

# DRAFT STREET COLLECTION POLICY

## TRAFFORD COUNCIL Street Collection Policy

### **1 AIM**

#### **1.1 The Aim of this Policy**

- 1.1.1 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.
- 1.1.2 To ensure all monies collected are given to registered charities and unregistered organisations who prove their charitable purposes.
- 1.1.3 To ensure visitors are free to enjoy their visit to Trafford without 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.

### **2 INTRODUCTION**

#### **2.1 The Policy**

2.1.1 This document sets out Trafford Council's policy on the regulation of Street Collections and should be read in conjunction with Trafford Council's Street Collections Regulations.

2.1.2 Collectors and promoters are also expected to be familiar with and to abide by the [Fundraising Regulators Code of Practice](#).

2.1.3 This policy replaces all previous Street Collections Policies made by Trafford Council.

#### **2.2 The Law**

2.2.1 Street Collections are regulated by the Police, Factories etc (Miscellaneous Provisions) Act 1916 as amended and Regulations made under the provision of that Act which have been adopted by Trafford Council and approved by the Secretary of State.

### **2.3 Definition of a Street Collection**

2.3.1 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.

2.3.2 Those wishing to collect on private property, for example within retail premises or upon private land, cannot be issued a permit by the Council but must seek the permission of the owner or occupier of the premises or land in question.

## **3 PERMIT REQUIREMENTS**

### **3.1 Licensed Areas**

3.1.1 This policy and the Council's Regulations apply to all public and open spaces within the Borough of Trafford.

3.1.2 An applicant for a permit should specify the area, places and/or roads where they wish to conduct a collection.

3.1.3 The Licensing Authority may limit the area or places where a collection may take place in accordance with a permit to avoid competing collections taking place in the same area.

3.1.4 The Licensing Authority may restrict collections, or the areas where collections may take place where they would conflict with major sporting events held within the borough or are likely to cause an obstruction in the vicinity of such events.

3.1.5 No street collection will be authorised which is likely in the opinion of the Licensing Authority to cause nuisance or annoyance to persons residing, working or visiting the area in which the collection is proposed to take place.

### **3.2 Number of Collections**

3.2.1 Trafford Council will not authorise more than 4 collections per calendar year (January to December) for any one organisation or individual.

3.2.2 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.

3.2.3 Where more than one organisation applies for a permit for the same date, time and location preference will be given when allocating a permit to local organisations raising funds for local causes and benefits. In such circumstances the Licensing Authority will seek to identify alternative locations, dates and times with a disappointed applicant.

### **3.3 Number of Collectors**

3.3.1 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.

*[REMOVE]*

*3.3.2 Written notice must be provided to the Licensing Authority as either part of the application or prior to the collection, confirming details of all person(s) taking part in the collection. Applicants must provide the collectors, name, address and date of birth, to enable the Authority to check the suitability of the collectors and for enforcement.*

*[REMOVE]*

*3.3.3 Where the collectors who are to conduct the collection change, the Licensing Authority must be provided with updated details of the collectors who are to take part in the collection taking place.*

*[ADD]*

*3.3.2 Any person authorised under paragraph (3.3.1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Licensing Authority or any constable.*

3.3.3 The Licensing Authority may restrict the number of people collecting in anyone area in order to ensure that the area does not become overcrowded with collectors.

3.3.4 No person under the age of 16 years old shall act or be permitted to act as a collector or vendor.

### **3.4 Collectors' Behaviour**

3.4.1 In addition to complying with Trafford Council's Street Collection Regulations and this Policy, collectors must also abide by the requirements of the [Fundraising Regulators Code of Practice](#) and in particular must not:

- act in any way that might reasonably cause members of the public to be or become startled or anxious;
- act dishonestly or manipulatively, or deliberately try to make a potential donor feel guilty; or
- act in any other way that a reasonable person might consider would damage the charitable institution's reputation. This includes:
  - o smoking or drinking alcohol while wearing clothing that contains a charitable institution's branding;
  - o taking or being under the influence of illegal drugs;
  - o lewd or aggressive behaviour, including swearing, while wearing clothing that contains a charitable institution's branding;
  - o putting undue pressure on members of the public to donate;
  - o exploiting their position for personal gain (for example, asking for a job, asking someone for a date, or asking for a discount on goods or services); or
  - o any other behaviour that harms the reputation of the fundraising profession or the charitable institution they are representing.

3.4.2 No collector shall be in possession or use any live animal for the purpose of soliciting donations unless specific authority has been given by the Licensing Authority and the Applicant has produced a copy of the Performing Animal's Licence. For the avoidance of doubt, collectors may be accompanied by their assistance dog during the course of undertaking a street collection. In all cases care must be taken to ensure the proper welfare of the animal at all times and to avoid any risk to the general public by the presence of the animal.

3.4.3 Any person acting as a collector or vendor 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 or vendors at the same place and no person shall collect money or sell articles within 25 metres of the place where any other person is collecting or selling. Provided that the Licensing Authority may, if it thinks fit, waive this requirement in respect of a collection or sale which has been authorised to be held in a connection with a procession or other moving fundraising activity.

3.4.4 No leaflets or similar shall be handed out during the collection.

3.4.5 Every collector shall carry a collecting box.

3.4.6 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.

3.4.7 All money received by a collector from contributors shall immediately be placed in a collecting box.

3.4.8 Every collector shall deliver, unopened, all collecting boxes in his/her possession to the promoter no later than at the conclusion of the street collection.

3.4.9 A collector or vendor 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, nor carry or use any box or other receptacle(s) which are not duly numbered.

3.4.10 No payment or reward shall be made or given to any collector or vendor 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.

### **3.5 Registered Charities and Other Charitable Concerns**

3.5.1 Trafford Council will consider applications from registered charities and other appropriate organisations.

3.5.2 Where the applicant is a registered charity a number will need to be provided on the application form and a letter of authority will be required from the Charity which must accompany the application.

3.5.3 Should a non-registered organisation wish to submit an application, they will be required to demonstrate the organisation's legitimate charitable status and the benefit derived by residents of Trafford from the organisation's activities.

### **3.6 Exceptions**

3.6.1 Trafford Council reserves the right to depart from this policy where it is satisfied that there is sufficient cause for doing so.

3.6.2 Exceptions to this policy may be made for collections such as the Royal British Legion's Poppy Appeal and Christmas or other collections associated with religious festivals or collections in response to urgent humanitarian crises including natural disasters.

3.6.3 Collections for Children in Need, Red Nose Day and Sports Relief are discouraged as the organisers themselves prefer sponsored events.

## **4 APPLICATION PROCESS**

### **4.1 Application Form**

4.1.1 No collection of money or sale of any article shall be made in any street or public place within Trafford unless the person, society, committee or other body of persons responsible for such collection or sale have obtained a permit from Trafford Council for that collection or sale.

4.1.2 Application can be made online at [trafford.gov.uk](http://trafford.gov.uk) or in writing. Application forms may be obtained on the Council's website or from the Council's Licensing Section which may be contacted at [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)

4.1.3 Applications should be submitted at least 28 days before a permit is required.

4.1.4 The application period may be reduced where there is good reason for doing so, for example where the collection is in response to a recent or ongoing natural disaster or humanitarian event.

4.1.5 No collection shall be made at any other time or place other than that specified on the permit.

4.1.6 The application form must be fully completed with all relevant details required.

4.1.7 The application form must be signed and dated by the person making the application.

4.1.8 Failure to complete the application form and provide the relevant documentation may result in an application being rejected.

4.1.9 Officers have delegated powers to grant an application where all of the criteria set out in this policy is met. Where they lack the power to grant the application, the application will be referred to a Public Protection Sub-Committee.

## **4.2 Permit Fee**

4.2.1 There is no fee for a Street Collection permit.

## **5 HEARING PROCEDURE**

5.1 Where Licensing Officers are unable to issue a permit to an applicant, for example where the applicant has a conviction for dishonesty; then the application will need to be determined by the Public Protection Sub-Committee.

5.2 Where an application is to be considered by the Public Protection Committee the applicant will be notified of the time and date of the hearing.

5.3 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.

5.4 At the hearing, all parties will have the opportunity to address the Public Protection Sub-Committee and ask questions of fact of other parties. Members of the Committee may also ask questions of all parties that they feel are relevant to the determination process.

5.5 The Public Protection Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within five days.

## **6. RETURNS**

6.1 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 Trafford Council's Licensing Authority a statement in the form set out in the Schedule to the Regulations. Unless there are multiple collections in the same month, in which case 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.

6.2 The proceed of statement form must be certified by the auditor of the society or by some independent responsible person.

6.3 This statement of returns must detail the amount received, the expenses incurred in connection with such collection or sale.

## **7. ENFORCEMENT**

7.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible charitable fund raisers.

7.2 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with Licensing Services Enforcement Policy.

7.3 The responsibility for the overall supervision of Street Collections lies with the Director of Place and on an operational basis will be conducted by Licensing Enforcement Officers .

## **8. OFFENCES & PENALTIES**

8.1 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. Applicants should seek independent legal advice if they are unsure of any information in this document.

8.2 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.