



GENERAL LICENSING COMMITTEE
18 April 2012

ITEM 4

Report of the Strategic Director of
Neighbourhoods

STREET COLLECTIONS

SUMMARY

- 1.1 Derby City Council issues street collection permits to those who collect money or sell articles for charity.
- 1.2 Currently any charity receiving donations of over £150 has to advertise this fact in the local newspaper.
- 1.3 The current cost of this is approximately £75 plus VAT which is disproportionate to the monetary level that requires advertisement.
- 1.4 To avoid this burden on charities it is recommended that the figure is raised from £150 to £500.

RECOMMENDATION

- 2.1 To approve the proposal to increase the nominal sum in Regulation 16 (2) to read "...does not exceed £500."

REASONS FOR RECOMMENDATION

- 3.1 To lessen the burden on individuals or organisations collecting money or selling articles for charitable purposes.
- 3.2 To update the Regulations to be in-keeping with current levels of charitable donations.

SUPPORTING INFORMATION

- 4.1 The Council issues street collection permits to individuals and/or organisations for the collection of money or selling of articles for charitable purposes on the public highway.
- 4.2 The Council does this by way of Regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 of the Local Government Act 1972.

- 4.3 At the time of making the Regulations, the Council waived the requirements of Regulation 16 (2).
- 4.3 This Regulation requires the permit holder to provide the Council with a copy of an advert that has been placed in a local newspaper, stating how much was raised, if more than £150 is raised during the permitted collection.
- 4.4 Charities have expressed serious concerns that this nominal sum is too low, considering the usual sums raised from a street collection in the city centre and the price of placing an advert in the local newspaper, which is approximately £75 plus VAT. Consequently they have asked if this figure could be reviewed.

OTHER OPTIONS CONSIDERED

- 5.1 Not applicable

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	
Human Resources officer	
Service Director(s)	John Tomlinson
Other(s)	

For more information contact:	Michael Kay 01332 641940 e-mail michael.kay@derby.gov.uk
Background papers:	None

List of appendices:	Appendix 1 – Implications Appendix 2 – Current Street Collection Regulations
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IMPLICATIONS

Financial

- 1.1 None directly arising from this report.

Legal

- 2.1 As set out in the report.

Personnel

- 3.1 None.

Equalities Impact

- 4.1 The proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

Health and Safety

- 5.1 None.

Carbon commitment

- 6.1 None.

Value for money

- 7.1 None.

Corporate objectives and priorities for change

- 8.1 The proposal supports the corporate priority to ensure the people in Derby will enjoy **good quality services that meet local needs.**

Regulations made by Derby City 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 of the Local Government Act 1972, we hereby makes the following regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the City of Derby to collect money or sell articles for the benefit of charitable or other purposes:-

1. In these regulations, unless the context otherwise requires:-

"the Council"	means Derby City Council;
"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 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. 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 City of Derby unless a promoter shall have obtained a permit from us.

3. Application 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 we 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. We 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 such person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Council or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footpath,

PROVIDED that we may, if we think it fits, 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) a collector or two collectors together shall not be nearer to another collector than 25 metres,PROVIDED that we may, if we think it fits, 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 fourteen years to act as a collector.

A person who has reached the age of fourteen or fifteen years may be permitted to act as a collector provided he is adequately supervised to the satisfaction of us.
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 contributions 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 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.
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 us.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to us:-
- (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 who is acceptable to us;
- (b) a list of collectors;
- (c) a list of the amounts contained in each collecting box;
- and shall, if required by us, satisfy it as to the proper application of the proceeds of the collection.
- (2) 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 we 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 collection,

PROVIDED that we, if we think it fits, waive the requirements of this sub-paragraph in respect of a collection in which the total amount collected does not exceed £150.

- (3) We may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purposes of this regulation, 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 regulations 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 when the articles are sold in the ordinary course of trade.

Any person who acts in contravention of any of the foregoing Regulations will be liable on summary conviction to a fine not exceeding £50. 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 our area are hereby repealed with effect from the date on which these regulations come into force.