

## Tunbridge Wells Charity Street Collection Regulations

In exercise of the powers conferred upon it by Section 5 of the Police Factories Etc. (Miscellaneous Provisions) Act 1916, as amended by section 251 of the Local Government Act 1972, and Schedule 29 to that Act, Tunbridge Wells Borough Council hereby makes the Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the Borough of Tunbridge Wells to collect money or sell articles for the benefit of charitable or other purposes.

NOTE: The selling of articles in Royal Tunbridge Wells town is restricted, please contact the Licensing Partnership on 01732 227004 for a list of streets where the selling or offering for sale of goods is prohibited.

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;
  - ▶ **“Collection Box”** means a box or other receptacle for the reception of money from contributions.
2. No collection, other than a collection taken at a religious meeting in the open air, shall be made in any street or public place within Tunbridge Wells Borough unless a promoter shall have obtained from the Tunbridge Wells Borough Council a permit.
3. Application for a permit shall be made in writing not later than 30th September in any year for a collection the following year.  
Application forms available from the Licensing Partnership, P.O. Box 182 Sevenoaks, Kent TN13 1GP
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The Tunbridge Wells Borough Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (i) No person may assist or take part in any collection without the written authority of a promoter.  
  
(ii) Any person authorised under paragraph (i) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Tunbridge Wells Borough Council or any constable.
7. No collection shall be made in any part of the carriageway of any street which does not have a footway. Provided that the Tunbridge Wells Borough 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 collection shall importune any person to the annoyance of such person.

10. No collector shall be accompanied by any animal, other than a registered guide dog.
11. While collecting –  
(i) a collector shall remain stationary; and  
(ii) a collector or two collectors together shall not be nearer to another collector than 25 metres;
- Provided that the Tunbridge Wells Borough 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.
12. 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.
13. (i) Every collector shall carry a collecting box;
- (ii) 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;
- (iii) All monies received by a collector from contributors shall immediately be placed in a collecting box; and
- (iv) Every collector shall deliver, unopened, all collecting boxes in his possession to the promoter.
14. 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.
15. (i) Subject to paragraph (ii) below, a collecting box shall be opened in the presence of a promoter and another responsible person;
- (ii) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank; and
- (iii) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount collected together with the number of the collecting box on a list which shall be certified by that person.
16. (i) No payment shall be made to any collector;
- (ii) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any 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 the Tunbridge Wells Borough Council.
17. (i) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Tunbridge Wells Borough 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 collection, and certified by that person and a qualified accountant;
- (b) a list of the collectors; and
- (c) a list of the amounts contained in each collecting box; and shall, if required by the Tunbridge Wells Borough Council, satisfy it as to the proper application of the proceeds of the collection.
- (ii) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (i)(a) above, publish in such newspaper or newspapers as the Tunbridge Wells Borough 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.

(iii) The Tunbridge Wells Borough Council may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (i) above.

(iv) 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**

18. These regulations shall not apply –

(i) in respect of a collection taken at a meeting in the open air; or

(ii) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

19. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two pounds or in the case of a second or subsequent offence not exceeding five pounds.

**NOTE:** Under Section 31 of the Criminal Law Act, 1977, a maximum fine of £25 is introduced for a first or subsequent offence

### **Special Notes**

Particular attention is drawn to the The Pantiles, Royal Tunbridge Wells, which is not a street maintainable at public expense and, therefore, any permit to conduct a street collection does not give permission to collect on The Pantiles.

If any organisation obtaining such a permit wishes to collect on The Pantiles they must obtain permission from the Manor of Rusthall, whose Agent is Sarah Bird or Andrew Gower of Target Follow, The Corn Exchange, 49 The Pantiles, Tunbridge Wells, Kent

**and** The Royal Victoria Place, the Market Square and Ely Court need permission from the Centre Manager, Royal Victoria Place, Royal Tunbridge Wells, Kent.

Tunbridge Wells Borough Council's policy is restricted to one collection per charity in any one year, these are granted in October for the following year's collection. Under this policy it is not possible to have more than one charity collection on the same day, however, house to house collections have no restrictions as to how many or when collections could be held. Under the Home Office Exemption Order the requirement is only to notify the Council of the charity's intention and to send into us the account forms for our inspection files.

Under these instructions we have in some weeks as many as three collections put forward and accepted under the Home Office Exemption Order.

Unrestricted house to house collections make individual allocation difficult to control, the same date being used by several charities.

If a store/shop gives permission for a collection for a charity, that person must be inside the store/shop.

The forecourt of a shop is considered a public right of way in respect of street collections.

Issued by the The Licensing Department Tunbridge Wells Borough Council

For further information or advice please contact:  
The Licensing Partnership on 01732 227004