

Surrey Heath Borough Council

Street Collection Policy



Legal & Licensing Section

Corporate Governance

Street Collections within the Borough of Surrey Heath

Aims

The aims of the licensing authority are to:

- Safeguard the interests of both public donors and beneficiaries;
- Facilitate well organised collections by bona fide charitable and other institutions and to ensure that the standards set out are met, and;
- Prevent unlicensed collections from taking place.

Objectives

In order to achieve its aims, the licensing authority has identified the major issues and sought to tackle them through this policy with the intention of:

- Ensuring impartiality and fairness in determining applications;
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
- Providing equality of opportunity for would-be collectors;
- Avoiding causing undue nuisance to the public;
- Setting fair maximum limits for one applicant;

Background

It is illegal in this country to hold a Street Collection to collect money or sell articles for the benefit of charitable or other purposes without obtaining a Street Collection Permit from the Council if that collection is to be held 'in a street or public place'. A 'public place' is a 'place where the public has access'.

It is often assumed that collections held in shop doorways or car parks do not need a Street Collection Permit because they are being held on 'privately owned land'. This is not true, as the legislation does not mention the ownership of the land or treat collections on 'privately owned land' as exempt from the licensing regulations. A shop doorway or car park, when that shop is open for trading, is a 'public place' because the public has access at that time. No other permit or licence would be valid.

A Pedlars Licence, issued by the Police cannot be used for this purpose.

Local authorities are solely responsible for the issue of street collection permits under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions Act 1916, as amended by the Local Government Act 1972 and Schedule 29 of that Act.

The Council issues Regulations under statutory powers. These are laid down by central Government and are adopted by most authorities.

The Borough of Surrey Heath is divided into the following areas for the purposes of Street Collection Permits.

- Camberley
- Frimley
- Frimley Green
- Longacres Garden Centre
- Sainsbury's – Watchmoor Park
- Lightwater
- Bagshot
- Bisley
- Mytchett
- Chobham
- Heatherside and Deepcut
- West End and Windlesham

Policy

1. The Council aims to secure a fair allocation of collection permits amongst the various organisations wishing to undertake collections in the Borough of Surrey Heath.
2. Each Street Collection shall last no longer than one calendar day.
3. Not more than one street collection shall be issued for the same day in the same area of the Borough.
4. A maximum of four collection days shall be issued to each organisation per calendar year.
5. No organisation shall be allowed to collect in the same area more than once in a calendar year except for in paragraphs 6 and 7 below.
6. The following charities are allowed more than one collection per calendar year within the same area.

- a. The Camberley Ex Round Tablers 41 Club who can have two collection days per year
 - b. The Rotary Club of Camberley and the Camberley and Frimley Lions may collect up three calendar days duration during the month of December.
7. On the Thursday, Friday and Saturday preceding Remembrance Sunday, the whole of the Borough will be reserved for the British Legion Poppy Appeal to collect.
8. Moving transient collections such as carnival processions, fun runs, bike rides or similar events which involve collecting from the public along a route will require a street collection permit. Such transient permits shall be granted in addition to those mentioned in paragraphs 3, 4, and 5 above.
9. No guarantee can be given that an organisation's preferred day will be allocated to that organisation.
10. Dates cannot be provisionally booked. An application must be submitted to the Licensing section to request a street collection.
11. Where more than one organisation applies for a permit for the same date, the allocation of that date will be determined on a first come first served basis.
12. If the Council is unable to allocate the preferred date, wherever possible, alternatives will be offered.
13. Where the statement of return is not returned or the amount is nil, this will usually result in subsequent applications for a 2 year period being refused.
14. Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
15. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling written reasons for doing so must be given
16. Any such departure needs to be agreed by a Committee resolution.
17. Permits for collections relating to emergency disasters will be considered on a case by case basis, even if they do not fall within any of the considerations listed above. Emergency collections for national/ international disasters will be authorised by the Chairman and Vice Chairman under an Urgent Action if the collection falls outside of the stated policy.

Sharing of Information

The Council will share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.