

Charity Collections Policy

Published date TBC 2014 (due for review by date TBC 2019)

Index

Section	Title	Page
1	Introduction	3
	House to house collections	3
	Street collections	3
2	Aims	4
3	Objectives	4
4	House to house collections	4
	General principles	4
	Application procedure	5
5	Street Collections	7
	General principles	7
	Application procedure	8
6	Voluntary site management agreement with face to face fundraisers (chuggers)	9
7	Contact details	9
Appx 1	Extracts from the house to house collection regulations 1947	10
Appx 2	Regulations relating to street collections	15
Appx 3	Acceptable Countersignatories	18
Appx 4	Site management agreement between the PFRA and Bolton Council	19

1. INTRODUCTION

1.1 HOUSE TO HOUSE COLLECTIONS

- 1.1.1 House to house collections are governed by the House to House Collections Act 1939 (the Act) and the House to House Collections Regulations 1947, as amended. These regulations can be found at appendix one.
- 1.1.2 As a general rule, house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law, are required to be licensed by the Licensing Authority which is Bolton Council.
- 1.1.3 The definition of 'collection' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade persons to buy goods etc where any part of the proceeds may go to charity.
- 1.1.4 The only exception to the general rule is organisations that have been granted an Exemption Certificate by the Home Office under the provisions of the House to House Collections Act 1939. This Certificate allows an organisation to collect in the District without applying for a licence from the Licensing Authority. The organisation will not be exempted from the regulations or provisions of the Act and the organisation must inform the Licensing Authority of the dates and wards of any planned collections.

1.2 STREET COLLECTIONS

- 1.2.1 The Licensing Authority is empowered under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 to permit collections made in 'any street or public place' for 'charitable or other purposes'. Bolton Council's street collection regulations can be found at appendix two.
- 1.2.2 'Street' is defined as including any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.
- 1.2.3 The definition of a 'public place' will include the entranceways to shops. Although the foyer of a supermarket could be considered to be behind 'closed doors' and subject therefore only to the discretion and approval of the manager, any collector straying outside and/or into the car park would require a licence.
- 1.2.4 The Charitable Collections (Transitional Provisions) Order 1974 sets out model street collections regulations which have been adopted by the Licensing Authority.

2. AIMS

2.1 The aims of the Licensing Authority in respect of the licensing of charitable collections are to:

- Safeguard the interests of both public donors and beneficiaries;
- Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met; and
- Prevent unlicensed collections from taking place.

3. OBJECTIVES

3.1 In order to achieve its aims in respect of licensing of charitable collections, the Licensing Authority has identified the major issues and sought to tackle them through this Policy with the intention of:

- Ensuring impartiality and fairness in determining applications;
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
- Providing equality of opportunity for would-be collectors;
- Avoiding causing undue nuisance to the public;
- Setting fair maximum limits for one applicant/ organisation;
- Achieving a fair balance between local and national causes;
- Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as the police, Trading Standards, the Charity Commission, parish councils and local charitable institutions, etc.

3.2 This Licensing Authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at www.institute-of-fundraising.org.uk

4. HOUSE TO HOUSE COLLECTIONS

4.1 GENERAL PRINCIPLES

4.1.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the borough of Bolton.

4.1.2 Applications must be on behalf of charitable organisations. Applications from private companies for commercial reasons will not be considered.

4.1.3 The Council would formally request that individual organisations do not carry out more than 1 house to house collection per ward in any 12 month period and that collections are not conducted in streets which are predominantly Sheltered Housing and Residential Homes.

4.1.4 Charities should not collect from households displaying no cold calling cards.

- 4.1.5 Where further requests are received from exempted charities to collect on dates which have already been allocated, a formal request will be made for them to consider an alternative date.
- 4.1.6 Applications will only be processed for charitable collections to be held in the current or next calendar year.
- 4.1.7 The Licensing Authority appreciates that expenses/costs will be incurred by the organisations when carrying out clothing collections and that through the process of collecting and sorting the clothes value is added. However, expenses/costs deducted by the organisation must still be reasonable.
- 4.1.8 With regards to clothing collections, the whole profits of the collection must be given to the charity or cause. Applications will be decided on their own merits. Profit is defined as the money remaining once all reasonable expenses/costs have been deducted from the proceeds of the collection.
- 4.1.9 The applicant must forward a financial return form to the Licensing Authority within one month of the date of the collection showing details of the monies collected and expenses deducted. This return form should be countersigned by an acceptable countersignatory as outlined in appendix 3. No licence will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

4.2 APPLICATION PROCEDURE

- 4.2.1 The Licensing Authority operates a diary system to log in collections therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the dates for any collection.
- 4.2.2 Applications are to be made in writing on the form provided together with the information requested. Where possible, the use of electronic forms will be encouraged.
- 4.2.3 Applications must be received by the first day of the month preceding that in which the collection is proposed. In order for the necessary checks to be carried out and to leave time for the necessary prescribed badges and certificates to be ordered and received from The Stationary Office (TSO), it is advised that applications are submitted a minimum of 3 months before the proposed date of collection. Any applications received less than the 28 days before the proposed first date of collection will be declined. Application deadlines have been set in order to offer a fair allocation of charitable collection licences. The only exception to this rule will be in the case of a major disaster whose collections are being organised by the Disasters Emergency Committee (DEC) and this will be at the discretion of the Executive Member.
- 4.2.4 The following information must be submitted with the application:
- Literature about the organisation;
 - Copy of published accounts for the last two years;
 - Copy of statement of accounts from the last three or four collections carried out (including collections held in other Licensing Authority areas);

- Letter from the charitable organisation authorising you to undertake a collection on their behalf, if you are not an official of the charitable organisation; and
- An agreement or contract details with any registered charity or individual benefiting from this collection.

4.2.5 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant to assist in determining the application. The 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.

4.2.6 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:

- (a) Issue a licence specifying the requested date and location; or
- (b) Refuse to issue a licence on the statutory grounds.

4.2.7 The Licensing Authority can refuse or revoke a licence for various reasons including:

- that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)
- that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person
- that the grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection
- that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to the House to House Collections Act 1939, or has been convicted of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a licence
- that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under the House to House Collections Act 1939, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised
- that the applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs

- 4.2.8 There is a right of appeal to the Secretary of State against the refusal or revocation of a licence within 14 days from the date on which the notice is given of the refusal or revocation.
- 4.2.9 During the collection, the promoter must ensure that collectors are 'fit and proper' persons and that they comply with the regulations. A guide to house to house collections is available on the Council's website or on request from the Licensing Unit.
- 4.2.10 As soon as possible after the date of any collection (no later than one month after the collection), the applicant must forward to the Licensing Authority a financial return form showing details of the monies collected.

5. STREET COLLECTIONS

5.1 GENERAL PRINCIPLES

- 5.1.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the borough of Bolton. The Council propose to give preference to local charities wherever possible and that 60% of allocated days for street collections will be for local charities or local branches of national charities.
- 5.1.2 Not more than 40 Saturday collections to be held in the borough of Bolton per year, spread as evenly as possible; and that no collections be held in the two weeks leading up to Christmas to avoid disputes as to the allocation of these 'prime' dates;
- 5.1.3 Not more than 12 week day collections be held in one year in each ward;
- 5.1.4 No one organisation be allocated more than one permit per year;
- 5.1.5 Two organisations shall not be permitted to collect in the same ward on the same day. Applications will be dealt with on a first come first served basis. The Council reserves the right to permit multiple charity collections to support national events or a major disaster whose collections are being organised by the Disasters Emergency Committee (DEC) and this will be at the discretion of the Executive Member – a list of events will be published on the Council's web site.
- 5.1.6 Applications for a street collection can only be done singularly i.e. once a collection has taken place the next collection can be booked (subject to a satisfactory return being received), multiple dates cannot be made at the same time.
- 5.1.7 No payment must be made to any collector, or to any other person connected with the promotion or conduct of the collection, indirectly or directly, out of the proceeds of the collection without the approval of the Licensing Authority. Payments to collectors are discouraged as it is contrary to the objective of maximising income to charitable institutions. Reimbursement of reasonable expenses is generally accepted provided that it is within an acceptable overall proportion of the total collected. All collections will be considered on an

individual basis but all payments will be subject to agreement with the Licensing Authority in advance.

- 5.1.8 The applicant must forward a financial return form to the Licensing Authority within one month of the date of the collection showing details of the monies collected. This return form should be countersigned by an acceptable countersignatory as outlined in appendix 3. No permit will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

5.2 APPLICATION PROCEDURE

- 5.2.1 The Licensing Authority operates a diary system to log in collections therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the available dates for any collection.

- 5.2.2 Applications are to be made in writing on the form provided together with the information requested. Where possible, the use of electronic forms will be encouraged.

- 5.2.3 Applications shall be received no later than one month before the date on which it is proposed to make the collection. Application deadlines have been set in order to offer a fair allocation of charitable collection permits. The only exception to this rule will be in the case of a major disaster whose collections are being organised by the Disasters Emergency Committee (DEC) and this will be at the discretion of the Executive Member.

- 5.2.4 The following information must be submitted with the application:

- Literature about the organisation;
- Copy of published accounts for the last two years;
- Copy of statement of accounts from the last three or four collections carried out (including collections held in other Licensing Authority areas);
- Letter from the charitable organisation authorising you to undertake a collection on their behalf, if you are not an official of the charitable organisation; and
- An agreement or contract details with any registered charity or individual benefiting from this collection.

- 5.2.5 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant to assist in determining the application. The 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.

- 5.2.6 Applications will be considered and determined on a 'first come first served' basis.

- 5.2.7 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:

- (a) Issue a permit specifying the requested date and location; or

(b) Refuse to issue a permit.

- 5.2.8 There are no restrictions as to the grounds for refusing an application for a street collection permit and there is currently no right of appeal against a decision of the Licensing Authority to refuse or revoke a permit for a collection.
- 5.2.9 During the collection, the promoter must not allow anyone to collect money, or sell goods, unless they have been given written authority. The promoter must ensure that all people acting as collectors are fit and proper persons and comply with any appropriate legislation. A guide to street collections is available on the Council's website or on request from the Licensing Unit.
- 5.2.10 As soon as possible after the date of any collection (no later than one month after the collection), the promoter must forward to the Licensing Authority a financial return form showing details of the monies collected.

6. VOLUNTARY SITE MANAGEMENT AGREEMENT WITH FACE TO FACE FUNDRAISERS (CHUGGERS)

- 6.1 The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Bolton town centre and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.
- 6.2 This agreement provides just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.
- 6.3 Details of the agreement that is in place for Bolton can be found in appendix 4.

7. CONTACT DETAILS

Anybody wishing to contact the Licensing Authority with regard to this Policy can find the full contact details on Bolton Council's website: www.bolton.gov.uk

EXTRACTS FROM THE HOUSE TO HOUSE COLLECTION REGULATIONS 1947

2. Interpretation.

(1) In these regulations, unless the context otherwise require:-

“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 sub-section (2) of 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;

“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 of 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.

4. Applications for licences and orders.

(1) An application for a licence shall be in the form set out 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.

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 so 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 to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collector and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained herein 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 contained from The 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 chief officer of police 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
- (b) 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

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 the 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 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.

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 authority 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 police area, a combined account of the collections made in all or any of those police areas may by agreement between the chief promoter and the respective police authorities be made only to such of the respective police authorities as may be so agreed.

(2) The licensing authority may extend the period within which an account is required to be furnished to the authority if satisfied that there are special reasons for so doing.

(3) 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 police authority by regulations made under section 5 of the Police Factories, etc. (Miscellaneous Provisions) Act 1916 may, if the said police authority agrees, combine the accounts of the house to house collection, in so far as 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) of this regulation.

15. Form and certifications of accounts.

The account required by the preceding regulation:-

(a) where money has been collected, shall be furnished in the form set out and, where property has been collected and sold, shall be furnished in the form set out 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 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.

The chief promoter of a collection shall exercise all 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 and to promote for the same purposes

REGULATIONS RELATING TO STREET COLLECTIONS

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;

“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 with Bolton Council unless a promoter shall have obtained from 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 Bolton Council may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. Bolton Council 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 an authorised officer of Bolton Council or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway
Provided that Bolton Council 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 stationery; and
- (b) a collector or two collectors shall not be nearer to another collector than 25 metres;

Provided that Bolton Council 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.

Provided that Bolton Council may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.

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 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 Bolton Council.

16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to Bolton Council:-

- (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 either a qualified accountant or an independent responsible person acceptable to Bolton Council.
 - (b) a list of collectors;
 - (c) a list of the amounts contained in each collecting box.
 - and shall if required by Bolton Council, satisfy it as to the proper application of the proceeds of the collection.
- (2) The said person shall also, within the same period at the expense of the person and after the certificate under paragraph (1) (a) above has been published in a newspaper as Bolton Council 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.

Provided that Bolton Council may, if it thinks fit, waive the requirements of the subparagraph in respect of a collection in which the total amount collected does not exceed £150.

- (3) Bolton 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 of Scotland;

The 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

Acceptable countersignatures

- Accountant
- Airline Pilot
- Articled clerk of a limited company
- Assurance agent of recognised company
- Bank/Building Society official
- Barrister
- British Computer Society (BCS) - Professional grades which are associate (AMBCS), Member (MBCS), Fellow (FBCS) (PN 25/2003)
- Broker
- Chairman/Director of limited company
- Chemist
- Chiropodist
- Christian Science practitioner
- Commissioner of oaths
- Councillor: local or county
- Civil servant (permanent)
- Dentist
- Director/Manager of a VAT registered charity
- Director/Manager/Personnel Officer of a VAT registered company
- Engineer (with professional qualifications)
- Fire service official
- Funeral Director
- Insurance agent (full time) of a recognised company
- Justice of the peace
- Legal secretary (members and fellows of the Institute of legal secretaries)
- Local government officer
- Manager/Personnel Officer (of limited company)
- Member of Parliament
- Merchant Navy Officer
- Minister of a recognised religion
- Nurse (SRN and SEN)
- Officer of the armed services (active or retired)
- Optician
- Person with honours (OBE, MBE etc)
- Police Officer
- Post Office official
- President/Secretary of a recognised organisation
- Salvation Army Officer
- Social worker
- Solicitor
- Surveyor
- Teacher, Lecturer
- Trade Union Officer
- Valuers and auctioneers (fellow and associate members of the incorporated society)
- Warrant Officers and Chief Petty Officers

January 2014

Site Management Agreement

Site Management Agreement

Between PFRA and Bolton Council

DRAFT

Prepared by: **Tom Rosenfeld**
Outreach Officer

+44 (0)20 7401 8452
tom@pfra.org.uk
www.pfra.org.uk

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Bolton town centre and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Bolton:

One charity/PFO per day in either:

Deansgate and Oxford Street

Pedestrianised area of:

1. No more than 3 fundraisers on Deansgate between Oxford Street and Bridge Street
2. No more than 3 fundraisers on Oxford Street between Victoria Square and Deansgate

Capacity: maximum of 5 fundraisers in total, including a team leader.

Frequency: 2 non-consecutive days per week, excluding Saturdays and Sundays, not to be worked at the same time as the Market Street and Hotel Street site.

OR:

Market Street and Hotel Street

Pedestrianised area of:

1. No more than 3 fundraisers on Market Street between Hotel Street and Deansgate
2. No more than 3 fundraisers on Hotel Street between Victoria Square and Bridge Street

Capacity: maximum of 5 fundraisers in total, including a team leader.

Frequency: 2 non-consecutive days per week, excluding Saturdays and Sundays, not to be worked at the same time as the Deansgate and Oxford Street site.

Fundraisers will not fundraise in Victoria Square, in front of Bolton town hall.

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified. Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Bolton Council is [insert contact](#) and [his/her](#) contact details are [insert](#). In [his/her](#) absence all enquiries should be made to [secondary email](#) or [secondary telephone number](#).

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

[\[Example](#)

[Name, Licensing Manager, Insert Name Council](#)

[email:](#)

[Name, Licensing Officer, Insert Name Council](#)

[email:](#)

[Name, Town Centre Manager](#)

[email: ...\]](#)

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](#)).

6 Working Together

Bolton Council agrees to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Sally de la Bedoyere, CEO

Date:

Signed For and On Behalf Of Bolton
Council:

Print name:

Job title:

Date:

DRAFT

Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.