

IMPORTANT – PLEASE READ THE GUIDANCE NOTES BEFORE YOU COMPLETE THIS FORM

Birmingham City Council

Police, Factories, etc. (Miscellaneous Provisions) Act 1916

Application for a Charitable Street Collection Permit in 2023

This pack contains forms and explanatory notes to apply for a permit to hold a charitable street collection in **2023** only. If you are successful in being granted a permit you will be under a statutory duty to comply with the **Model Street Collection Regulations** adopted by Birmingham City Council. A copy of the regulations is attached at the end of this pack. Please read them before applying for a permit to ensure you fully understand **your responsibilities**.

If applying before 1 November 2022:

The fully completed application should be returned to the Licensing Section at the address below **before 1 November 2022**.

Any applications received by this date will be dealt with at the same time in order to try and allocate applicants their first choice of date. Please note that dependent upon the level of demand we may not be able to give you your preferred date. If a specific date is important, please indicate the reason on the form.

We will contact you before the end of December 2022 to inform you of the date(s) provisionally allocated to you. If you have any questions while you are waiting to hear from us, however, please contact us using the telephone number or email address shown below.

Please note: Applications that miss the deadline of 1 November 2022 will be set aside and will not be considered until after the first phase of date allocation has been completed.

If applying after 1 November 2022:

The fully completed application should be returned to this office **not less than 28 days before the date of the proposed collection**. If you do not allow plenty of time when sending in your form, we may not be able to issue a permit to you.

It is advisable for you to contact us **before** sending your application to check if your preferred collection date and/or area are available. If they are then you must send in your fully completed application form straightaway and before anyone else applies for that date.

Please note that we can only confirm if the date and/or area are available on the day that you call. We do **not** pre-reserve dates and/or areas over the telephone.

Your application will be acknowledged upon receipt. We will then contact you again as soon as possible after consulting all of the relevant people. If you have any questions while you are waiting to hear from us, however, please contact us using the telephone number or email address shown below.

IMPORTANT:

We are unable to authorise collections to be held in private shopping centres/areas. If you want to collect in these areas you will need to contact the appropriate Centre Management for permission. Express permission is required from City Centre Operations to collect in Centenary, Colmore and Victoria Square.

FOR ALL APPLICATIONS:

Please send in some information on the aims and objectives of the charity for example leaflets, promotional information etc.

If the Promoter, (the person named on the permit), changes before the date of the collection a new application will need to be made. Please ensure that you give 28 days' notice to enable us to carry out any necessary checks.

If you are not an employee/authorised administrator of the group/charity you wish to collect for you will need to send us a letter from the charity/organisation saying that they agree to you collecting for them. The authorisation **must** be sent with your completed application form.

Please note that if the application form is not fully completed and all relevant documents attached it will be returned to you **unprocessed**.

Your application should be determined within 60 days of receipt of all the information necessary for the Council to process and determine the application. Please refer to the Council's requirements for Charitable Street Collections which are contained within this information pack.

Tacit Consent will not apply as it is in the public interest that the authority must process your application before it can be granted. If you have not heard from the Council within a reasonable period of time please contact us using the details shown below.

Electronic submission of applications

If you would like to send your application electronically please complete this form (SC1.32) and send it as an attachment to licensing@birmingham.gov.uk

Please ensure that you insert an original ink signature in the declaration section of the form and remember to include any relevant supporting documents.

Contacting the Licensing Section

You may contact the Licensing Section:

By telephone on: **0121 303 9896**

By email at: licensing@birmingham.gov.uk

By post to: **General Licensing Regulation & Enforcement
PO Box 17831
BIRMINGHAM
B2 2HJ**

GUIDANCE NOTES

1. **Timing** Each year we request that street collection applications for the following year are received in this office by **1 November**.

During November we will look at everyone's requests and attempt to allocate applicants their first choice of date and area. Please indicate on the form if the date you want is required for a specific purpose/event.

Any applications we receive after the 1 November deadline will be held over until we have completed the first phase of date allocations. Any applications that have missed the deadline can then only be allocated a collection date/area from the days and areas that remain available; this is done on a first come first served basis.

2. **Collection days** A 'whole city' collection covers **all** of the Birmingham districts including the City Centre. So that we can give as many groups as possible the chance to collect in Birmingham we will normally only grant **one** 'whole city' collection to each group/charity.

- ❖ You should only ask for a 'whole city' collection if you have enough volunteers to collect in every area of Birmingham. If you do not think you will have enough please just ask for the districts/areas that you would like.

If you are not asking for a 'whole city' collection then you may initially have **two** separate collection dates in specified parts of Birmingham but only **one** of these collections can be for the City Centre. Please tell us on the form which area(s) of Birmingham you would like to collect in.

3. **Permit restrictions** We usually only allow one group to collect in the same district/area on the same day so we may need to give you a permit for the morning or afternoon only. Please indicate which you would prefer on the application form.
4. **Additional dates** We endeavour to enable charitable organisations to collect within Birmingham on at least one occasion each year. There is a large demand for additional collection dates with some applicants wishing to "block book" dates which would be detrimental in allowing other organisations a fair opportunity to collect.

Until such time as a review of charitable collection policies and procedures takes place the increased demand for collection dates is managed by operating a system whereby an application can be made and a permit granted for a **maximum** of 2 dates at any one time.

No further applications are accepted until the certified returns from the previous collection dates have been received. Once the certified returns have been received a fresh application can be made for a **maximum** of 2 further dates if an additional collection is required.

5. **Information** Before we can grant a street collection permit we need to have as much information as possible about your charity so please send in leaflets/information on the aims of the charity with your application form. We may also contact you to request a copy of the latest audited charity accounts.
6. **Non-members** If you are not an employee/authorised administrator of the group/charity you want to collect for then you must obtain and send in a letter from the group/charity **with** your application form. This letter must say that they agree to you collecting for them, be signed and dated by a charity official and be written on charity headed paper.
7. **Direct Debit Pledges** If you wish to collect direct debit pledges you will need to submit all of the relevant documents as detailed on the next page with your application form. If these are not submitted with form then your application will be returned unprocessed.

Your attention is drawn to regulations 14(1) and 14(2) of the Model Street Collection Regulations adopted by Birmingham City Council

8. **Animals** No animals must be used in any street collections. Please let us know if a collector will need to use their assistance dog during the collection.
9. **Private areas** Shopping areas in the city, for example Bullring, Pavilions, Grand Central, Fort Shopping Park, One Stop Perry Barr etc. are privately controlled. We do not issue permits for these areas and you will need to contact the appropriate Centre Manager for permission.
10. **Use of Squares** Any permit granted for the City Centre will **not** automatically entitle you to collect in Centenary, Colmore or Victoria Square. These areas are used for special events and express permission is required from City Centre Operations if you wish to extend into these areas on the day of your collection.

City Centre Operations may be contacted by emailing citycentre@birmingham.gov.uk or by telephoning 0121 675 3626. A copy of their permission, if given, should be submitted with your completed application form.

11. **Subways** You are not allowed to collect in subways and pedestrian underpasses or on the ramp going up from New Street in the City Centre to the Grand Central Shopping Centre (formerly Pallasades Shopping Centre).
12. **Carnivals, Processions & Standing displays** The permit will only authorise the collection of money. For any other associated activities such as carnival processions, a bed push, standing display of a table/vehicle you will need to obtain separate permission from the relevant body.

Relevant bodies could mean West Midlands Police, Birmingham City Council Highways Management, Town/City Centre Management Teams etc.

13. **Selling** If you want to sell goods, magazines etc. in a public place for charity you will need a Charitable Street Collection Permit.
14. **Expenses and Money for Travel** Please note that **NO** expenses can be taken out of the collection proceeds **unless** they have been approved as part of the application process. Any proposed expenses and anticipated amounts must be itemised on the application form.

Please note: You will **not** be allowed to take money from the collection for refreshments or for travel to and from the place you are collecting so please do not include these on your form.

15. **After the collection** You have a duty to submit the Form of Statement (please refer to Regulation number 15) within **28 days** following the date of the collection:
 - ❖ You have to fill in the Form of Statement (we will send this to you with the permit).
 - ❖ The Form of Statement has to be signed by an independent responsible person, such as a qualified accountant, and you will have to list the names and addresses of the people who collected for you and how much was collected.

Please note it is an offence to fail to submit the required form of statement in accordance with the regulations.

PROFESSIONAL FUNDRAISERS AND COMMERCIAL PARTICIPATORS

These persons are defined in Section 58(1) of Part 2 of the Charities Act 1992

- 1) A professional fundraiser is broadly a person carrying on a fundraising business and/or a person who for reward solicits money or other property for the benefit of a charitable institution.
- 2) A commercial participator is anyone who runs a business, (not a fundraising business), for gain, who engages in a promotional venture which states that a contribution will be given to charity.
- 3) The 1992 Act requires that professional fundraisers and commercial participators involved in fundraising for the benefit of charitable institutions must have an agreement in place which complies with specific legal requirements.

DIRECT DEBIT FUNDRAISING

If you wish the collection to be in the form of direct debit pledges using Professional Fundraisers you will need to provide the following documents **with** your application form:

- 1) a copy of the Agreement (signed by both parties) between the Fundraising Company and the Charity, detailing the costs of your services.
- 2) copies of any documents given to donors which show details of how much their money is worth to the charity and the terms under which the professional fundraisers employed by the charity are remunerated.

The application will need to be determined by the Licensing and Public Protection Committee. You will be required to attend the meeting to explain the operation to the Committee in order that the members can consider whether to grant the permit based on the costs involved.

Please be aware that in previous situations the Committee has indicated that prospective donors should have clear information to show exactly what their donation is worth, bearing in mind the fundraising costs.

You may therefore wish to provide examples to demonstrate how this will be achieved. This information can then be circulated with the Committee report prior to the meeting.

Any application sent in without this information will be returned unprocessed.

Your attention is drawn to regulations 14(1) and 14(2) of the Model Street Collection Regulations adopted by Birmingham City Council

**BIRMINGHAM CITY COUNCIL
APPLICATION FORM FOR A CHARITABLE STREET COLLECTION PERMIT**

PLEASE FULLY COMPLETE IN BLACK INK USING CAPITAL LETTERS

Please remember to check your application form to make sure you have completed all sections as any incomplete forms will be returned unprocessed

<p>1 Last name</p> <p>Former names (if applicable)</p> <p>First name</p> <p>Date of birth</p>	<p>.....(Mr/Mrs/Miss/Ms/Other)</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>2 Your HOME address including postcode</p> <p>Daytime telephone number</p> <p>Email address</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>3 Name and address of organisation / charity / group RESPONSIBLE for the collection (if you are applying as an individual and not representing an organisation/group please give a brief explanation of your reason for fundraising)</p> <p>What is your role within this organisation / charity?</p> <p>Is the organisation registered with the Charity Commission?</p> <p>What are the aims of the organisation / charity? Please enclose leaflets/literature if possible</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Registration no:</p> <p>.....</p>
<p>4 Name and address of the charity/charitable fund which will RECEIVE the money from the collection</p> <p>Is the organisation registered with the Charity Commission?</p> <p>What are the aims of the organisation / charity? Please enclose leaflets if possible</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Registration no:</p> <p>.....</p>

<p>Are you employed by this charity?</p> <p>If you are not employed by the charity you must send in a letter from them with this application saying that they agree to you collecting on their behalf</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please state your position/title within the charity</p> <p>.....</p>
<p>5 Which date(s) do you wish to collect on? (Please see Guidance Notes 2 and 4)</p> <p>If the date is required for a specific purpose, please state the reason</p>	<p>1st choice:</p> <p>and / or (please delete as applicable)</p> <p>2nd choice:</p> <p>.....</p> <p>.....</p>
<p>6 Which area(s) do you wish to collect in?</p> <p>Please do NOT include private shopping centres. If we issue you with a permit for the City Centre you still need express permission from City Centre Operations to collect in Centenary, Colmore or Victoria Square (See Note 10)</p>	<p>.....</p> <p>.....</p> <p>.....</p>
<p>7 If a permit has to be limited to morning or afternoon only, please give preference.</p>	<p>Morning <input type="checkbox"/> Afternoon <input type="checkbox"/></p>
<p>8 Do you intend to collect cash or direct debits? (Please see direct debit information)</p>	<p>Cash <input type="checkbox"/> Direct Debit Pledges <input type="checkbox"/></p>
<p>9 Are you acting as a professional fundraiser or commercial participator? (Please see definition)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, you must attach a copy of the agreement</p>
<p>10 Is the charity using a professional fundraiser in connection with this collection?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, you must attach a copy of the agreement</p>
<p>11 Approximately how many collectors will there be?</p>	<p>.....</p>
<p>12 Will there also be a procession or standing display of any kind? If yes, please give details</p> <p>The permit does not give permission for this – please see Guidance Note 12</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>.....</p> <p>.....</p>
<p>13 Will all the money be paid over to the charity / fund?</p> <p>If not, please itemise the expenses and proposed amounts</p> <p>Please note: no expenses can be taken from the collection unless you have given full details on this form</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>.....</p> <p>.....</p> <p>.....</p>

<p>14 Have you been given a street collection permit by Birmingham City Council before?</p> <p>If yes, please give the date of the last collection and permit number (make sure you have submitted your returns)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Date of Collection:</p> <p>Permit Number:</p>
<p>15 To which address should the permit to be sent?</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

DECLARATION: I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused. I further declare that I have read and agree to abide by the Model Street Collection Regulations adopted by Birmingham City Council should my application be granted.

I will send in the Form of Statement, which will be counter-signed by an independent responsible person such as a qualified accountant, within 28 days of the collection.

Signature of Applicant: Date:

(The application **must** be signed with the usual signature of the person who is named in Section 1 of this form)

Please return completed application forms to:

General Licensing Regulation & Enforcement
P.O. Box 17831
BIRMINGHAM
B2 2HJ

licensing@birmingham.gov.uk

Please remember to include:

- Your fully completed application form
- Letter of authority from the charity (if you are not an employee/authorised administrator)
- Leaflets or information regarding the aims of the charity/organisation
- Professional Fundraisers/Commercial Participators Agreement (if applicable)
- Direct Debit Fundraising Agreement (if applicable)

Fair Processing Statement – Any personal data held by Birmingham City Council in relation to your application for a street collection permit will be held in full compliance with the legal obligations as set out in the Data Protection Act 1998 and in accordance with the Council’s Privacy Policy; a copy is available on the Council’s website: www.birmingham.gov.uk/privacy. To protect the public fund we may also use the information you have provided on this form to prevent and detect fraud. We may share this information for the same purposes with other organisations for example, other councils, the police and Charity Commission.

MODEL STREET COLLECTION REGULATIONS ADOPTED BY BIRMINGHAM CITY COUNCIL

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 the Birmingham City 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 receiving 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 Birmingham unless the promoter of the collection has obtained a permit from the council.
3. Application for a permit shall be made in writing not later than one month before the date of the proposed collection.
4. The collection must be made on the day (and between the hours) stated in the permit.
5. The Council may limit the collection to certain streets or places or other areas as it thinks fit.
6.
 - (1) No person may assist or take part in any collection without the written authority from the promoter.
 - (2) Persons authorised above must carry with them a copy of the permit so that it is available for inspection, by an authorised officer of the Council, or a police officer, at any time during the collection.
7. No collection shall be made in any part of the carriageway of any road or street unless it is being conducted as part of a procession which has received prior approval from the police and the council.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. While collecting -
 - (a) a collector shall remain stationary; and
 - (b) a collector or two collectors together shall not be nearer than 25 metres to another collector.
10. No promoter, collector or other person who is connected with a collection shall permit a person under sixteen to act as a collector.
11.
 - (1) Every collector shall carry a collecting box.
 - (2) All collecting boxes shall be numbered consecutively and shall be secured and sealed in such a way to prevent them being opened without the seal being broken.
 - (3) All money received by a collector from contributions shall be placed immediately in a collecting box.
 - (4) Every collector shall deliver, unopened, all collecting boxes in the collector's possession to the promoter.

12. A collector shall not use any collecting box which does not bear the name of the charity or fund which is to benefit, displayed in a prominent position on the box.
- 13.
- (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of the promoter and another responsible person.
 - (2) Where a collecting box is delivered unopened to a bank, it may be opened by an official of that bank.
 - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and enter the amount (along with the number of the collecting box) on a list to be certified.
- 14.
- (1) No payment shall be made to any collector.
 - (2) No payment shall be made out of the proceeds of a collection, directly or indirectly, to any other person connected with the promotion or conduct of the collection other than payments which have been specifically approved by the Council.
- 15.
- (1) Within one month after the date of the collection the permit holder shall forward to the Council:
 - (a) The completed form of statement (Schedule 1 to these Regulations), showing the amount received and the expenses and any payments incurred in connection with the collection. The form must be certified by the promoter and **an independent responsible person such as a qualified accountant.**
 - (b) a list of collectors;
 - (c) a list of the amounts contained in each collecting box.
 - (2) The council may, if there are special reasons for doing so, extend, at the request of the promoter, the period of one month referred to in paragraph (1) above.
 - (3) For the purposes of these Regulations "a qualified accountant" means a member of at least one of the following organisations: -
 - 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.
16. 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 those articles are sold in the ordinary course of trade and without any representation to the effect that the proceeds of sale are to be applied for any charitable or other similar purpose.

Any person who contravenes any of the above Regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale (currently £200).