendix

Appendix A - Street Collection Policy

Appendix B - Street Collection Regulations

Appendix A

SHROPSHIRE COUNCIL POLICY ON STREET COLLECTIONS

1. All applications are to be submitted by 30 November of each year proceeding the year requested. Any applications received after this date will be considered if the allocation for the requested town has not been reached, provided that the application complies with Regulation 3.
2. There must be six clear days between any two collections in a town.
3. Street collections, with the exception of the British Legion Poppy Appeal, will be for one day only.
4. No animals must be used in any street collections, unless the applicant needs to use a guide dog or assistance dog during the collection.
5. Number of Permits

Town	Recommended Permits Issued each Year
Bishops Castle, Bridgnorth, Church Stretton, Cleobury Mortimer, Clun, Craven Arms, Ludlow, Market Drayton, Oswestry, Shrewsbury, Whitchurch	26
Shifnal	24
Albrighton, Broseley, Ellesmere, Much Wenlock, Wem	12

6. That, in additions to the permit quotas listed in paragraph 5, permits will be granted automatically to The Royal British Legion Poppy Appeal, Town Carnival Committees, local Round Tables/Rotary Clubs and The Lions Club Christmas Sleigh collections.
7. No organisation will be granted more than one Street Collection Permit per town per annum.
8. The Licensing Authority has discretion to grant additional permits, for example for world-wide disaster funds of a humanitarian nature or emergencies connected with extreme weather conditions.
9. In the case of transitory collections ie those whose collections pass through Shropshire Council area either walking or cycling, permits will be given subject to the route not coinciding with a permit that has already been granted.
10. A copy of all permits issued will be forwarded to West Mercia Constabulary.

Appendix B

REGULATIONS MADE BY SHROPSHIRE 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, Shropshire Council hereby makes the following regulations with respect to the places where and the conditions under which persons may be permitted any street or public place within Shropshire Council 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.
 - “The licensing authority” means Shropshire Council.
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 the licensing authority area unless a promoter shall have obtained from the licensing authority a permit.
3. Applications 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 licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection or being requested to do so by a duly authorised officer of the licensing authority 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 licensing authority 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 importune any person to the annoyance of such person.
10. While collecting:
 - (a) a collector shall remain stationary; and
 - (b) where there are more than 2 collectors, they shall be at least 25 metres apart;

provided that the licensing authority 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.
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 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 the 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 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 licensing authority.

16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority.

(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 collection and certified by that person and a qualified accountant:

(b) a list of the collectors

(c) a list of the amount contained in each collecting box;

and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

(2) The Licensing Authority may, if satisfied that there are special reasons for doing so, extend the period of one month referred to in paragraph (1) above.

(3) For the purpose of this Condition “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 Institute of Chartered Accountants in Ireland.

17. These conditions 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 where the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

These regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State and all other street collection regulations having effect in the former district and borough Councils of Oswestry Borough Council, North Shropshire District Council, Shrewsbury & Atcham Borough Council, South Shropshire District Council and

Bridgnorth District Council are hereby repealed with effect from the day on which these regulations come into force.

GIVEN under the Corporate Seal
Of the Shropshire Council
this day of

(authorised signatory)

The Secretary of State this day confirmed the foregoing Regulations and directed that the same should be published by the insertion of an announcement in two successive issues of two newspapers circulating in the Shropshire Council

Home Office
2 Marsham Street
London
SW1P 4DF

An Assistant Under Secretary of State

Date