

Draft Street Collection Policy and Procedure

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1. Policy Aims

- 1.1 The aims of the Council are to:
 - a. safeguard the interests of both public donors and beneficiaries
 - b. facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met
 - c. prevent unlicensed collections from taking place
 - d. Ensure money is collected securely and proceeds properly accounted for
 - e. Reduce nuisance to residents and visitors
 - f. achieve a fair balance between local and national causes

2. Introduction

- 2.1 The Council is empowered under section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 (as amended by the Local Government Act 1972, s.251 and Schedule 29) to licence collections made in “any street or public place” for “charitable or other purposes”.
- 1.2 In accordance with its powers the Council has made Regulations under the above legislation for the control of Street Collections in the area of Denbighshire, in respect of the places where and the conditions under which, persons may be permitted in any street or public place to collect money or sell articles for the benefit of charitable or other purposes.
- 1.3 The legislation and regulations stipulate that any collection to be undertaken in a street or public place requires a Street Collection Permit. It is a criminal offence to conduct a Street Collection within the County of Denbighshire without first obtaining such a permit from the Council.
- 1.4 For clarity a ‘Street’ and ‘Public Place’ are defined in statute as the following:

‘**Street**’ is defined as including any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not

‘**Public Place**’ is defined as a “place where the public has access” and can include privately owned land eg shop doorways or car parks. It is the Council’s view that the foyer of a supermarket is considered to be “behind closed doors” therefore would only require the consent of the Manager of the store, however if the collection also took place outside or in the car park, a licence would need to be applied for.
- 1.5 If once approved, Permit holders are not restricted to collecting money, they can also sell charitable articles which is exempt from the requirement of a Street Traders’ Licence under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

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- 1.6 If the sale of charitable items in a street or public place requires the use of a stall or table, written permission to erect same must be obtained from Denbighshire's Highway Section or the owner of the land prior to a Street Collection Permit being issued by the Licensing Authority.
- 2.7 The Council acknowledges that collections of direct debit details in the street are not regulated by the 1916 Act. However, such collectors are advised to consider the advice provided by the Public Fundraising Regulatory Association. This can be found at www.pfra.org.uk.

3 Allocation of Street collection days

- 3.1 The designated areas for Street Collections in Denbighshire will be on streets and/or public places in the towns of Bodelwyddan, Corwen, Denbigh, Llangollen, Prestatyn, Rhuddlan, Rhyl, Rhyl Events Arena, Ruthin, St Asaph, The Council will also permit collections in other areas in the County including surrounding villages.
- 3.2 Street Collections will not be allowed on any of the Promenade areas within the County whether for charitable or other purposes. However exceptions may be made where the charitable collection is part of a larger national/countywide event and the collectors are merely passing through the area.
- 3.3 The Council will permit a maximum of one collection per town each week, ie no more than one organisation can collect within the same area on the same day, except by written consent by the Council if the application falls within the exceptions detailed within 3.7 below.
- 3.4 Street Collections will be restricted to Saturdays, with the exception that collections will be permitted on other days of the week if that collection is associated with a nationally, or regionally organised event as detailed in 3.7 below.
- 3.5 In order to allow as many organisations as possible to collect, no individual organisation will be granted more than one collection per town per calendar year.
- 3.6 Applications will be determined on a first come first served basis, although preference will be given to local charities or charities with a local connection. Exceptions to this are detailed in 3.7 below
- 3.7 The following exceptions to this policy will apply:
 - 3.7.1 Poppy Appeal collections organised by The Royal British Legion will be permitted to apply for up to a maximum of seven days in November of each year.
 - 3.7.2 National Collections being Children In Need, Comic Relief, Sports Relief will be permitted to collect on both the day of the appeal and the day after to coincide with their appeal.
 - 3.7.3 Collection of donations from the public along the route of a carnival procession or similar event is exempt

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- 3.7.4 For a charity stall on a Regulated Market.
- 3.7.5 Collections required in times of national and international disasters
- 3.7.6 Where the charitable collection is part of a larger national/countywide event and the collectors are merely passing through the area.

4. Fees and Charges

- 4.1 The Council makes no charge for the processing of Street Collection Permits.

5. Decision Making

- 6.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy document and the principles set out therein.
- 6.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 6.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Head of Planning and Public Protection may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances.
- 6.4 When deciding whether to grant a Street Collection Permit, consideration will be given to:
 - if the collection is linked to specific events within the district
 - if the collection is linked to a nationwide campaign, eg Children in Need, Comic Relief, Remembrance Day
 - if the collection is on behalf of a national charity, is there likely to be some benefit for the residents of Denbighshire
 - what proportion of the funds collected will be applied for charitable purposes
 - has a permit been previously refused by Denbighshire County Council or any other local authority

7. Refusal of Issue of Permit

- 7.1 There are no statutory grounds for refusing an application for a Street Collection Permit. However, The Council reserves the right to refuse any application for a Street Collection Permit and it is likely that any previous contraventions of the Council's Street Collection Regulations would result in such action being taken or any other relevant/appropriate grounds.
- 7.2 There is no formal right of appeal against any decision made by the Council to grant or refuse an application for a Street Collection Permit, other than by way of Judicial Review. However, in the interest of fairness an applicant can lodge a request to the Head of Planning and Public Protection for a decision to be reviewed.

8 Making a complaint

- 8.1 Should you have a complaint about the way we have provided a service, then you can make a complaint to the Head of Planning and Public Protection, at the address given at the end of this document. Alternatively, you could contact the Council's Complaints Officer on 01824 706169. Every complaint will be investigated and responded to in accordance to the Council's Complaints Policy. The Council's Complaints Policy can be viewed on the website: www.denbighshire.gov.uk.

9 Contacts

- 9.1 This Policy is available in Welsh. Copies can also be made available in any other language, on request. Please refer to the contact detail below.



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