



Maldon District Council

Street collection Policy

2024 - 2029

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Document Control Sheet

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Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

Street Collections Policy

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



1. Aim

- 1.1 The aim of this policy is to set out the principles that will be applied in dealing with applications received for charitable collections under the 'Street Collection Regulations' in order to ensure fairness, to prevent nuisance caused by frequent or intrusive collections and to protect the public from unscrupulous collecting activities.
- 1.2 This policy sets out:-
 - (i) how applications for street collection permits will be fairly allocated;
 - (ii) how applications are to be made; and
 - (iii) additional information for charitable bodies who may be seeking a permit for a street collection.

2. The Law

- 2.1 Maldon District Council operates under the regulatory framework established by the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by section 251, schedule 29 of the Local Government Act 1972, to oversee street collections. This policy should be read in conjunction with the regulations, a copy of which is attached at **Appendix C**
- 2.2 These Street Collection Regulations require that anyone wishing to make a public collection or sell articles for a charitable purpose must have a Street Collection Permit from the Council if collecting anywhere in the district of Maldon (see map, **Appendix D**). This enables the Council to regulate the number of collections taking place at any one time, to regulate the method of collection and to ensure that only legitimate collections are permitted to take place.
- 2.3 Applicants dissatisfied with the rejection of their permit application have the option to formally request a review by a sub-committee of the Licensing Committee. Such requests must be submitted in writing within 21 days of receiving the refusal letter, specifying the grounds for review.
- 2.4 While avenues for legal appeals against the Council's decisions regarding permit refusals are not provided by the Act, individuals or organizations may pursue a Judicial Review if deemed necessary.
- 2.5 Maldon District Council mandates the submission of a comprehensive statement form, as outlined in **Appendix B**, detailing the collected amount and other relevant information. Failure to comply will result in referral to legal services.

3. Definition of a Street Collection

- 3.1 A street collection is defined as a collection of monies that takes place on “street” this includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not. A permit is also required if collections are made in car parks or shop doorways.
- 3.2 For those wishing to collect on private property i.e., within a store/supermarket etc. a permit is not required by the local authority. Permission should be sought from the landowner/store proprietor before commencement of a collection.

3. Scope of Policy

- 3.1 This policy affects any person, charity, society, committee, or other person responsible for any collection of money or sale of an article for charitable purposes in any street or public place. Permits will be issued in line with this policy and granted for a specific date and for a specified locality. Operating outside the conditions of the permit or the requirements of the Street Collection Regulations is an offence.
- 3.2 The Regulations and this policy do not extend to: -
- collections or sale of article(s) for charitable purposes in non-public places (if private land, consent should be obtained from the landowner).
 - collections made incidental to meetings in the open air; and
 - the selling of articles in the ordinary course of trade, for the purpose of earning a livelihood, where no representation is made by or on behalf of the seller that any part of the proceeds of the sale is for charitable purposes.
- 3.3 All permit holders should be aware that they have responsibilities to the public in the course of their collection activities. Applicants should have adequate insurance cover, including public liability.
- 3.4 The grant of a permit does not allow the placement of any vehicle, stand, chair, items of equipment or display material, and applicants should be aware that the placing of these on the highway may constitute an obstruction.

4. Permit Requirements

- 4.1 Applications submitted must comply with the following requirements.
- 4.2 All applications for a permit to be made in writing on the specified form (available on the Council’s website). A copy of the application form is attached as **Appendix A**
- 4.3 Only applications that are fully completed will be processed. Those that are incomplete will be returned to the sender.
- 4.4 Permits will only normally be granted to charities registered with the Charities Commission. An application, however, will be considered from an organisation or activity, which although not charitable by strict definition, is charitable or non-profit making in character. Proof of charitable status or of the charitable nature of the organisation is required to be submitted with the application.

- 4.5 Any application that is received less than one calendar month before the date the permit is requested shall be refused except in exceptional circumstances and this shall be at the discretion of the Council. No application, however, shall be considered if submitted less than three weeks prior to the requested date except in the case of an application in response to a significant international, national, or local disaster, in which case the Licensing Manager, using discretion, can waive these requirements and the restrictions on the number of permits that can be issued for any one day.
- 4.6 Applications received for the following calendar year shall be considered on the first working day of the year in which the collection will take place unless the collection date requested occurs in the first three months of that year.
- 4.7 Applications received for the following calendar year shall be considered on the first working day of the year in which the collection will take place unless the collection date requested occurs in the first three months of that year.
- 4.8 Where the requested collection date falls within the first three months of that year, applications must be submitted a minimum of three months in advance of the intended collection date (i.e. an event on 20th February must be applied for on or before 20th November the preceding year). This prevents collectors from booking too far in advance at peak times of the year.
- 4.9 The Council will not permit anyone to assist or take part in any collection without the written authority of society, committee, or other body to whom a permit has been granted.
- 4.10 The Council will only permit a maximum number of 4 collectors for any collection unless exceptional circumstances apply. If more than 4 are required, prior approval from the landowner must be approved. All collectors must be over the age of 16 or supervised by an adult if under the age of 16.

In respect of processing applications.

- 4.11 Applications will be dealt with on a 'first come, first served' basis, but, when applications are considered simultaneously at the start of the calendar year, officers will seek to ensure that one-off bookings are not disadvantaged as a consequence of block / regular bookings.
- 4.12 Only two street collections permits will be granted within the district on any one day: collections granted will be in separate locations within the district. The exception to this is set out below.
- 4.13 More than two Street Collection Permits for any one day may be granted within the district in respect of any significant community type event. The maximum number and locations of permits shall be set individually for each such event, and prior to each event, by the Council.
- 4.14 A permit will not be granted to any organisation or body which failed in the previous year to make an adequate statement setting out the required financial information (as required in clause 16 of the Street Collection Regulations) to the Council.
- 4.15 The Council does not make a charge for the issue of a Street Collection Permit.

5. Collectors Behaviour

- 5.1 No collector should approach, bother, or beg any person in a manner that constitutes a nuisance. Failure to comply could result in the refusal of further permits issued by Maldon District Council.
- 5.2 Collectors shall not cause obstruction, congestion, or nuisance to the public, and must not

block pathways.

- 5.3 Collectors shall avoid approaching seated individuals or those in unrelated queues unless authorized by private site agreements.
- 5.4 Collectors shall refrain from approaching individuals engaged in official duties or working.
- 5.5 Collectors shall not interfere with, or disrespect, staff from local businesses.
- 5.6 Collectors shall not mislead the public by suggesting conversations are not about fundraising.
- 5.7 Collectors shall not hand out or distribute printed material, leaflets or similar .
- 5.8 Where a collection box is being carried it must not be shaken.
- 5.9 All collecting boxes, receptacles or trays must prominently display the name of the charity/fund for which they are collecting for.
- 5.10 Collectors must not position themselves within three meters of:
- a pedestrian crossing;
 - a cashpoint machine;
- 5.11 No payment or reward shall be made or given to any collector 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 for.
- 5.12 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Activity Code of Fundraising Practice on face-to-face fundraising.
- 5.13 Members of the public who have experienced any behaviour that contravenes the guidelines outlined in sections 5.1 to 5.6 are encouraged to lodge a complaint. Complaints should be submitted through our online complaints form, which can be accessed on our website.

6 Registered Charities and Charitable Organisations

- 6.1 Maldon District Council will consider applications from registered charities and a registered charity number will need to be provided on the application form.
- 6.1. Should the collection be on behalf of a registered charity then a letter of authority will be required which must accompany the application from the organisation.

7 Exemptions

- 7.1 Maldon District Council reserves the right to deviate from this policy where it is satisfied that there is sufficient cause for doing so.
- 7.2 A general exception to this policy is applied in respect of:
- Royal British Legion Poppy Appeal. No permit is required.

- 7.3 Other exceptions to the policy may be made in the following circumstances and will require a written request to the Head of Environmental Health, Waste and Climate Action.
- 7.4 Response to natural disasters (e.g. earthquakes/tsunamis– an application may be made outside the normally required time.

8 Hearing Procedure

- 8.1 Where Licensing Services are unable to issue a permit to an applicant, for example if the applicant has a conviction of dishonesty, then the application would need to be determined by the Licensing Sub-committee.
- 8.2 The Licensing Sub-committee will communicate their decision to the legal and democratic team after the hearing. All parties will receive written confirmation of the decision within 7 days.

9 Proceeds Statement Form

- 9.1 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 Maldon District Council 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 an example is attached as **Appendix B**

10 Offences & Penalties

- 10.1 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.
- 10.2 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. (currently £200).
– Anyone who violates these regulations may be fined up to £200 upon summary conviction.

11. Review and Representations

- 11.1 This policy will be reviewed at 5 yearly intervals, unless there is a change in the legislative requirements relating to charitable collections before that time.
- 11.2 Anyone wishing to comment on this policy may do so at any time via the Council's 'Contact Us' page on the Council's website at www.maldon.gov.uk.
- 11.3 Complaints relating to the services provided may be made via the Council's website, www.maldon.gov.uk, 'How to make a complaint'.

12 Appendices

Appendix A: Copy of application form

Appendix B: Street Collection Regulations

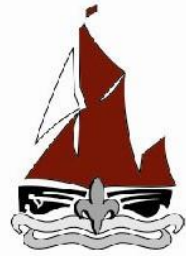
Appendix C: Copy of form required for the statement of amount received.

Appendix D: Map to show zones for street collection within Chelmsford City Centre

DEFINITIONS

Collection	means a collection of money or a sale of articles for the benefit of a charity or other purposes and the word “collector” shall be interpreted accordingly.
Promoter	means a person who causes others to act as collectors.
Licensing Authority	means Chelmsford City Council.
We	means Chelmsford City Council.
Permit	means a permit for a collection.

Appendix A

MALDON DISTRICT
COUNCILPrinces Road
Maldon
Essex CM9 5DL

Application for a Street Collection Permit

Applicant's Surname:	
First Name(s):	
Title: Miss, Mrs, Ms, Mr, Other	
Address:	
Postcode:	
Email address:	
Tel. No:	Mobile No:

1. Name and address of society, committee, or other body responsible for the collection:

2. Name and address of secretary of the society, committee, or other body:

3. Name and address of the charity or fund to benefit from the collection:

4. Date of collection to commence: __/____/____

5. Date of collection to end: ____/____/____

6. Alternative date(s): _

7. Collection to be between the following hours: ____:____am ____:____pm

8. Area or areas within the Maldon district where the proposed collection will take place:

9. Method of collection (such as sale of flags, emblems, etc. or collection of money):

10. Approximately how many people will be authorised as collectors: .

11. Is application being made for collections for the same purpose in other districts? Yes / No If yes, please list which Council(s): _____

12. Will remuneration be paid out of the proceeds of the collection? Yes / No

(a) Amount to collectors: £ _____

(b) Amount to other persons: £ _____

13. Has anyone associated with the promotion of the collection been refused or had a licence or permit revoked? Yes / No

If yes, give particulars:

Applicant's Signature: _____

Date: ____/____/____

Data Protection

The data submitted with this form is processed by Maldon District Council (the Data Controller) for the administration of this application. Our lawful basis for collecting this data is complying with a legal obligation (GDPR Article 6.1(c)).

We only share your data for the purposes of processing this application, the prevention or detection of fraud or where we have a legal requirement to do so. We do not pass on your data to any marketing companies.

Further details about how we protect your data can be found in our Terms & Conditions on the Council's website www.maldon.gov.uk/terms. For more information, please contact our Data Protection Officer (DPO) on 01621 876224 or dpo@maldon.gov.uk

If you have any queries or wish to make a complaint about how we have handled your data, please contact the DPO above, or the Information Commissioner's Office at www.ico.org.uk or 0303 123 1113.

Please return this form to: Maldon District Council, Princes Road, Maldon CM9 5DL.

If you have any enquiries, contact Licensing, telephone 01621 854477 or email licensing@maldon.gov.uk.

APPENDIX B

CHARITY COLLECTION FORM OF STATEMENT

Name of the person whom the permit was granted: _____

Address of the person whom the permit was granted: _____

Date of Collection: _____ / _____ / _____

Name of charity or fund which is to benefit: _____

Show nil entries

Proceeds of Collection	Amount	Total	Expenses and Application of Proceeds	Amount	Total
From collecting boxes as per list of collectors and amounts attached hereto			Printing and Stationery		
			Postage		
			Advertising		
Interest on proceeds			Collecting boxes		
			Badges		
			Emblems		
Other items:-			Other items:-		
			Payments approved under Regulation of balance		
			Disposal of balance (insert particulars)		
TOTAL £			TOTAL £		

Certificate of the person to whom the permit was granted

I certify that to the best of my knowledge and belief this is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: _____ Signed: _____

Certificate of Accountant

I certify that I have obtained all the information and explanations and that this is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: _____ Signed: _____

Qualifications (see Regulation 16) _____

Please return this form to: Maldon District Council, F.A.O. Licensing, Princes Road, Maldon, Essex CM9 5DL.

www.maldon.gov.uk

Telephone: 01621 854477

Appendix C

Street Collection Regulations

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;
 - “the licensing authority” means “the Maldon District Council”;
 - “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. 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 area administered by the Maldon District Council unless a promoter shall have first obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing in a form prescribed by the licensing authority not later than one month before the date on which it is proposed to make the collection.
Provided that the licensing authority 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. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (a) No person may assist or take part in any collection without the written authority of a promoter.

(b) Any person authorised under paragraph (a) 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.
7. No collection shall be made in any part of the carriageway of any street which has a footway.
Provided that the licensing authority 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.
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 that 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 meters.

Provided that the licensing authority 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.

11. No promoter, collector or other person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that this Regulation shall not apply to persons being cadets, boy scouts, girl guides or members of such other similar organisations as the licensing authority shall approve for the purpose, where such persons are collecting or selling under the direct supervision of responsible officers and are dressed in the uniform of their particular organisation.
12. (a) Every collector shall carry a collecting box.
 - (b) 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.
 - (c) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - (d) 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. (a) Subject to subparagraph (b) below, a collecting box shall be opened in the presence of a promoter and another responsible adult.
 - (b) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (c) 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. (a) No payment shall be made to any collector.
 - (b) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of such a collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection, the person to whom a permit has been granted shall forward to the licensing authority:-
 1. 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 expenses and

payments incurred in connection with such collection, and certified by that person and a qualified accountant;

2. a list of the collectors;
3. a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, 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 a qualified accountant has given his certificate under paragraph (1)1. above, publish in such newspaper or newspapers as the licensing authority 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.
- (3) The licensing authority 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 in Scotland;
the Association of Certified Accountants;
the Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply:-

1. in respect of a collection taken at a meeting in the open air; or
2. to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. By virtue of the Criminal Justice Acts 1982 and 1991, any person who acts in contravention of any of the foregoing Regulations shall be liable on summary conviction to a fine not exceeding the level 1 on the standard scale.

Map of the Maldon District

