IMPORTANT - PLEASE READ THESE NOTES **BEFORE** YOU FILL IN THIS FORM

BIRMINGHAM CITY COUNCIL

Application Form for a Charitable Street Collection Permit in 2013
Police, Factories, etc (Miscellaneous Provisions) Act 1916

This pack contains forms and explanatory notes to apply for a permit to hold a charitable street collection in **2013 only**. **Please read the regulations**, attached at the end of this pack, to ensure that you fully understand **your responsibilities** if you are successful in being granted a permit.

If applying before 1st November 2012:

The fully completed application should be returned to the Licensing Section at the address below **by 1st November 2012**.
(Applications received after this date are dealt with on a 'first come first served' basis and are subject to the availability of dates)

We will contact you before the end of December to inform you of the date(s) provisionally allocated to you. However, if you have any questions while you are waiting to hear from us, please contact us at the telephone number/address below.

If applying after 1st November 2012:

The fully completed application should be returned to this office **at least 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.

PLEASE NOTE THAT DUE TO APPLICATION FORMS NOT BEING RETURNED TO US WE DO NOT PRE - RESERVE DATES.

YOU CAN TELEPHONE US AND WE WILL TELL YOU IF THE DATE YOU WANT IS FREE. WE CAN ONLY CONFIRM THAT THE DATE IS AVAILABLE ON THE DAY YOU CALL, YOU MUST THEN SEND IN YOUR APPLICATION FORM STRAIGHT AWAY BEFORE ANYONE ELSE APPLIES FOR THAT DATE.

Your application will be acknowledged upon receipt. We will then contact you again as soon as possible after consulting all of the relevant people. However, if you have any questions while you are waiting to hear from us, please contact us at the telephone number/address below.

ALL APPLICATIONS:

Please send in some information on the aims and objectives of the charity, 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 giving 28 days notice.

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 them 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 UNPROCESSED.

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Notes

1 Timing Each year we request that street collection applications for the following year are sent to this office by 1st November.

During November, we will 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 1st November will be held over and then allocated a collection date/area for the days and areas that are left.

2 Saturday collections Many people wish to collect on Saturdays. We will usually only allow one group to collect in the same area on the same day, so we may give you a permit for the morning or afternoon only. Please put on the application form which you would rather have.

3 Whole city collections 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 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 all areas. If you do not think you will have enough, please just ask for the parts of Birmingham that you would like.
- If you do not want to collect throughout the whole of Birmingham, please tell us on the form which area(s) of Birmingham you want to collect in. We can then offer the other areas to other groups.
- If you are not asking for a 'whole city' collection, you may initially have **two** separate collection dates in several parts of Birmingham, but only **one** of these collections can be for the City Centre.

4 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.

5 Non-members If you do not belong to the group/charity you want to collect for, you must send in a letter from the group/charity with your application form. This letter must say that they agree to you collecting for them.

6 Direct Debit Pledges If you wish to collect direct debit pledges you will need to submit (with the application form) all of the relevant documents as detailed on Page 4. If these are not submitted with your application form your application will be returned unprocessed.

7 Animals No animals must be used in any street collections. Please contact us if you need to use your guide dog during the collection.

8 Private areas Shopping areas in the city are privately controlled (eg, the Pallasades Shopping Centre, Pavilions, The Bullring, Fort Shopping Park etc). We do not issue permits for these areas, you will need to contact the appropriate Centre Manager for permission.

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9 Use of Squares Any permit granted for the City Centre will not automatically entitle you to collect in Victoria, Centenary and Chamberlain Squares. These areas are used for special events and you would therefore also require express permission from the City Centre Management Team to obtain permission to extend into these areas on the day of your collection. The City Centre Management Team can be contacted on 0121 616 2894.

10 Carnivals & Standing displays The permit will only authorise the collection of money; you will need to obtain separate permission from the relevant body if you are proposing to have a carnival procession, bed push, standing display of a table/vehicle etc. Relevant bodies could mean West Midlands Police, Birmingham City Council Highways Management, Town/City Centre Management Teams.

11 Subways You are not allowed to collect in subways and pedestrian underpasses or on the ramp going up to the Pallasades Shopping Centre from New Street in the City Centre.

12 Selling If you want to sell goods, magazines etc in a public place for charity, you will need a street collection permit.

13 Money for travel You will not be allowed to take money from the collection for travel to and from the place you are collecting in; Do not put travel expenses on the application form.

14 After the collection Within **one month** after the collection:

- You have to fill in the Form of Statement (we will send this to you with the permit).
- **It has to be signed by an independent responsible person such as a qualified accountant** and you will have to list the names of the people who collected for you and how much was collected.

Please note:

We do not authorise collections to be held in private shopping centres/areas.

Please note that express permission is required from the City Centre Management to be able to collect in Victoria, Centenary and Chamberlain Squares.

Please contact the appropriate Centre Manager for permission.

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 or can be found at www.birmingham.gov.uk/licensing.

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 contact details below.

Issued by: **The Licensing Section**
Crystal Court
Aston Cross Business Village
50 Rocky Lane, Aston
Birmingham B6 5RQ
Tel: 0121 303 9896

licensing@birmingham.gov.uk

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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 STREET COLLECTION PERMIT

PLEASE COMPLETE IN BLACK INK: **2013**

1	Last name (block letters) Former names (if applicable) First name Date of birth	..... (Mr/Mrs/Miss/Ms) ....
2	Your **home** address including postcode Daytime telephone number Email address	....
3	Name and address of the organisation/charity responsible for the collection Are you a member of this organisation/charity? Is the organisation registered with the Charity Commission? What are the aims of the organisation/charity? Please enclose leaflets if possible	 Yes ☐ No ☐ Yes ☐ No ☐ Registration no…….....
4	Name and address of charity or fund which will receive the money from the collection Is the organisation registered with the Charity Commission? What are the aims of the organisation/charity? Please enclose leaflets if possible Are you employed by this charity? **If not, you must send in a letter from them with this application saying that they agree to you collecting for them**	 Yes ☐ No ☐ Registration no……..... Yes ☐ No ☐ **If yes, state your position/title in the charity** .....
5	Which date(s) do you wish to collect on? If date is required for a specific purpose please give reason	1st choice: **and /or** (**please cross out**) 2nd choice:
6	Which area(s) do you wish to collect in? **Please do NOT include private shopping centres.** **If we issue you with a permit for the City Centre you will still need express permission from the City Centre Management to collect in Victoria, Centenary or Chamberlain Squares. (See Note 9)**	
7	If a permit has to be limited to morning or afternoon only, please give preference.	

8	Do you intend to collect cash or direct debit pledges? **(please see page 4)**	Cash ☐ Direct debit pledges ☐
9	Are <u>you</u> acting as a professional fundraiser or commercial participator? **(please see page 4)**	Yes ☐ No ☐ **If yes, you must attach a copy of the agreement**
10	Is the charity using a professional fundraiser in connection with this collection?	Yes ☐ No ☐ **If yes, you must attach a copy of the agreement**
11	About how many collectors will there be?	
12	Will there also be a procession or standing display of any kind? If yes, please give details **The permit does not give permission for this – please see Note 10, page 3**	Yes ☐ No ☐
13	Will all the money be paid over to the charity or fund? If not, please say how much will be taken out for expenses What are these expenses for? **Please note that <u>no</u> expenses can be taken from the collection unless you have given full details on this form**	Yes ☐ No ☐ ➢ ➢
14	Have you been given a street collection permit by Birmingham City Council before? If yes, please give the date of the last collection and permit number **(make sure you have submitted your returns)**	Yes ☐ No ☐ .....
15	Which address should the permit to be sent to?	…… ……

ANY APPLICATION FORMS NOT FULLY COMPLETED WILL BE RETURNED UNPROCESSED.

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 street collection regulations made by Birmingham City Council should my application be granted. I will send in the Form of Statement, <u>which I will have signed by an independent responsible person such as a qualified accountant</u>, within 28 days of the collection.

Signed by: ..... Date .....
(This <u>must</u> be the person who is applying for the permit not a third party)

Please return to:
The Licensing Section
Crystal Court
Aston Cross Business Village
50 Rocky Lane, Aston
Birmingham B6 5RQ

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).