



TUNBRIDGE WELLS BOROUGH COUNCIL

JOINT GUIDANCE AND POLICIES FOR CHARITABLE COLLECTIONS

STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS

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1.0 Introduction and Overview

- 1.1 Tunbridge Wells Borough Council (“the Council/the Authority”) is responsible for licensing charitable collections within the Borough of Tunbridge Wells. Charitable collections fall into two categories: **House to house** collections for money or property and **Street collections**, which include collections for cash or the sale of articles in the street. If articles are sold for personal gain a Street Trading Consent will be required.
- 1.2 The licensing of charitable collections is regulated by two separate Acts of Parliament: *The ‘Police, Factories, etc, (Miscellaneous Provisions) Act 1916’* which regulates collections of money or sales of articles for charitable purposes in streets and public places and *‘The House to House Collections Act 1939’* which regulates collections of money or other articles made by means of going from house to house. Both Acts give District Councils powers to write regulations and policies to control charitable collections.

- 1.3 This policy document forms the Council's Charitable Collections Policy ("local policy") that will apply to Street and House to House Collection activities in the Tunbridge Wells Borough area to ensure consistency in decision making.

The aim of the policy is to give detailed guidance on the application of the law relating to charitable collections, provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place. It also sets out the administrative procedures involved in obtaining a permit/licence.

GUIDANCE FOR STREET COLLECTIONS

1.0 An application for a Street Collection Permit must be made to the Council in writing on the prescribed application form provided not later than one month before the proposed collection date.

1.1 Street Collection Permit Application forms may be downloaded from the Partnership website www.sevenoaks.gov.uk together with a copy of the street collection regulations or alternatively obtained from the Licensing Partnership's administration team located at Sevenoaks District Council at the following address:

The Licensing Department
P.O Box 182
Sevenoaks
Kent
TN13 1GP

Tel No: 01732 227004;

Email: licensing@sevenoaks.gov.uk

1.2 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a street collection permit, it needs to have as much information as possible about the charity, its promoters and collectors. For processions and walks, details of the proposed route must be provided with the application.

1.3 If the Charity has not previously applied for a permit to conduct a collection and/or sale within the Tunbridge Wells Borough, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of street collection permits approved or refused (other than within the Tunbridge Wells Borough Council area); a copy of the organisation's most recently audited accounts; and any other relevant information requested by the Council.

1.4 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.

2.0 Checks/Consultations on the Application

2.1 The Council reserves the right to make more detailed enquiries about an applicant and the proposed collection in certain circumstances. For example:

- i. A new collector of concern to the Council;
 - ii. An organisation's / individual's past conduct;
 - iii. Concerns about the integrity of the collection activity (e.g. suspected bogus charity collection);
 - iv. Complaints from local residents, businesses or other charity organisations;
 - v. Where the activity raises safety or nuisance/harassment concerns; etc.
- 2.2 Enquiries may be made to the local police and/or the Charity Commission for comment/investigation prior to consideration.
- 2.3 The Council may also consult with other council departments responsible for highways or street trading. Where the application for a street collection permit includes a street procession or placing a structure or vehicle on the street/highway; or where the proposed collection relates to the sale of articles in a street/public place designated for street trading, a Street Trading Consent will be required.
- 2.4 Particular attention is drawn to The Pantiles, Royal Tunbridge Wells, which is not a street maintainable at public expense and therefore any permit to conduct a street collection does not give permission to collect on the Pantiles.
- 2.5 If any organisation obtaining such a permit wishes to collect on The Pantiles, they must obtain permission from the Manor of Rusthall, whose Agent is Sarah Bird or Andrew Gower of Target Follow, The Corn Exchange, 49 The Pantiles, Royal Tunbridge Wells, Kent.
- 2.6 The Royal Victoria Place, Market Square and Ely Court need permission from the Centre Manager, Royal Victoria Place, Royal Tunbridge Wells, Kent.
- 2.7 If a store/shop gives permission for a collection for a charity, that person must be inside the store/shop. The forecourt of a shop is considered a public right of way in respect of street collections.
- 2.8 Any application where it is proposed to use any structure, table, 'A' board etc., in conjunction with a Street Collection must be supported by Public Liability Insurance and written permission of the Landowner and or Highways Authority.
- 3.0 **Determination of the Application**
- 3.1 The Council has delegated to the Head of Environment & Street Scene the authority to consider and determine applications for street collection permits, subject to the criteria set out in the regulations and in this policy document, including any objections/observations/comments received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.

- 3.2 Each case will be assessed on its merits and individual circumstances.
- 3.3 The legislation does not include statutory criteria for the approval or rejection of a permit request. This is a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations.
- 3.4 For the purposes of clarification, applications will be considered by Licensing Officers with reference to the following:
- i. Information provided by the applicant in the application or such further information provided upon request;
 - ii. Any comments received from the Police, the Charity Commission, other local authorities, etc;
 - iii. The organisation's past conduct and the integrity of its collection activities etc., where known, when undertaking collections in the Borough or in other Boroughs;
 - iv. Whether the person applying for the licence is a 'fit and proper' person to hold a licence;
 - v. Whether the organisation or its objectives may be considered to be charitable in character;
 - vi. Whether a particular collection is considered to be in the public interest;
 - vii. The organisation's connection to the local community;
 - viii. How the organisation's work meets the Council's objectives for the Borough;
 - ix. The Council's street collection policy and regulations; and
 - x. Any other relevant considerations

The Council will then either:

- i. Issue a permit specifying the requested date and location; or
- ii. Refuse to issue a permit on certain grounds

STREET COLLECTIONS POLICY

1.0 Introduction

- 1.1 This part of the document sets out how the Council will deal with charitable organisations that wish to collect monies or sell articles for charitable or other purposes in streets and public places.
- 1.2 Definition of “charity”, “charitable purpose” and “promoters”

Meaning of “charity”

For the purposes of the law of England and Wales, “charity” means an institution which

- a) is established for charitable purposes only, and
- b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Meaning of “charitable purpose”

- c) the prevention of relief of poverty;
- d) the advancement of education;
- e) the advancement of health or the saving of lives;
- f) the advancement of citizenship or community development;
- g) the advancement of the arts, culture, heritage or science;
- h) the advancement of amateur sport;
- i) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- j) the advancement of environmental protection or improvement;
- k) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- l) the advancement of animal welfare;
- m) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;

Meaning of “promoters”

For the purposes of this guidance, means a person or organisation who causes others to act as collectors.

2.0 Statutory Powers

- 2.1 The power that enables the Council to regulate charitable street collections and to issue permits is contained in the *Police, Factories, etc, (Miscellaneous Provisions) Act 1916* as amended by the *Charitable Collections (Transitional Provisions) Order 1974*.
- 2.2 In accordance with its powers, the Council has made regulations under this legislation for the control of street collections in the area of Tunbridge Wells Borough Council 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.
- 2.3 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 in any street or public place within the Borough of Tunbridge Wells without first obtaining such a permit from the Council.

3.0 Policy Statement

- 3.1 The Council will use the Charity Commissions objectives as a basis for decision-making:
 - i. The public confidence objective.
 - ii. The public benefit objective.
 - iii. The compliance objective.
 - iv. The charitable resources objective.
 - v. The accountability objective.

This section outlines the policies the Council will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied; and where and how often an organisation may make a street collection in Tunbridge Wells:

4.0 Authorisation for the collection

- 4.1 The promoter of a street collection shall have written authorisation from the organisation that is to benefit from the collection. Such authorisation shall include contact details for the benefitting organisation.
- 4.2 In cases where the benefitting organisation is collecting on behalf of themselves the application shall include details of the promoter's role within the said organisation.
- 4.3 Exceptions to the requirements for authorisation may be made with regards to Sports Relief, Comic Relief, Children in Need and other similar national appeals where authorisation is not easily obtained.

5.0 Allocation of street collection days

- 5.1 The designated areas for street collections in Tunbridge Wells will be split into two collection areas. Area 1 will be Town Centre Collections and Area 2 will be Rural Collections Area which includes any area outside the Town Centre.
- 5.2 The Pantiles, Royal Tunbridge Wells, is not a street maintainable at public expense and therefore any permit to conduct a street collection does not give permission to collect on The Pantiles.
- 5.3 The Council will permit a maximum of one collection in any of the above designated areas at any one time, i.e. no more than one organisation can collect or fund raise in the same area on the same date, except by written (e.g. email) agreement from the Council.
- 5.4 Priority will be given to 'local' charities, associations or organising bodies.
- 5.5 A local charity is a charity that has significant ties to or near the Borough of Tunbridge Wells. It is for the charity to demonstrate to the Council that it has significant ties to or near the Borough of Tunbridge Wells. This may be, for example, that it:
- Is based in the borough;
 - Conducts work in the borough;
 - Spends money in the borough;
 - Employs people in the borough;
 - Acts for people living in the borough;
 - Has substantial beneficiaries in the borough.

This is not an exhaustive list; each application will be considered on its own merits.

Once a charity demonstrates that it is local, it will be added to the register of 'local' charities.

- 5.6 The Council operates a diary booking system on a “first come first served” basis for the allocation of street collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation’s preferred date(s) will be allocated to that organisation. Where an organisation’s preferred date(s) cannot be granted, alternative dates may be suggested where practicable.
- 5.7 No allocations will be made in respect of the two weeks leading up to Christmas until such time as the activities traditionally organised during that period by the local ‘Round Tables’, ‘Lions’ and ‘Rotary’ Clubs to raise funds for ‘local’ charitable purposes have been accommodated.
- 5.8 No allocations will be made in respect of the two weeks leading up to Remembrance Sunday until such time as the activities traditionally organised by the Royal British Legion for the Poppy Appeal have been accommodated.
- 5.9 Transitory collections, i.e. those whose collections pass through the Borough, will be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.
- 5.10 A year runs from January to December.
- 6.0 Consultation on Applications made
- 6.1 The Council will take into account any decision by another Local Authority to refuse permission for the individual or organisation in question to hold a street or house to house collection, and the reasons for it.
- 6.2 The Council will take into account information or advice supplied by the Police or other relevant bodies in deciding whether to grant a permit.
- 7.0 Emergency Charitable Collections
- 7.1 Special consideration may be given to emergency disasters, which result in unexpected fundraising activities.
- 7.2 The Council may consider issuing more than 1 organisation a permit on any one day where the collections are in relation to a particular emergency disaster.
- 7.3 Street Collection permits for emergency disasters would not normally be allocated a date and location where a permit has already been authorised for another non-related collection, unless express permission has been received from the organisation granted the original permit.

- 7.4 Emergencies would include international, national and local incidents. If the emergency has been classified as such (by Central Government, for example) the collection will be normally decided by the Licensing Officer for Tunbridge Wells Borough Council.
- 8.0 Applicants suitability to conduct charitable collections
- 8.1 The Council will not issue permits to an individual or organisation that has held an unlawful street or house to house collection within its area, or that of another Local Authority.
- 8.2 The Council will not issue further permits to an individual or organisation that has broken the Street Collections Regulations set by this Council or those of another Local Authority within the last five years.
- 8.3 The Council will not issue permits to an individual or organisation if it is not satisfied that the applicants are 'fit and proper' persons to hold such street collection permits. This will include persons convicted of any offence involving dishonesty, fraud, and offences against the person, indecency or offences involving the conduct of collections.
- 8.4 The integrity of an applicant's collection activities;
- 8.5 The Council will not issue permits to an individual or organisation whose aims do not appear to be charitable or of a closely allied nature. Where there is any doubt about the aims of the collecting body, it may be asked to provide further evidence to clarify that doubt.
- 8.6 Whilst it is not the Council's policy to require an organisation applying for a permit to collect to be a registered charity, where an application is received that is considered in the Council's judgment not to fulfil the Council's aims, the Licensing Officer for Tunbridge Wells Borough Council may refuse the application.
- 8.7 The Council will only issue permits to an individual or organisation which provides adequate information so that the application can be considered properly. This may include any information, which might lawfully be requested by the Council in addition to that given on the application form.
- 9.0 Face-to-Face Direct Debit (DD) Charitable Street Collections
- 9.1 The Council does not control collections where pledges are collected for direct debit donations (clipboard collectors or 'chuggers') because they do not collect actual money and there are no legal provisions for collections of this type at present.
- 9.2 The Council entered into an agreement with The Public Fundraising Regulatory Association (PFRA) to provide voluntary controls on the activities of Face-to-face Direct Debit (DD) Charitable Street Collectors.

- 9.3 Under the agreement, the PFRA is responsible for booking all collections in the designated area and dealing with all complaints received in respect of direct debit collections.
- 10.0 Approval of the Application – Issue of a Street Collection Permit
- 10.1 On approving the application, a Street Collection Permit will be issued to the applicant along with:
- i. A link to the Council’s Policy/Regulations for a street collection which must be adhered to during and after collections;
 - ii. A copy of the street collections Form of Statement/Returns Form which must be completed not later than one month from the collection date;
 - iii. Details of the date, time or frequency of the collection;
 - iv. Details of the area within which the collection is to take place;
 - v. Details of the form of collection boxes, other containers and any other articles to be used; and
 - vi. Any other restriction relating to the circumstances and conduct of the collection.
- 11.0 Submission of Statement of income and expenditure
- 11.1 Attention is drawn to section 16 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this regulation must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to comply may prejudice any future applications.
- 12.0 Duration of Permit
- 12.1 The permission to carry out a street collection is valid only for the period of collection specified in the permit. There are no provisions in the legislation for renewal of permits. Therefore, in all cases where a street collection permit has expired, a new application will have to be made for future collections.
- 13.0 Refusal/Revocation of Application/Licence
- 13.1 There are no statutory grounds for refusing an application for a street collections permit. However, there is an implied power to refuse if the Council considers that the collections:
- i. Are not for “charitable or other purposes”
 - ii. Contravene the provisions of the Street Collection legislation and regulations.

13.2 In addition, the Council can refuse any application that is inconsistent with its general policy requirements for the issue of permits in the Borough. Some of these reasons may include:

- i. To limit the number of collections
- ii. If too high a proportion of the proceeds is likely to be spent on expenses
- iii. If inaccurate information was provided on the licence application
- iv. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.
- v. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised.

14.0 Appeals

14.1 Any person/organisation who is dissatisfied with the refusal of an application for a street collection permit may request that the application be considered formally by the Head of Environment and Street Scene Services. This must be made in writing within 21 days of the date of refusal letter.

14.2 The Act does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Collection Permits. Should a person aggrieved by a decision of the Council feel it necessary, they may seek a Judicial Review of the decision.

STREET COLLECTION REGULATIONS

Police, Factories and (Miscellaneous Provisions) Act 1916, Local Government Act 1972 (S.251), Statutory Instrument 140/1974, as amended by: Criminal Law Act 1977 and Criminal Justice Act 1982

- 1.0 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 Local Authority” means the Tunbridge Wells Borough 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.
- 1.1 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 Borough of Tunbridge Wells unless a promoter shall have obtained from the licensing authority, a permit.
- 1.2 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.
- 1.3 Provided that the Local Authority may reduce the period of one month if satisfied that there are special reasons for so doing.
- 1.4 No collection shall be made except upon the day and between the hours stated in the permit.
- 1.5 The Local Authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
- 1.6 No person may assist or take part in any collection without the written authority of a promoter.
- 1.7 Any person authorised under the above paragraph shall produce such written authority forthwith for inspection in being requested to do so by a duly authorised officer of the Local Authority or any constable.
- 1.8 No collection shall be made in any part of the carriageway of any street which has a footway.

Provided that the 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.

- 1.9 No collection shall be made in a manner likely to inconvenience or annoy any person.
- 1.10 No collector shall importune any person to the annoyance of such person.
- 2.0 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 the 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.

- 2.1 No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
- 2.2 Every collector shall carry a collecting box.
- 2.3 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.
- 2.4 All money received by a collector from contributions shall immediately be placed in a collecting box.
- 2.5 Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
- 2.6 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 collection box which is not duly numbered.
- 2.7 Subject to paragraph 2.8 below a collecting box shall be opened in the presence of a promoter and another responsible person.
- 2.8 Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- 2.9 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.
- 3.0 No payment shall be made to any collector.

- 3.1 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 the Council.
- 4.0 Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Local Authority -
- 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 a qualified accountant:
 - a list of the collectors.
 - 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.
- 5.0 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)(a) above publish in such newspaper or newspapers at Tunbridge Wells 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.
- 5.1 The Local Authority may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- 5.2 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.
- 5.3 These regulations shall not apply -
- in respect of a collection taken at a meeting in the open air; or

- to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

6.0 Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

If you have any questions relating to Street Collections then please contact the Licensing Partnership and a member of the team will be happy to assist you.

Licensing Partnership
P O Box 182
Kent
TN13 1GP
Tel: **(01732) 227004**

E-mail: licensing@sevenoaks.gov.uk

GUIDANCE FOR HOUSE TO HOUSE COLLECTIONS

- 1.0 Application for a licence must be made in the prescribed manner. The Local Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the House to House Collections Act 1939.
- 1.1 House to House application forms may be downloaded from the Authority's website together with a copy of the House to House Collection Regulations, or alternatively obtained from the Licensing Partnership administration team located at the following address:

The Licensing Partnership
PO Box 182
Sevenoaks
Kent
TN13 1GP

Tel No: 01732 227004;
Email: licensing@sevenoaks.gov.uk
- 1.2 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Authority can grant a House to House collection permit, it needs to have as much information as possible about the charity, its promoters and its collectors.
- 1.3 If the Charity has not previously applied for a permit to conduct a collection and/or sale within Tunbridge Wells, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of house to house collection licences approved or refused (other than with the Tunbridge Wells Borough Council area); a copy of the organisation's most recent audited accounts; and any other relevant information requested by the Council.
- 1.4 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.
- 1.5 There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence. This should be made within fourteen days from the date on which notice is given of the refusal or the revocation.

2.0 Exemptions

- 2.1 Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales, and is committed to promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, in respect of collections for that purpose in such localities as may be described in the Order.
- 2.2 If the Chief Constable for the Police Area including the locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required and the provisions of the Regulations (see paragraph below) shall not apply to a collection made in conformity with this Certificate.

House to House Collections Policy

1.0 Introduction

1.1 This part of the Policy sets out how the Council will deal with charitable organisations that wish to collect money or other articles by means of going from house to house which includes places of business such as shops and public houses

1.2 Definitions

“Charitable Purpose” means any charitable, benevolent, or philanthropic purpose.

“Collection” means an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property; and “Collector” means a person who makes the appeal in the course of such visits.

“House” includes a place of business.

“Proceeds” means in relation to a collection, all money and all other property given, whether for consideration or not, in responses to the appeal.

“Promoter” means a person who causes others to act as collectors for the purposes of the collection.

The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

Data Protection Act 1998: Tunbridge Wells Borough Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

If you have concerns about the processing of your personal data by the Council you may contact the Council’s Data Protection Officer: Town Hall, Royal Tunbridge Wells, Kent TN1 1RS.

“Charity”

For the purposes of the law of England and Wales, “charity” means an institution which

- a) is established for charitable purposes only, and
- b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

“Charitable Purpose”

- c) the prevention of relief of poverty;
 - d) the advancement of education;
 - e) the advancement of health or the saving of lives;
 - f) the advancement of citizenship or community development;
 - g) the advancement of the arts, culture, heritage or science;
 - h) the advancement of amateur sport;
 - i) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
 - j) the advancement of environmental protection or improvement;
 - k) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
 - l) the advancement of animal welfare;
 - m) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;
- 2.0 House to House Collections, as set out under Section 2 of the House Collections Act 1939 and the House to House Collections Regulations 1947, are required to be licensed and regulated by Local Authorities.
- 2.1 In accordance with its powers, the Authority made regulations under this legislation for the control of House to House collections in the area of Tunbridge Wells Borough Council.
- 2.2 The Act and the Regulations made thereunder contain important provisions for The Regulation of House to House Collections for Charitable Purposes, and prescribe fines and/or imprisonment for offences against the Act or the Regulations.
- 2.3 Except in the cases specified in Paragraphs 2.8 and 2.9, no collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Council for the area comprising that locality, and the collectors are authorised by the promoter.
- 2.4 Whilst each application will be decided on merit, at least 75% of the total proceeds of the collection must be given to the charity or cause. No more than 25% of the total proceeds can be deducted by the organisation for expenses/costs relating to the collection.

- 2.5 Under an Exemption Order, the requirement is only to notify the Local Authority of the charity's intention and to send to the Authority the account forms for our inspection files.

- 2.6 Under these instructions the Council have in some weeks had a number of collections put forward during the same period of time. Therefore the Authority may defer a collection to a later date if there is too high a concentration of collections in an area over a period of time.

HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947

Except in the cases specified in Paragraphs 3 and 4:-

- 1.0 House to House Collections, as set out under Section 2 of the House Collections Act 1939 and the House to House Collections Regulations 1947, are required to be licensed and regulated by Local Authorities.
- 2.0 No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Council for the area comprising that locality, and the collectors are authorised by the promoter.
- 3.0 Application for a licence must be made in the prescribed manner. The Council cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.

There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.

- 4.0 Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales and is desirous of promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such a person shall be exempt from the requirement to obtain licences from the Council, as respects all collections for that purpose in such localities as may be described in the Order.
- 5.0 If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or is proposed to be made is satisfied that the purpose is local in character and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Council is not required, and the provisions of the Regulations (as to which see Paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
- 6.0 Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions:
 - (a) Every promoter of a collection must exercise all due diligence to secure that persons authorised to act as collectors are fit and proper persons; and to secure compliance by collectors with the Regulations.
 - (b) No promoter of a collection shall permit any person to act as a collector unless he has issued to that person:

- (i) a prescribed Certificate of Authority;
 - (ii) a prescribed badge; and
 - (iii) if money is to be collected, a 'Collecting Box' marked, or a 'Receipt Book' (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
- (c) In the case of a collection in respect of which a licence has been granted, every prescribed Certificate of Authority shall be given on a form obtained from H.M. Stationary Office, and every prescribed Badge shall be so obtained.
- (d) No person under the age of 16 years, shall act or be authorised to act as a collector of money.
- (e) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.
- (f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

7.0 Enforcement

- 7.1 The Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own enforcement policy.
- 7.2 Licensing Officers aim to work closely with other enforcement agencies when investigating unauthorised Collections and Promoters of those collections and persons causing a nuisance, annoyance or harassment to the public.
- 7.3 Where licensable activities are conducted without the benefit of a licence/permit, the Council will look to gather evidence and take enforcement action as appropriate.