

POLICY TITLE

Policy for the Issue of Permits for Street Collections

REVISION DATE

May 2022

REPLACES POLICY

February 2021

POLICY AIM

The aim of this policy is to ensure that residents in Skegness, who want to donate to charity through charitable street collections, are able to do so in good faith and secure in the knowledge that what they donate will directly benefit the named charity. This will be achieved through the issuing of permits to collect in accordance with the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and associated regulations. Skegness Town Council do this under delegated authority from East Lindsey District Council (ELDC) and have the right to set its own policy as long as this is within the law and overarching requirements of ELDC as the delegating authority.

The intention of this policy is also to give clear guidance to Officers on factors to be taken into account when determining applications for charitable street collection permits. All refusal decisions will be notified to the applicant in writing. The Act does not make provision for legal appeals against the decision of the Council in relation to the refusal of a street collection permit.

EXECUTIVE SUMMARY

The responsibility for the issue of Permits for Street Collections rests with East Lindsey District Council and has from 1st April 2007 been delegated to Skegness Town Council. Skegness Town Council has delegated authority to the Town Clerk to determine those applications that clearly fall within the Council's Street Collection Policy. The Policy provides the framework by which the Permits for Street Collections are issued by Skegness Town Council.

1.POLICY STATEMENT

DELEGATION OF DECISION MAKING

The Council has delegated to its Officers the authority to consider and determine applications for permits, subject to the criteria set out in this policy document. The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a permit should be granted, then that permit application should be forwarded to the Council's management Committee for determination.

APPLICATION PROCESS

An application for a permit should be made to the Council in writing on the prescribed application form no later than 4 weeks before the proposed collection date.

Applications received later than this may not be processed.

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

Determination of Application Each application will be determined on individual merits and with the aim of promoting the principles and objectives contained in this policy document. The legislation does not include statutory criteria for the approval or rejection of a permit request. The criteria, for the approval or refusal of a permit, are a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations. The Council reserves the right to make detailed enquiries about an applicant and the proposed charitable collection in relevant and appropriate circumstances.

Where the application for a permit includes a street procession or placing a structure or vehicle on the street/highway; or where the proposed collection relates to the sale of articles in a street/public place, permission should be sought in advance from the relevant authority. There are no statutory grounds for refusing an application for a permit. However, the Council will refuse the application if it considers that the collection:

- Is not for "charitable or other benevolent purposes",
- Contravenes the provisions of the Street Collection legislation and regulations.

In addition, the Council may refuse any application for any of the following reasons:

- To limit the number of street collections,
- If too high a proportion of the proceeds are likely to be spent on expenses,
- If inaccurate information was provided on the permit application,
- If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty (e.g. theft, blackmail or fraud etc.).
- If no previous returns have been supplied to the Council after previous collections by the same organisation.

The above list is not exhaustive and the Council may refer to other relevant matters, in its decision making process, where appropriate and/or necessary. Where appropriate this Authority reserves the right to ask an applicant to produce the result of a current basic Criminal Records Bureau disclosure relating to the applicant for the permit. Once issued, a permit may be revoked if it is believed the objectives of this policy are or could be compromised. The Council's charitable street collection regulations set out the procedure for submission of a statement of income and expenditure following the completion of the collection. All items required under these regulations must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to submit the required return may prejudice any future permit applications.

Each application will be checked to ascertain if it is from a Category A, B or C Charity or protected charity.

Definition of a Category A Charity:

A Charity which has a base in Skegness **or** works within the town and provides a direct, regular (at least annually) and ongoing benefit to the local residents.

Definition of a Category B Charity:

A Charity based outside of Skegness that **does not** provide a consistent or direct regular (at least annually) benefit to the local residents but is of some benefit to the local area and its' residents.

Definition of a Category C Charity:

A Charity based outside of Skegness that provides no benefit to the area or its' residents.

Protected Charity

A Charity protected by legislation, does not need to apply for a permit and is always given priority e.g. The British Legion.

Saturdays are known to be a “favoured day” and are reserved for Category A Charities. Permits for a Saturday collection from a Category B Charity will only be issued from four weeks prior to the collection date and only if the date is available at that time. Permits will not be issued to Category C Charities.

Only one street collection permit will be issued on any given day. Any given charity will only be issued with one permit in any one seven-day period and not more than five permits will be issued to any given charity in any financial year. No guarantee can be given that an organisation's preferred date will be allocated to that organisation. If the Council is unable to allocate the preferred date, wherever possible, alternatives will be offered.

2.REGULATIONS

2.1 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.

- 2.2 No collection, other than a collection taken at a meeting in the open air (i.e., a Church service), shall be made in any street or public places within the area of Skegness Town Council unless a promoter shall have obtained from the Skegness Town Council a permit.
- 2.3 No collection shall be made except upon the day and between the hours stated in the permit.
- 2.4 Skegness Town Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
- 2.5 (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 of being requested to do so by a duly authorised officer of the East Lindsey District Council or any constable.
- 2.6 No collection shall be made in any part of the carriageway of any street which has a footway:

Provided that Skegness Town 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.

- 2.7 No collection shall be made in a manner likely to inconvenience or annoy any person.
- 2.8 No collector shall importune any person to the annoyance of such person.
- 2.9 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 Skegness Town 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, walk or pram push etc.

- 2.11 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.

2.12 (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.

2.13 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.

2.14 (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.

2.15 (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 Skegness Town Council.

2.16 (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to Skegness Town 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 collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to Skegness Town Council:

(b) a list of the collectors;

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

and shall, if required by Skegness Town Council, satisfy it as to the proper application of the proceeds of the collection.

2.17 (1) The said person shall also, within the same period, at the expense of that person and after the certificate under paragraph (1)(a) above has been given, publish in such newspaper or newspapers as Skegness Town Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such a collection.

(2) Skegness Town Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

MONITORING

This statement will be reviewed every 4 years or in the following circumstances:

- Changes in legislation
- Changes to the policy of the delegating authority
- As a result of any other significant change or event.

POLICY CONSULTATION

The Policy is available to members of staff, Councillors, Charities and the general public on the Skegness Town Council website.

POLICY APPROVAL

Approved by Council on 25th May 2022

POLICY REVIEW DATE

May 2026