

**Licensing and Safety Committee – 21<sup>st</sup> September 2011**

**Report of the Director of Corporate Resources**

**Street Collection Policy**

**Purpose of Report**

1. To formalise the policy that charitable collections made by way of direct debit require a street collection permit.

**Background**

2. Over the last two to three years a number of charities have conducted their charitable collections by way of “Face to Face” fundraising, which usually relates to the collection of direct debits/standing orders from shoppers/pedestrians
3. Professional fundraising companies normally conduct these collections on behalf of charities from whom, they receive payment.
4. Recently the Licensing Section has received complaints from members of the public, Town Centre Managers and the Deputy Leader of the Council in relation to the manner in which these collections have been conducted. Following these complaints the Licensing Officer and the Senior Licensing Clerk observed collectors in Dudley Town Centre. They are of the opinion that representatives were conducting the collections in a forceful manner which some people may find intimidating.
5. There has been some confusion as to whether these companies require a street collection permit to undertake this kind of collection or whether they are only required to inform the council when they are going to undertake a collection.
6. Accordingly the Licensing Officer reviewed the issue of Street Collection Permits in relation to ‘Face to Face Collections (Direct Debits).

7. The Police, Factories etc (Miscellaneous Provisions) Act 1916 is the relevant legislation for Street Collections and covers the collection of money or sale of articles for the benefit of charitable purposes. Representatives who conduct 'Face to Face' collections (Direct Debit) are collecting on the street and appealing to members of the public to donate money for charitable purposes, whether that is by means of cash or direct debit. The Charity's Act 2006 includes changes to Provisions relating to licensing and regulation of public charitable collections currently there are no immediate plans to implement these provisions. The regulation of charitable collections may change if the proposed Charities Act 2011 is enacted.
8. As part of the review Neighbouring Authorities were contacted for their policy in relation to Face to Face Charity Collections involving Direct Debits:-

Council	Policy
Birmingham City	Street collection permit determined by committee
Wolverhampton	Street Collection Permit determined under delegated powers
Walsall	Street Collection permit determined by committee
Sandwell	Street Collection Permit determined under delegated powers

9. In recent years, applications for street collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore, in November 2009, the Council introduced a further policy that all applicants for Street Collection Permits be required to submit with the application, income and expenditure accounts for the previous financial year of the charity for which the collection is being made and also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purpose. If the committee are minded that 'Face to Face' collections require a street collection permit it is likely that all applications will be referred to a Licensing and Safety Committee.
10. On the 18<sup>th</sup> of August Mr Rowan Lowe Deputy Operations Manager Gift Fundraising Ltd, made representations to the Licensing Office that Face-to-Face Collections should not require a street collection permit. His email, together with the Public Fund Raising Association Rule Book is attached as appendix 1 to this report. Mr Lowe has been invited to attend this meeting to make his representations in person to the committee.

11. This report falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

12. There are no financial implications.

### **Law**

13. Street Collection Permits are governed by the Police, Factories etc, (Miscellaneous) Provisions Act 1916.
14. Under this Act, the Council have made regulations for street collections.
15. The Council has an unfettered discretion to the granting of Street Collection Permits and there are no statutory rights of appeal against the refusal of a Street Collection Permit.

### **Equality Impact**

16. This report takes into account the Council's policy on equal opportunities.
17. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

18. That the Committee approve the policy that a Street Collection Permit is required for charitable 'Face to Face'(Direct Debit collections).



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377  
Telephone: 01384 815377  
Email: [janet.elliott@dudley.gov.uk](mailto:janet.elliott@dudley.gov.uk)

### **List of Background Papers**