



# **Buckinghamshire Council**

## **Charitable Collections Policy**

April 2024

<b>Version No</b>	<b>Initial</b>	<b>Date</b>	<b>Changes Made</b>
<b>V1.0</b>			Policy adopted by Licensing Committee on 5th September 2023 and in force from 1 <sup>st</sup> April 2024

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# Introduction and guide to the Policy

**1.1** Buckinghamshire Council, as the Licensing Authority, regulates charitable collections which take place both in streets and from house to house. The relevant legislation is set out below. The purpose of this policy is to ensure that the application process and method of determination is fair, open and transparent.

- The House to House Collections Act 1939
- The House to House Regulations 1947
- The Police, Factories, etc (Miscellaneous Provisions) Act 1916 and as amended by the Local Government Act 1972
- Model Regulations set out in the Charitable Collections (Transitional Provisions) Order 1974

## Aims and objectives

**1.2** The aims of this policy are to ensure that:

- the interests of public donors and beneficiaries are safeguarded
- collections are carried out to high standards by bona fide, authorised charitable organisations
- proceeds of the collection are properly accounted for
- a fair proportion of the proceeds are donated to registered charities
- unacceptable nuisance to the public is prevented
- unlicensed collections are prevented from taking place
- action is taken where there is evidence of unlicensed collection activity

**1.3** To achieve the aims of this policy, the Licensing Authority will:

- ensure openness, fairness and impartiality in determining applications

- accommodate, where possible, all eligible requests
- provide equal opportunities for collectors
- achieve a fair balance between national and local charities

## Exchange of information and data protection

- 1.4** The Council will share information which has been supplied by applicants or acquired in the course of exercising licensing functions with other agencies or enforcement bodies where it is lawful to do so and in accordance with the data protection legislation. This may include requests from the Audit Commission or other regulatory agencies where it is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Further information about how the Council uses personal information can be found [here](#).

## Standards

- 1.5** The Fundraising Regulator is the independent regulator for fundraising in England, Wales and Northern Ireland. The Licensing Authority expects all organisations to adhere to their Code of Fundraising Practice, a copy of which can be found [here](#).
- 1.6** The Chartered Institute of Fundraising (CioF) is the professional membership body for certain types of fundraising in the United Kingdom which are not regulated by permits or licences, including the collection of direct debit mandate information in public places. The CioF have produced guidance on this type of face-to-face fundraising which can be found [here](#).
- 1.7** In preparing this policy, the relevant Provision of Services Regulations and associated legislation and guidance have been taken into consideration. The Regulations aim to remove obstacles when applying for authorisations and to prevent the imposition of disproportionate or unnecessary requirements. Further information about the Regulations can be found [here](#).

## Consultation and implementation of the policy

- 1.8** This policy will be reviewed every five years. In addition, the policy may be updated at any time if it is considered necessary or appropriate. Any changes to this policy must be agreed by the Licensing and Regulatory Committee unless this function is delegated to an appropriate officer.
- 1.9** Any significant changes to the policy will only be made after full consultation with all stakeholders, including charities, residents, businesses and other relevant organisations and Council departments.

## 2. House to house collections

- 2.1** Buckinghamshire Council, as the Licensing Authority, is empowered under the House to House Collections Act 1939 and the House to House Collections Regulations 1947 to licence house to house collections for charitable, benevolent or philanthropic purposes. This includes the collection of either money or other property directly from a person's property or a business premises where some or all of the proceeds are given to a charity.
- 2.2** The Licensing Authority considers that the collection of direct debit mandate information is included within the definition of proceeds as "money or other property" within section 11(1) House to House Collections Act 1939. A house-to-house collection licence is therefore also required for this type of collection.
- 2.3** The only exemptions to the requirement to hold a licence are either for those charities that hold a National Exemption Order or where the need for a licence is waived by the Chief of Police. National Exemption Orders are issued direct to the organisation by the Cabinet Office and a list can be found in the Cabinet's guidance for the [National Exemption Order Scheme](#). The exemption allows an organisation to collect in an area without applying for a licence, but it must inform the Council of the dates and areas of any planned collections.
- 2.4** The need for a licence can be waived by the Chief Constable of the local police area if he is satisfied that the purpose of the collection is local in character and the collection is likely to be completed in a short period. In such cases, the applicant is granted a certificate in the prescribed form and as a result, a licence is not required and the provisions of the Act or Regulations would not apply to that collection.

### Applications

- 2.5** An application to carry out a house to house collection may be made for any Buckinghamshire Council Ward. A map of the collection areas (ward boundaries) is at Appendix 2. More than one ward can be specified on an application as part of the same collection.
- 2.6** Applications must be made on the Council's prescribed application form.
- 2.7** Applications will not be accepted more than twelve months in advance of the collection and the requested dates must be specified. Speculative and retrospective applications will not be accepted. Unless there are exceptional circumstances, a minimum of 28 days' notice must be given between the application and the proposed collection date(s).

- 2.8** In order to ensure that all charities are given equal opportunities, house to house collection licences will generally be subject to the following restrictions:
- licences will not be granted for periods of longer than 14 days. However charities may apply for licences to be granted for a longer period of up to 28 days during the pre-Christmas period commencing from 1<sup>st</sup> December. Any application of this type will be determined on its own merits.
  - only one house to house collection will be permitted to any one charitable organisation in each calendar quarter (January – March etc.).
- 2.9** Only one house to house collection will be permitted in each location (Buckinghamshire Council Ward) per day with the following exceptions:
- where collection dates of charities holding an Exemption Order overlap with a collection date granted by the Council to a non-Exemption Order holder
  - for small scale collections in a very limited area
  - for organised one-day charitable events
  - during the pre-Christmas period, such as for the Santa Sleigh
- 2.10** In order to prevent nuisance to residents, no collection shall take place outside the hours of 09:00 and 20:00 and no contact should be attempted at properties where a sticker or sign is displayed which prohibits cold calling. Applicants may apply for collections to take place beyond 20:00 during the pre-Christmas period (from 1<sup>st</sup> December). Each application of this type will be determined on their own merits.
- 2.11** Applications for a house to house collection licence will be dealt with on a “first come, first served” and case by case basis.
- 2.12** Evidence of public liability insurance cover of a minimum of £5 million must be provided with the application.
- 2.13** The Licensing Authority reserves the right to make more detailed enquiries about all applications where considered appropriate taking into account all circumstances of an application. This could include consulting with Thames Valley Police.

## **Licensee responsibilities**

- 2.14** The responsibilities of licence holders and collectors are set out in the House to House Collections Act 1939 and the House to House Collections Regulations 1947/SI2662. An extract of the Regulations outlining these responsibilities is set out at Appendix 1 to this policy. Licence holders and collectors are expected to comply with these requirements.
- 2.15** On approval of an application, the applicant will be issued with a licence to be retained during the collection. A copy of this document must be sent to HM Stationery Office to obtain a certificate of authority and the licence holder must also

state the required number of collector badges. A copy of the licence should either be scanned and emailed to [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk) or sent via post to: TSO Customer Services, 18 Central Avenue, St Andrews Business Park, Norwich, NR7 0HR. HM Stationery office can be contacted by phone on 0333 202 5070 for further information. Licence holders should allow at least 5 working days for HM Stationery Office to process requests.

**2.16** The key responsibilities relating to a collection are as follows:

- any collection must be authorised by the Licensing Authority and a licence issued
- all collectors must be over 16 years old
- each collector must wear a badge and carry a certificate of authority
- collectors must produce their badge on demand to the occupant of any house, any police officer or an authorised officer of the Council
- if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.
- no collection must be undertaken in a manner that would inconvenience or annoy any person.

**2.17** The key responsibilities following a collection are as follows:

- collectors must not be given access to the contents of collection boxes prior to their being returned to the licence holder for opening and counting.
- collection boxes must only be opened in the presence of the licence holder and another responsible person. Once opened, the contents must be counted immediately, and the total amount collected in each box recorded.
- following the collection, the licence holder must complete a prescribed “return” form to the Council within one month of the end of the collection period. The licence holder must certify the return and it must be countersigned by a qualified accountant.

### **3. Street Collections**

**3.1** Buckinghamshire Council, as the Licensing Authority, is empowered under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, to license collections made in “any street or public place within their area” for “the benefit of charitable or other purposes”. It is unlawful to hold a street collection for the benefit of charitable, benevolent or philanthropic purposes, without first obtaining a street collection permit from the Council.

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



- 3.3** 'Public place' is defined as "a place to which the public has access". The public place need not be in public ownership and includes shopping centres and entrances to shops.
- 3.4** Charitable collections that take place inside a shop, store, supermarket or other business at the discretion of the manager or relevant person do not require a street collection permit provided that collectors remain inside the premises and do not collect outside on the premises frontage or car park, even where the outside area is in private ownership. Where a charitable collection takes place outside the premises, on the premises frontage or car park a street collection permit would be required together with the consent of the land owner even if the outside area is privately owned.
- 3.5** Street collection permits authorise both the collection of money for charity and the sale of charitable items in a public place, which is exempt from the requirement of a street traders licence under Schedule 4, Part 2(i) of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.6** The collection of direct debit mandate information is not covered by street collection legislation, although Site Management Agreements with the Chartered Institute of Fundraising (CloF) are in place for Aylesbury and High Wycombe town centres. The agreements specify the days, times and locations that fundraisers are permitted to collect direct debit information. The current agreements can be found [\(here\)](#).
- 3.7** Any charitable collection of money or sale of items held in conjunction with a pedlar's licence will not be permitted without an appropriate street collection permit having been issued by the Council.
- 3.8** Moving collections such as carnival processions and other similar events involving the collection of donations from the public along a route will require a street collection permit.

## **Applications**

- 3.9** An application for a street collection permit must be made on the Council's prescribed form. Applications must specify the proposed location/s of the collection. More than one location can be applied for on the requested date of collection.
- 3.10** Applications for a street collection permit will be considered and dealt with on "first-come, first served" and case by case basis.
- 3.11** Applications for a street collection cannot be made more than twelve months in advance of the collection date and a minimum of 28 days notice must generally be given between the application and the proposed date of collection. This requirement may be waived in exceptional circumstances (such as national or international disasters) at the discretion of the Licensing Manager.

- 3.12** In order to ensure that all charities are given equal opportunities, street collection permits will generally only be issued for one day, per quarter for any charity. However, the Council will consider deviating from this policy in the pre-Christmas period (from the 1<sup>st</sup> December), or for other significant cultural or calendar events, or during an annual nationwide campaign.
- 3.13** It is expected that the benefitting charity will be registered with the Charities Commission.
- 3.14** A copy of the written agreement or letter of authorisation between the benefitting charity and the street collection organiser must be provided with the application.
- 3.15** Where the proposed collection is to take place outside a store or supermarket, written permission from the landowner or appointed person must be provided with the application.
- 3.16** Where the proposed collection is to take place within an enclosed Shopping Centre, written permission from the management company must be provided with the application.
- 3.17** Evidence of public liability insurance cover of £5 million must be provided with the application. In a case where permission is sought for an animal to be used during a street collection the insurance policy must specifically include the use of animals in connection with the collection. In addition, a health and safety risk assessment relating to the use of an animal at the proposed location at the time and date of the collection must also be supplied.
- 3.18** The use of animals in conjunction with street collections is discouraged. Each application will be treated on its own merits but applications are likely to be subjected to additional scrutiny and further information is likely to be required, specifically in terms of ensuring the welfare of any animals participating in the collection.
- 3.19** Deductions for travel expenses to and from the place of collection will not be permitted.
- 3.20** Any application for street collection permits relating to outdoor challenge sponsorship events will be considered on a case by case basis in order to assess whether the proportion of funds collected to be applied to the activity costs comply with the statutory requirement that 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 the collection.
- 3.21** The street collection permit must be retained and provided to a member of the public, police officer or authorised officer on request.

- 3.22** Any money collected must be retained in a suitable container and in line with the Regulations set out at Appendix 3 of this policy.
- 3.23** Any collector must be aged 16 or over.
- 3.24** Collections will generally only be permitted within town or village centres and other commercial areas such as out of town shopping centres or service stations.
- 3.25** In order to prevent nuisance to visitors and businesses, only one street collection will be permitted in each area on any given day.
- 3.26** Collections will generally only be permitted between the hours of 08:00 and 20:00.
- 3.27** In line with the Site Management Agreement agreed with the CloF, street collection permits will generally only be issued for Wycombe town centre on Tuesdays, Fridays, Saturdays and Sundays.
- 3.28** In line with the Site Management Agreement agreed with the CloF, street collection permits will generally only be issued for Aylesbury town centre on Wednesdays, Thursdays, Fridays and Saturdays.

### **Sale of small society lottery tickets**

- 3.29** The sale of small society lottery tickets under the authorisation of a street collection permit is only permitted where:
- specific permission to do so has been granted by the Licensing Authority.
  - the organisation holds a valid small society lottery registration.
  - the sale of tickets will only take place from behind a counter or stall.
  - the lottery tickets have been printed in accordance with the requirements of the Gambling Act 2005 and associated Regulations.
  - the sale of the tickets will be in accordance with any relevant Gambling Commission code of practice.
  - proof of public liability insurance of £5 million has been provided with the application.

### **Pedlar's Licences**

- 3.30** A street collection or sale of items held in conjunction with a pedlar's licence will not be permitted within the Council area without an appropriate street collection permit having been issued by the Council.

## **4. General provisions**

### **Fees**

- 4.1** There is no statutory charge for the issue of a street collection permit or house to house collection licence.

### **The allocation of licences and permits**

- 4.2** When deciding whether to grant a licence or permit, consideration will be given to the following:
- if the collection is linked to specific events in the area
  - if the collection is linked to a nationwide campaign
  - if the collection will benefit local good causes, local hospices, community fundraising, etc.
  - if the collection is being held on behalf of a national charity, is there likely to be some benefit to the residents of Buckinghamshire Council
  - what proportion of funds collected will be applied for purely charitable purposes
  - if a licence has been previously refused by Buckinghamshire Council or any other Local Authority
- 4.3** Applications for licences or permits relating to emergency disasters will be considered on a case to case basis.
- 4.4** Details of issued permits and licences will be made available on the Council's website.

### **Grounds for refusal**

- 4.5** The Licensing Authority can refuse or revoke a licence or permit for a number of reasons, including the following:
- if too high a proportion of the proceeds are to be spent on expenses
  - if not enough of the proceeds are to be given to the charity or cause
  - if the applicant or holder of the licence has refused or failed to provide the Authority with information as required by the application process

- the grant of a licence would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824
- the applicant or the holder of the licence has been convicted of or cautioned for a relevant criminal offence.
- there is evidence of non-compliance with any requirements or legislation in relation to a previously issued licence or consent.
- the applicant or the holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper, to secure compliance with the provisions of the House to House Regulations, or to prevent prescribed badges or certificates of authority being obtained by persons other than persons so authorised

**4.6** In addition to the above, the following additional notes are included for guidance to applicants to ensure that applications can be processed quickly and efficiently:

- any financial information provided in relation to the proportion of the proceeds which will be donated to charity must be clear and transparent. It is likely that an application will be refused if the Authority cannot be confident in any information or calculations provided in this respect.
- the Authority must also be satisfied that the amount given to the charity is adequate in relation to the proceeds received. A declaration will be required from the benefitting charity confirming either that a proper balance has been achieved between costs and the amount being donated to charitable causes (where collections are carried out by the charity itself) or that the charity has carried out due diligence and is satisfied with the level of remuneration going to charitable causes (where collections are carried out by commercial organisations on behalf of the charity).
- if required returns have not been supplied to the Authority following previous licensed collections within the Council area by the same organisation or individual, it is likely that further applications will be refused.

## **Decision Making and Appeals**

- 4.7** In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy.
- 4.8** Notwithstanding the existence of this policy, each application will be accepted and determined on its own merits based on the principles set out in this policy.
- 4.9** Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. Departure from the policy may be permitted in accordance with this section if it is considered necessary to do so in specific circumstances.

- 4.10** Decisions to refuse an application or revoke a licence or permit are delegated to appropriately trained and authorised officers. Any such decision will be notified to the applicant in writing, setting out the grounds for refusal or revocation.
- 4.11** Any person aggrieved by the refusal to grant an application or revoke a permit for a street collection should appeal against the decision within fourteen days from the date on which the notice is given. Any appeal must be made to the Head of Licensing Services at Buckinghamshire Council and their decision will be final.
- 4.12** Any person aggrieved by the refusal to grant an application or revoke a licence for a house to house collection may appeal against the decision within fourteen days from the date on which the notice is given. Any appeal must be made to the Secretary of State and the Secretary's decision will be final.

## **Regulation and enforcement**

- 4.13** Charities are generally expected to be registered with the Charity Commission or be a recognisable charitable organisation.
- 4.14** Where a statement of return has been "Nil" (unless in the case of a cancelled collection) or there has been a failure to return the statement of return to the Council within the statutory period, subsequent applications are likely to be refused.
- 4.15** If a collection is cancelled by the organisation and a collection licence/permit has been issued, the licence must generally be returned to the Council at least 7 days prior to when the collection is due to take place. Failure to do so may result in future applications being refused.
- 4.16** All house to house collections will be conducted in accordance with all relevant legislation and specifically the Regulations set out at Appendix 1.
- 4.17** It is an offence for any person to promote or make collections from house to house without the promoter first obtaining a licence from the Licensing Authority. Anyone acting as a collector where there is not a licensed promoter also commits a criminal offence. Offences are punishable by penalties ranging from a fine of up to £200 or in some cases up to six months imprisonment and a fine of up to £1,000.
- 4.18** All street collections will be conducted in strict accordance with the Street Collection Regulations made by the Council which are set out at Appendix 3.
- 4.19** Any person who acts in contravention of any of the street collection regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale (£200) or in the case of a second or subsequent offence a further fine not exceeding level 1 (£200) on the standard scale.

- 4.20** It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible collectors and permit or licence holders.
- 4.21** The Council will operate a proportionate enforcement regime in accordance with the Council's enforcement policy which is available [here](#).
- 4.22** With regard to charitable collections, the Council aims to:
- safeguard the interests of both public donors and beneficiaries
  - facilitate well-organised collections by bona fide charitable institutions and ensure that good standards are met
  - prevent unlicensed collections from taking place
  - ensure that when collecting money it is collected in appropriate vessels only, contactless payment devices are acceptable providing the device clearly and prominently displays the name of the beneficiary.
  - ensure that collectors are properly authorised
  - ensure that the proceeds of a collection are properly accounted for
  - ensure that the Licensing Authority receives, within the prescribed timescales, the statutory returns
- 4.23** The responsibility for the overall supervision of house to house and street collections lies with the Head of Licensing Services.

## Appendix 1

### House to House Collection Regulations 1947 (extract)

#### Statutory Rules and Orders 1947 No 2662

##### Extract of Regulations

#### 1. Title and extent

(1) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.

(2) These regulations shall not extend to Scotland.

#### 2. Interpretation

(1) In these regulations, unless the context otherwise requires - 'The Act' means the House to House Collections Act 1939;

'chief promoter', in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of subsection (2) or section 1 of the Act as respects that collection;

'collecting box' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

'licence' means a licence granted by a [licensing authority]<sup>1</sup> under section 2 of the Act;

'order' means an order made by the Secretary of State under section 3 of the Act;

'prescribed badge' means a badge in the form set out in the Fourth Schedule. to these regulations;

"prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to these regulations;

'receipt book' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

'street collection' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, apply.

(2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.

(3) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.



### **3. Local collections of a transitory nature**

(1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.

(2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

**4.** (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.

(2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection;

Provided that the [licensing authority]' or, as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.

### **5. Responsibility of promoters as respects collectors**

Every promoter of a collection shall exercise all due diligence -

(a) to secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and

(b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

### **6. Certificates of authority, badges, collecting boxes and receipt books**

(1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person -

(a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;

(b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and

(c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.

(2) Every promoter of a collection shall exercise all due diligence to secure -

(a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been

entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and

(b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.

(3) In the case of a collection in respect of which a licence has been granted -

(a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and

(b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto. in a manner approved by the [licensing authority] for the area in respect of which the licence was granted.

### **7. Duties of collectors in relation to certificates and badges**

Every collector shall -

(a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;

(b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and

(c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

### **8. Age limit<sup>2</sup>**

No person under the age of 16 years shall act or be authorised to act as a collector of money.

### **9. Importuning**

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.

### **10. Collection of money**

(1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.

(2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the

contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

### **11. Duty of collectors to return boxes and books**

Every collector, to whom a collecting box or receipt book has been issued, shall -

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

### **12. Examination of boxes and books**

(1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.

(2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.

(3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.

(4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

### **13. Provision for envelope collections**

(1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.

(2) Where an envelope collection is made in accordance with this regulation -

- (a) every envelope used shall have a gummed flap by means of which it can be securely closed;

(b) no collector shall receive a contribution except in an envelope which has been so closed; and

(c) these regulations shall have effect subject to the following modifications:-

(i) sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;

(ii) regulation 10 shall not apply;

(iii) regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;

(iv) in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';

(v) in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.

(3) In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

#### **14. Promoters to furnish accounts**

(1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the [licensing authority]<sup>1</sup> by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one [licensing area]<sup>1</sup> a combined account of the collections made in all or any of those [licensing areas]<sup>1</sup> may, by agreement between the chief promoter and the respective [licensing authorities]<sup>1</sup> be made only to such of the respective [licensing authorities]<sup>1</sup> as may be so agreed.

(2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.

(3) The [licensing authority]<sup>1</sup> or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.

(4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a [licensing authority]<sup>1</sup> by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, may, if the said [licensing authority]<sup>1</sup> agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall

not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

#### **15. Form and certification of accounts**

The account required by the preceding regulation -

(a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and

(b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

#### **16. Vouching of accounts**

(1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.

(2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

#### **17. Disposal of disused certificates of authority, etc**

Due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

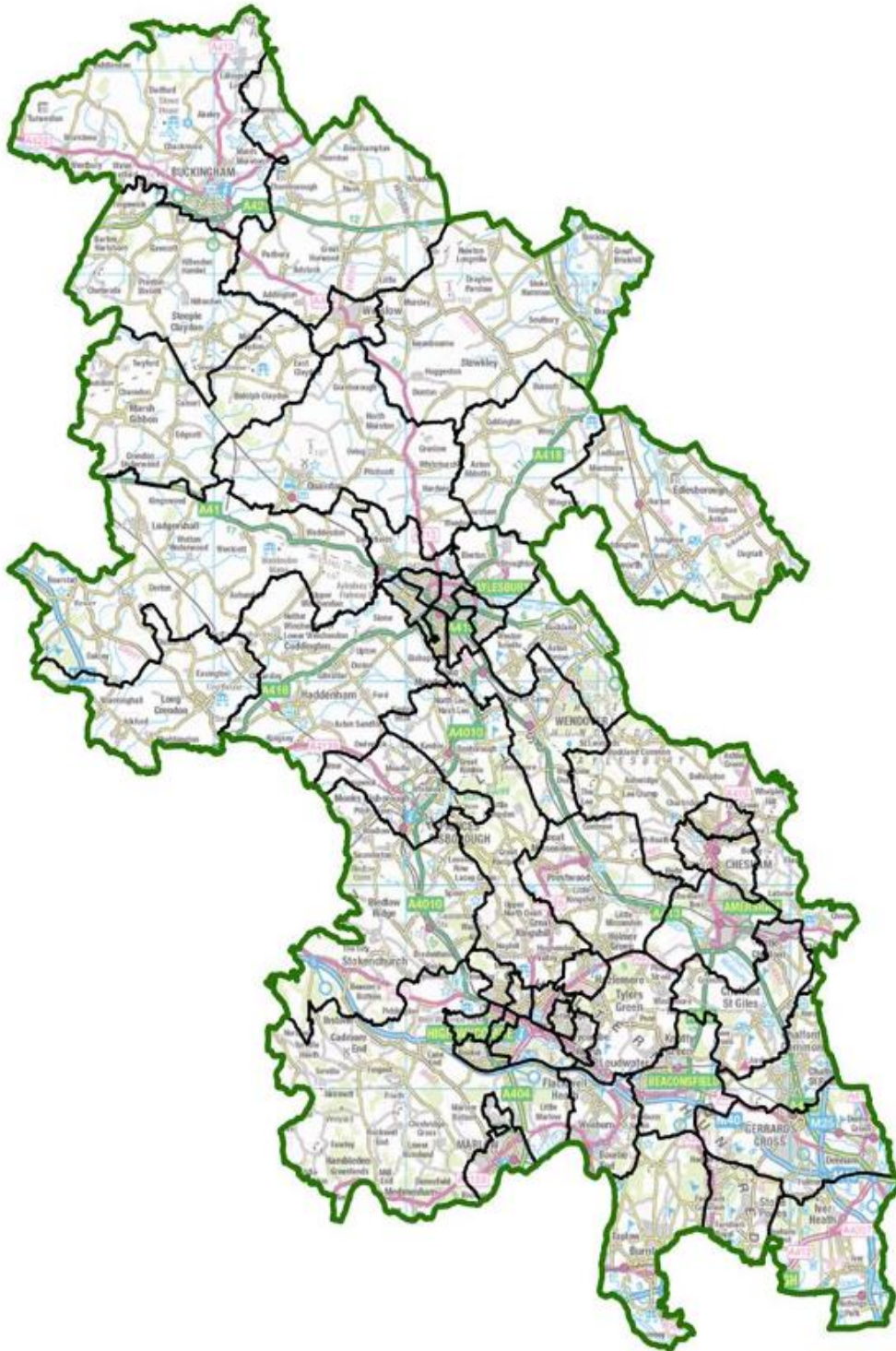
<sup>1</sup>Substituted by the Local Authorities (Miscellaneous Provisions) (No 2) Order 1974 (SI 1974 No 595).

<sup>2</sup>Amended by the House-to-House Collections Regulations 1963 (SI 1963 No 684).]

## Appendix 2

### House to House Collection Areas -

An interactive map, which can be used to view councillor wards in greater detail can be found [here](#),



## Appendix 3

### Street Collection Regulations

#### Made under the Model Regulations set out in the Charitable Collections (Transitional Provisions) Order 1974

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, Buckinghamshire Council 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 Buckinghamshire Council area to collect money or sell articles for the benefit of charitable or other purposes:-

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 Buckinghamshire 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 of Buckinghamshire Council unless a promoter shall have obtained from the licensing authority a permit.
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 licensing authority may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated on 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.
  - (1) No person may assist or take part in any collection without the written authority of a promoter;
  - (2) Any 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 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 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 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 person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
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 contributors 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 the 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 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 -
    - (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 a collection, and certified by that person and a qualified accountant;
    - (b) a list of collectors;
    - (c) 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) That said the 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 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) Buckinghamshire Council 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 Chartered 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.