

Guidance notes



Street collection permits

Updated 10 January 2024

If you want to collect money or sell articles in any street or public place within North Devon, for the benefit of charitable or other purposes, then you must hold a street collection permit issued to you by North Devon Council.

Should you wish also to provide entertainment whilst undertaking your collection please see the section entitled provision of regulated entertainment below.

Legislation and North Devon Council regulations

The main Act of Parliament covering the licensing of street collections is the Police, Factories, etc (Miscellaneous Provisions) Act 1916, as amended.

North Devon Council has made regulations with respect to the places where and the conditions under which persons are permitted in collect money or sell articles. These can be found on the council website and should be read in conjunction with the above Act.

Definitions

Street

The expression 'street' includes any highway and any public bridge, road, land, footway, square, court, alley, or passage, whether a thoroughfare or not.

Charitable purposes

The ordinary meaning of 'charitable purposes' is given in the Charities Act 1960, s40, namely 'purposes which are exclusively charitable according to the law of England and Wales. It is suggested however that this section is not to be interpreted so strictly and indeed the words 'charitable purposes' are given a wider interpretation in s11 of the House to House Collections Act 1939, which states that 'charitable purposes' means any charitable, benevolent or philanthropic purpose whether or not the purpose is charitable within the meaning of any rule of law.

Public place

North Devon Council holds the opinion that a 'public place' is one to which the public has a right of access and not merely access as matter of fact.

It is likely that a permit would be required to stand in a shop doorway if money is collected from people as they pass down a street. Permits would not however be required for a collection held inside a shop, house, place of work or business - for example, in a public house, or the foyer of a cinema or theatre.

Please note that if you are collecting from one public house to the other you will need a House to House Collection Licence.

Further definitions relevant to this area are found with North Devon Council's Street Collections Regulations.

Exemptions

Exemptions to the above include:

- a collection taken at a meeting in the open air (this was specifically excluded from the definition of public place in the model regulations contained in SI 1974 No 140)
- the selling of articles in any street or public place when the articles are sold in the ordinary course of trade/for the purposes of earning a livelihood. Therefore if selling in the course of trade you must not make any representation whatsoever that any part of the proceeds of sale will be devoted to any charitable purpose
- if you wish to sell articles in the course of trade you should be aware of the provisions of street trading legislation adopted by North Devon Council, and in particular to those prohibited streets in the town of Barnstaple (a list of these streets can be found on our website)
- in light of the legislation covering the collection of 'money', those persons collecting from individuals via a direct debit commitment are exempt from the requirement to gain a street collection permit. Although not regulated directly, direct debit collectors or 'Face to Face' Fundraisers may join the Institute of Fundraising (IOF). Furthermore North Devon Council has signed a Site Management Agreement with the IOF which covers an area of Barnstaple Town Centre. This restricts the collections in terms of their frequency, hours and numbers of fundraisers etc. Please see our webpage on direct debit collections for more information.

Policy on the number of collections permissible

As might be imagined, permits to collect in this way are in great demand and if the numbers were not controlled, there would be a danger that shoppers would resent being

approached every time they visited town centres. To prevent this and yet to allow as many different organisations the chance to fund raise, the council operates a policy of allowing:

One collection per parish per day with the exception of:

- carnival days
- the month of December
- exceptional circumstances - for example, national disasters

Where multiple collections may take place, providing collections do not take place at the same location and at the same time.

Where Street Collection Permits are granted in exceptional circumstances a relaxation of Regulation 3 of the council's street collections regulations shall be available, namely that applications under these circumstances need not be made one month before the date on which it is proposed to make the collection.

Sponsored walks and carnival processions

Sponsored walks do not need to be licensed but 'moving collections' such as carnival processions and events which involve collecting from the public along a route will require a permit.

Anyone wishing to apply for a 'moving collection' should contact the Licensing Team for advice prior to incurring any expense with regard to advertising the event or entering into any contracts in connection with the venture. It is recommended that as much notice as possible is provided.

How do I apply for a permit?

The Licensing team hold a diary, and should be contacted in the first instance in order to ascertain what dates are free in the parish you wish to collect in. Your chosen date will be held for a period of 28 days only and therefore if a completed application is not submitted within this period we may not be able to guarantee any your date will still be available.

To apply for a Street Collection Permit applicants must complete an application form and return it to the Licensing team at the council with any relevant literature.

The application for a licence must be made in writing not later than one month before the proposed collection.

Applications will be considered in order of receipt but not more than 12 months before the proposed collection date.

We reserve the right to make more detailed enquiries about your application in certain circumstances. This could include requesting that the applicants or any other person connected with the organisation submitting police checks at our request.

How long will it take to gain a licence

North Devon Council will endeavor to determine your application within 28 days from the date on which it receives your full application. Where there are grounds which could lead to the refusal of your application this period is likely to be extended to allow for Licensing Committee to determine your application. We will write to you if this is the case.

Please contact us within 28 days if we have yet to contact you, in order to ensure your application was correctly made and received.

If there are no grounds which are likely to lead to the refusal of your application and we have yet to process your licence within 28 days, you will be permitted to carry on your activities as if you were licensed.

The Licensing team will consult with the relevant parish/town council. If there are objections to the application it may be referred to the relevant council committee.

On grant of a permit

On receiving your permit it is important for you to consider the following:

- that you have retained and understood the council's street collection regulations controlling your collection
- that you have provided written authority for your collectors to take part in the collection
- that your collectors are over 16 years of age
- that you make arrangements for the return of the statement of income showing the details of monies raised to be countersigned by an accountant or other independent, responsible person (see below)

Returns

Within one month of the date of the collection, the person to whom the permit was granted shall forward the following return to the Licensing team:

- an account of the proceeds of the collection which has been certified by that person and either a qualified accountant or independent responsible person acceptable to the council
- list of collectors
- a list of the amounts contained in each collecting box

Return forms will be sent to you when your permit is issued, but if you need further forms they will be supplied on request or can be found under forms below.

Failure to submit the above return is an offence and may result in any future applications being refused by the council.

Publication of proceeds

Permit holders are required to publish at their own expense, an account of the collection proceeds in a local newspaper (North Devon Journal or North Devon Gazette). This must include:

- the name of the person to whom the permit was 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
- the amount of the expenses and payments incurred in connection with the collection

A copy of the advert must be forwarded to the Licensing team.

Fee

There is no charge for a street collection permit.

Offences

Any persons who act in contravention of any of the council's street collection regulations shall be liable on summary conviction to a fine not exceeding Level 1 on the standard scale (currently £200) in the case of a first or subsequent offence.

Refusal to issue a permit

North Devon Council reserve the right to refuse any application for a Street Collection Permit and it is likely that any previous contravention of the Council's Street Collection Regulations would result in such action being taken.

Appeals

There is no statutory right of appeal against refusal of a permit, however the High Court may review the decision.

Notification

Please contact us should circumstances in relation to your permit change.

Complaints

If you wish to make a complaint about a street collection (with or without a permit) in the North Devon area please contact us.

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please telephone the Customer Service Centre. The Licensing team will endeavor to resolve any concerns you may have.

Further information

The Police, Factories, etc (Miscellaneous Provisions) Act 1916 is due to be repealed by the Charities Act 2006. However, the relevant provisions of the 2006 Act are still not yet in force.

The Charitable Institutions (Fund Raising) Regulations 1994 also gives more information.

Provision of regulated entertainment

A street collection permit provides authorisation to collect money or sell articles for charitable purposes. Please be mindful that if you wish to provide 'regulated entertainment' whilst undertaking your collection you may also require a Premises Licence or Temporary Event Notice under the Licensing Act 2003. Please go to the council website for more information on these.

There are certain exemptions. For example:

- the provision of entertainment for the purposes of, or for the purposes incidental to, a religious meeting or service
- the provision of entertainment on premises consisting of or forming part of a vehicle, at a time when the vehicle is in motion

Even if you are exempt, if you wish to provide entertainment in Barnstaple, please note the following section.

Co-ordination of entertainment in Barnstaple

For those wishing to provide entertainment whilst collecting in Barnstaple, it is recommended that in the first instance you contact Barnstaple Town Centre Management (BTCM).

BTCM co-ordinate entertainment in the town centre and aim to schedule entertainment in order that events do not clash, helping to provide the most satisfactory operation for both entertainers and the public alike.

BTCM will be able to provide details of other entertainment taking place at a particular location and time that you are interested in performing. In addition BTCM also hold a Premises Licence for areas of the town centre which you may be able to utilise. For further information please contact:

Barnstaple Town Centre Management
Yeo Suite
Barum House
The Square
Barnstaple
Devon
EX32 8LS

Email: btcm@northdevon.gov.uk

Promotion of collections through the use of stands and displays in Barnstaple

Those wishing to promote their collections in Barnstaple via the provision of stands, displays or similar (for example the display of vehicles) should contact Barnstaple Town Centre Management to gain authorisation. Contact details for Barnstaple Town Centre Management can be found above.

PRS for Music

Another consideration which you may need to make is in relation to the provision of copyright music. By law under the Copyright, Designs and Patents Act 1988, if you play copyright music in public (that is, outside of the home) you must first obtain relevant permission.

PRS for Music was set up by songwriters, composers and music publishers to manage

these rights on their behalf.

For more information or to buy a Music Licence from PRS for Music please contact:

[PRS for Music: royalties, music copyright and licensing](#)

Trade associations

- Institute of Fundraising
- Charity Commission