

Charity Collections Policy, Procedure and Guidance

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Charitable Collections Policy, Procedures and Guidance

1. Colchester City Council, as the Licensing Authority, regulates charitable collections both in the street and house to house. The document aims to ensure that the process of application and determination is open and transparent for all parties involved and makes clear to all parties their role and responsibilities.
2. Its aim is to safeguard the interests of public donors and beneficiaries, facilitate well organised collections by bona fide charitable organisations, prevent nuisance and other detrimental impacts on the public, and to ensure that good standards are met.

Data Sharing

3. The Council will share information supplied by applicants or acquired while exercising licensing functions, with other enforcing bodies where it is lawful to do so.

Standards

4. The Chartered Institute of Fundraising's Code of Fundraising Practice promotes good practice and high standards for charity retailing. Compliance with the Code is a mandatory part of membership of the Association for UK Charity members. A copy of this code of practice can be found at [Home — Charity Governance Code](#)

Consultation and Implementation

5. The document will be reviewed every five years and will continue to be evaluated and may be updated at any time.

Decisions

6. Each application will be considered on its own merits and having regard to the principles set out in this document.
7. The decision to grant, refuse or revoke a licence is delegated to officers. The applicant will be notified of the decision in writing.
8. Applicants wishing to appeal may appeal to the Licensing Committee in the first instance.
9. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. The Licensing Manager may authorise a departure from the policy where it is considered necessary to do so in the specific circumstances.

Enforcement

10. Enforcement will be carried out in line with the Council's licensing enforcement policy.
11. The responsibility for the overall supervision of house to house and street collections lies with the Licensing Manager.

House to House Collections

12. Colchester City 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 items directly from a person's property. It also covers collections within licensed premises where some or all the proceeds are given to a charity, for example the sale of flowers or glow bands.
13. The only exemption to the requirement to hold a licence are for charities that hold a [National Exemption Order](#). Exempt organisations must inform the Council of the dates and areas of their planned collections.
14. The need for a licence can be waived by the Chief Constable of the local police area if they are satisfied that the purpose of the collection is local in character and the collection is likely to be completed in a short period. In these cases, a licence from the Council is not required and the Regulations do not apply to that collection.
15. All house-to-house collections must be conducted in accordance with all relevant legislation.

Applications

16. An application to carry out a house-to-house collection may be made for all or part of the city area.
17. Applications can be made online and on successful completion of the application the Council will grant the application. The Council cannot grant a house-to-house collection licence for longer than 12 months.
18. Collections must not take place outside the hours of 8.00am and 8.00pm.
19. The Council reserves the right to make more detailed enquiries about all applications in certain circumstances.

Grounds for Refusal

20. The Council can refuse or revoke a licence for the following reasons:

- 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 neglected to provide the information 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 certain criminal offences, e.g. burglary, blackmail, or fraud.
- 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 authorised persons.

21. In addition to the reasons given above, the following additional notes are included for guidance:

- The financial information provided as part of the application must be transparent and the proportion donated to charity must be clear. If the Council is not confident in the calculations, the application will be refused.
- The Council must be satisfied that the amount given to the charity is adequate in relation to the proceeds received. The cost of the collection needs to be considered and balanced against the perception of the public that all the items or money they donate will be given to charity.
- The remuneration received by all individuals at all levels, involved in the collection process, relative to the amount being given to the charity, will be considered as part of the financial assessment.
- If no previous returns have been supplied to the Council after previous licensed collections the application will be refused.
- Any action taken because of a failure to comply with the regulations on operating House to House collections is grounds for refusal unless there are extenuating circumstances.

Appeals

22. Any person aggrieved by the refusal to grant a licence or revoke a licence which has been granted, may appeal against the decision within fourteen days from the date on which the notice is given. Any appeal must be made to the Minister of the Cabinet Office.

Licensee Responsibilities

23. The responsibilities of all those involved in house-to-house collections are specified in the [House-to-House Collections Act 1939](#) and the [House-to-House Collections Regulations 1947](#).
24. Once a licence has been issued application must be made to the [TSO Shop](#) for copies of the certificate of authority and badges which must be supplied to all the collectors. The Stationery Office will require the original licence and covering letter with details of the quantity of badges required.
25. The key responsibilities relating to a collection are:
- All collectors must be over 16 years old.
 - Each collector must wear a standard 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.

After the collection

26. Within one month of the collection, a house-to-house collection form must be completed online indicating -
- How much was collected
 - Any expenses incurred
 - How the proceeds are being used
27. A statement must also be published within one month of the collection which includes details of –
- Who was responsible for the collection or sale
 - The charity or fund the money was donated to
 - The date of the collection or sale
 - The amount collected
 - The expenses
 - The amount donated to charity

Street Collections

28. Colchester City 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 licence collections made in “any street or public place” for “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.

29. All Street collections must be conducted in strict accordance with the Regulations made by the Council. A copy of the Regulations can be found at Annex 1.
30. 'Street' is defined as including any highway and any public bridge, road, lane, square, court, footway, passage, or alley whether a thoroughfare or not.
31. 'Public place' is defined as "a place where the public has access". The public place need not be in public ownership and includes shopping centres, malls, and the entrances to shops.
32. 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 if collectors remain inside the premises and do not collect outside on the premises frontage or in the premises car park, even if the outside area is in private ownership. Where a charitable collection takes place outside the premises on the premises frontage or in the premises car park, even if the outside area is in private ownership a street collection permit would be required together with the consent of the store manager.
33. Permit holders are not restricted to the collection of money only, as the permit also covers the sale of charitable items in a public place which is exempt from the requirement of a street traders' licence under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
34. A street collection or sale of items held in conjunction with a pedlar's licence will not be permitted in the Colchester district without an appropriate street collection permit having been issued by the Council.
35. A street collection or sale of charitable items held in conjunction with busking activities will not be permitted in the City without an appropriate street collection permit issued by the Council. Buskers collecting or purporting to collect for a charitable or benevolent purpose must be able to provide evidence to confirm this, such as a letter from the charity confirming that the busker is acting on their behalf.
36. 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

37. An application for a street collection permit can be made online.
38. Charitable organisations will be limited to a maximum of 2 street collections per annum in Colchester town centre, Dedham, Tiptree, West Mersea, and

Wivenhoe. Exemptions from this requirement are in place for the annual Poppy Appeal and the Colchester Rotary Club Christmas collection.

39. Applications for a street collection permit will be considered and dealt with on “first come, first served” case by case basis.
40. Applications for a street collection cannot be made more than six months in advance, and a minimum of 28 days’ notice must be given between the application and the proposed date of collection. The Licensing Manager may waive this requirement in exceptional circumstances.
41. A copy of the contract between the benefiting charity and the street collection organiser must be provided with the application.
42. Where the proposed collection is to take place outside a store or supermarket, written permission from the store manager must be provided with the application.
43. Where the proposed collection is to take place in Culver Square Shopping Centre or Red Lion Walk Shopping Centre, written permission from the management company must be provided with the application.
44. Where the proposed collection is to sell charitable items in Colchester Town Centre using a stall or table, permission must be obtained from the Colchester Markets’ Team. Their contact details can be [here](#).
45. The grant of a permit to collect does not absolve the applicant from their responsibilities to the public. All applicants for a street collection permit should ensure that they have adequate insurance and public liability cover.
46. The grant of a permit does not allow the placing of any vehicle, stand, tables, chairs, items of equipment or independent display material; such items on the highway may constitute an obstruction. Where the proposed collection is to sell charitable items in a street or other public place using a stall or table, written permission to erect such a stall or table must be provided with the application from Essex County Council in the case of highway land and from the relevant owner in the case of other public places.
47. Deductions for travel expenses to and from the place of collection will not be permitted.

Allocation of Licences

48. When deciding whether to grant a licence consideration will be given to the following:
 - If the collection is linked to specific events within the city.
 - If the collection is linked to a nationwide campaign.
 - If the collection will benefit local worthy causes, local hospices, community fund raising etc.

- If the collection is on behalf of a national charity, is there likely to be some benefit to the residents of Colchester City Council.
- What proportion of funds collected will be applied for purely charitable purposes.
- Has a licence been previously refused by Colchester City Council or any other Local Authority.
- Has a return been submitted for previous collections carried out by the organisation.

49. If a collection is cancelled by the organisation and a collection licence/permit has been issued; the licence must be returned to the Council at least 7 days prior to when the collection is due to take place. Failure to do so will result in future applications being refused.

50. Applications for licences relating to emergency disasters and national campaigns will be considered on a case-by-case basis.

Appeals

51. The refusal of a street collection licence cannot be appealed but application can be made to the High Court to review the decision.

After the Collection

52. Within one month of the collection, a street collection return form must be completed online indicating -

- How much was collected
- Any expenses incurred

Direct Debit Collections

53. Charity collections made by direct debit only do not fall within the scope of the Act or the Regulations.

54. The Council has entered into a Site Management Agreement with the Public Fund Raising Regulatory Association to facilitate responsible face-to-face fundraising in Colchester 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 interference.

55. Direct debit collections are allowed on Mondays, Tuesdays, and Wednesdays between 9am and 7pm on the High Street, between St Nicholas Street and North Hill / Head Street, and Culver Street West, between Trinity Street and Head Street. A maximum of 6 fundraisers are permitted in total across the 2 streets with no more than 4 fundraisers on any individual street.

56. The calendar of collections is organised by the [Institute of Fundraising](#) If you wish to collect in Colchester, you must contact them. Collectors who are fundraising by way of direct debit must act in accordance with the [Code of Fundraising Practice](#).

Street Collection Regulations

In pursuance of Section 5 of the Police, Factories, etc, (Miscellaneous Provisions) Act 1916, as amended by Section 251 Schedule 29 of the Local Government Act 1972, Colchester City Council has set various Regulations in respect to the places where and the Conditions under which persons may be permitted in any Street or Public Place within the City of Colchester to collect money or sell articles in relation to the above Acts and any emendation subsequently made thereto.

DEFINITIONS

Collection - A collection of money or a sale of articles for the benefit of a charitable or other purpose and the word 'Collector' shall be construed accordingly.

Promoter - A person who causes others to act as collectors.

Licensing Authority - Colchester City Council, herein called the 'Council'.

Permit - Authority given for a collection to take place.

Contributor - A person gives money to a collector and includes a purchaser of articles for sale for the benefit of a charitable purpose.

Collecting Box - Box or other receptacle used for the reception of monies from contributors.

CONDITIONS

2.1 No collection, other than a collection taken at a meeting held in the open air, shall be made in any street or public place within the City of Colchester unless a promoter has previously obtained a permit from the Council.

2.2 An application for a permit shall be made in writing not later than one month before the date on which the collection is due to take place. Applications cannot be made no more than six months in advance.

The Council may at its discretion reduce this period if it is satisfied that there are special reasons for doing so.

2.3 No Collection shall be made other than on the day and between the times as stated in the permit.

2.4 The Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof, as it deems appropriate.

2.5 When making any collection or on the sale of any articles: -

- (a) No person may assist or take part in the collection unless they have the prior written authority to do so from the promoter. [OBJ]
 - (b) Any person assisting or taking part in any collection as at (a) above shall produce such written authority forthwith for inspection when requested to do so by a duly authorised Officer of the Council or any Police Officer.
- 2.6 No collection shall take place on a carriageway of any Road or Street where there is a pavement or footway. Provided that the Council may, if it deems appropriate, waive this requirement were the collection forms part of an authorised procession.
- 2.7 No collection shall be made in a manner likely to inconvenience or annoy any person.
- 2.8 No collector shall importune any person to annoyance of that person.
- 2.9 Whilst collecting: -
- (a) A collector shall remain stationary.
 - (b) Collectors, where there are two or more, shall not collect within 25 metres of each other.
- The exception to this being where the collection forms part of an authorised procession.
- 2.10 No promoter, collector or person who is connected in any way with a collection shall allow a person under the age of 16 years to act as a Collector.

COLLECTING BOXES

- 3.1
- (a) Every person collecting shall carry a Collecting box.
 - (b) All collecting boxes shall be consecutively numbered and securely sealed closed to prevent them being opened without the seal being broken.
 - (c) All monies received by a collector from contributors shall immediately be placed in a collecting box.
 - (d) Every Collector shall deliver, unopened, all collecting boxes in his possession to the promoter.
- 3.2 A collector shall not carry or use any collecting box, receptacle or tray that does not have prominently displayed thereon the name of the Charity or fund that is to benefit from the collection.

Promoters

- 4.1 A collecting box shall be opened in the presence of the promoter and at least one other responsible person. Should the collecting box be delivered unopened to a bank, it may be opened by a bank official
- 4.2 As soon as the collecting box is opened the person opening it shall count the contents and shall enter the amount it contained together with the box number on a list (provided) which when completed shall be certified by that person as being correct.
- 4.3 No payment shall be made to any collector.
- 4.4 No payment shall be made from the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of such a collection, for or in respect of, services connected therewith, except such payments as may have been approved by the Council.

ACCOUNTS

- 5.1 With in one month after the date of any collection the person to whom the permit has been granted (promoter) shall submit to the Council: -
 - (a) A statement in the form as set out in the schedule to these Regulations (Appendix 2), or in a form to the like effect, showing the amount collected and any expenses and payments incurred in relation to such collection, this form is then certified by that person and a qualified accountant.
 - (b) A list of the amounts contained in each box
 - (c) A list of collectors and the boxes they used.

The promoter shall, if required by the Council, satisfy the Council as to the proper application of the proceeds of the collection.

- 5.2 The promoter shall also within one month from the date of the collection, at the expense of that person and after a qualified accountant has given his Certificate, under paragraph 5.1(a) above, publish in a local Newspaper to the Council area a statement. This statement must show the name of the person to whom the permit had been granted, the area in which the collection took place, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of expenses and payments incurred in connection with such collection.
- 5.3 The Council may, if satisfied that there are special reasons for so doing, extend the period of one month referred to in paragraph 5.2 above.

5.4 For the purposes of these Acts and Regulations a 'Qualified Accountant' means a member of one or more of the following bodies: -

- (a) The Institute of Chartered Accountants in England and Wales;
- (b) The Institute of Chartered Accountants of Scotland;
- (c) The Institute of chartered Accountants in Ireland;
- (d) The Institute of Certified Accountants.

GENERAL

6.1 These regulations shall not apply: -

- (a) In respect of a Collection taken at a meeting in the open air.
- (b) To the selling of articles in any Street or Public place when the articles are sold in the normal course of trade.