



Chelmsford City Council Regulatory Committee

11th July 2024

The 'Police, Factories, etc, (Miscellaneous Provisions) Act 1916 - Adoption of Model Street Collection Regulations

Report by:
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Purpose

The purpose of this report is to seek the approval of the Regulatory Committee for the adoption of the Model Street Collection Regulations within Chelmsford City Council.

Options

1. Adopt the Model Street Collection Regulations in their entirety, as recommended.
2. The Committee may decide not to adopt the Model Regulations nor any bespoke regulations.
3. The Committee could opt to create and adopt a bespoke set of regulations tailored specifically to the needs of Chelmsford City Council. This would need to be brought back to Committee on another occasion.
4. The Committee may decide to defer the decision to a later date to allow for further research, consultation, or consideration of additional information.

1. Introduction

- 1.1 Fundraising collections are crucial for charities, enabling them to raise essential funds and promote their causes. However, it is necessary to ensure that these activities are conducted by legitimate organisations and do not cause disruption to businesses or residents. Adopting the Model Street Collection Regulations will provide a standardised framework to manage and regulate street collections effectively, ensuring transparency, fairness, and public safety.

2. Background

- 2.1 Before reviewing the council's street collection policy, it was recommended that the Council adopt the Model Regulations for street collections. Under Chelmsford City Council's constitution, the Regulatory Committee has the authority to consider and determine any regulatory matters arising in connection to street collections as have been referred by the relevant Director.
- 2.2 The regulations prescribe various requirements relating to the application process and the way collections must take place. The regulations are designed to ensure collections do not give rise to nuisance, the purpose for the collection is transparent and proceeds are kept secure and fully accounted for. The regulations also provide for penalties should any person be found to have acted in contravention.
- 2.3 Councils are not obliged to adopt the Model Regulations and can decide to determine their own regulations. However, any new regulations would first require confirmation from the Department of Culture, Media and Sport before implementation. The Model Regulations, approved by the Home Office, were introduced so that councils could introduce regulations by resolution without the need for further consideration or confirmation by the Department of Culture, Media and Sport.

3. Requirements

If the Committee decides to adopt the Model Street Collection Regulations, several steps must be taken to ensure proper implementation:

- Passing a Resolution:

A resolution to adopt the Model Street Collection Regulations needs to be passed. A copy of the decision, for example, in the minutes stating it has been resolved to adopt the model regulations, needs to be provided to the Department of Culture, Media and Sport.

- Publication of Advertisement:

An advertisement needs to be published in two local newspapers with the decision and stating that a copy of the regulations will be furnished free of charge should anyone request them.

4. Conclusion

- 4.1 The Council could determine not to adopt the Model Regulations. Should the Council determine not to adopt the Model Regulations, then charitable street collections would effectively be unregulated within Chelmsford City Council's area. Without regulation, there is an increased risk of public nuisance and exploitation by unscrupulous collectors.
- 4.2 The Council could determine its own regulations, however any decision to adopt regulations other than the prescribed Model Regulations requires specific consideration and thereafter, confirmation from the Department of Culture, Media and Sport. To our knowledge and through correspondence with the Department of Culture, Media and Sport, no Councils have adopted bespoke regulations within the last few years.

List of appendices:

Appendix 1 – Model Regulations

Corporate Implications

Legal/Constitutional:

The Council 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.

Section 5 of the Act also empowers local authorities to adopt provisions concerning the regulation of street collections in their districts. Model Street Collection Regulations are set out in Schedule 1 of the Charitable Collections (Transitional Provisions) Order 1974. A resolution is required from Council to adopt the Model Regulations as set out in Schedule 1 of the Charitable Collections (Transitional Provisions) Order 1974.

If the Council passes a resolution to adopt the Model Regulations, a copy of the resolution must then be lodged with the Department of Culture, Media and Sport and advertised in two local newspapers.

There is no provision within the legislation for fees to be charged for either processing applications or granting permits or licences for charitable collections. As a result, the cost to the service of advertising resolutions, processing applications and any necessary enforcement action is borne from the general fund. This is a continuing statutory function that the Council must deliver at no charge to the end user. Efficient online application processes are in place to keep costs to as low as possible given the requirement to administer the regime without funding.

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: Impact assessment not required

Health and Safety: None

Digital: measures will be in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements.

Other: None

Consultees:

Relevant Policies and Legislation

[The Charitable Collections \(Transitional Provisions\) Order 1974](#)

[The Police, Factories \(Miscellaneous Provisions\) Act 1916 as amended by Section 251](#)

Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 1



Law In Force

Version 1 of 1

15 February 1974 - Present

Subjects

Charities

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(¹);

“*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.

Notes

1 Insert the name of the licensing authority granting the permit.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 1

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Charitable Collections (Transitional Provisions) Order 1974/140 Schedule 1 MODEL STREET COLLECTION REGULATIONS; para. 2



Law In Force

Version 1 of 1

15 February 1974 - Present

Subjects

Charities

2.

No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within¹⁾ unless a promoter shall have obtained from the licensing authority a permit.

Notes

1 Insert the name of the new licensing area.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 2

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 3



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Charities

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 the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 3

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Charitable Collections (Transitional Provisions) Order 1974/140 Schedule 1 MODEL STREET COLLECTION REGULATIONS; para. 4



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4.

No collection shall be made except upon the day and between the hours stated in the permit.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 4

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Charitable Collections (Transitional Provisions) Order 1974/140 Schedule 1 MODEL STREET COLLECTION REGULATIONS; para. 5



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5.

The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 5

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 6



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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 a duly authorised officer of the licensing authority or any constable.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 6

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Charitable Collections (Transitional Provisions) Order 1974/140 Schedule 1 MODEL STREET COLLECTION REGULATIONS; para. 7



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7.

No collection shall be made in any part of the carriage way of any street which has a footway:

Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriage way where such collection has been authorised to be held in connection with a procession.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 7

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 8



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8.

No collection shall be made in a manner likely to inconvenience or annoy any person.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 8

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Charitable Collections (Transitional Provisions) Order 1974/140 Schedule 1 MODEL STREET COLLECTION REGULATIONS; para. 9



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9.

No collector shall importune any person to the annoyance of such person.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 9

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 10



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Subjects

Charities

10.

While collecting—

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

Provided that the licensing authority 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.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 10

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Charitable Collections (Transitional Provisions) Order 1974/140 Schedule 1 MODEL STREET COLLECTION REGULATIONS; para. 11



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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.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 11

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 12



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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.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 12

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 13



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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.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 13

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 14



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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.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 14

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 15



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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 the licensing authority.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 15

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 16



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16.—

(1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority—

(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;

(c) a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, 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 that person and after a qualified accountant has given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as the licensing authority 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.

(3) The licensing authority 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.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 16

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Charitable Collections (Transitional Provisions) Order 1974/140

Schedule 1 MODEL STREET COLLECTION REGULATIONS;

para. 17



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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.

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 17

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Charitable Collections (Transitional Provisions) Order 1974/140 Schedule 1 MODEL STREET COLLECTION REGULATIONS; para. 18



Law In Force

Version 2 of 2

12 October 1988 - Present

Subjects

Charities

18.

Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding [level 1 on the standard scale]¹ .

Notes

¹ Words substituted by Criminal Justice Act 1988 c. 33 Pt V s.55 (October 12, 1988 as SI 1988/1676)

Schedule 1 MODEL STREET COLLECTION REGULATIONS; > para. 18

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