



Report to Council

Date:	6 th December 2023
Title:	Adoption of Model Street Collection Regulations
Cabinet Member(s):	Councillor Mark Winn
Author and/or contact officer:	Simon Gallacher, Principal Licensing Officer
Ward(s) affected:	All
Recommendations:	To pass a resolution adopting the model street collection regulations as set out in the 'Charitable Collections (Transitional Provisions) Order 1974 (SI 1974/140) (Model Street Collections Regulations).
Reason for decision:	To avoid potential nuisance and ensure appropriate safeguards remain in place, it is recommended that charitable street collections continue to be controlled within Buckinghamshire Council's area through the adoption of the Model Street Collection Regulations.

1. Content of report

- 1.1 Fundraising collections play a vital role in the work carried out by charities and are an important means of both raising money for good causes and also promoting the goals and messages of the collecting charity. However, it is equally important, to ensure that any charitable fundraising, whether in public spaces or door-to-door, is carried out by bona fide charitable organisations and collectors, that a fair percentage of collection proceeds are donated directly to charitable causes, and that no nuisance is caused to businesses and residents as a result of collections.
- 1.2 Buckinghamshire Council's ability to regulate charitable collections in public areas is discretionary and is reliant on it passing a resolution to adopt regulations to control charitable "street collections". Whilst adoption is discretionary, it is clearly desirable

for Buckinghamshire Council to adopt these controls. This contrasts with house-to-house charitable collections which are governed by a statutory licensing regime which requires all such collections to be licensed and Buckinghamshire Council has no discretion to adopt controls.

- 1.3 The Council currently regulates both types of charitable collections, that is house-to-house and collection in public places, by virtue of established historical arrangements that were in place under each legacy District Council area prior to the formation of the unitary council in April 2020. In accordance with the ongoing programme of work harmonising the policies and approaches of the various licensing functions of the Council it is proposed that a new resolution is made to adopt the Home Office's Model Regulations for Buckinghamshire Council.
- 1.4 At its meeting of [1st February 2023](#) the Licensing Committee approved a draft Charitable Collections Policy, "Policy", for a 6 week public consultation. The Policy sets out the Council's proposed approach to regulating both house-to-house and street charitable collections. The report presented to the Licensing Committee on 1st February 2023 sets out the legal framework and background information to the content of the Policy.
- 1.5 At its meeting of [5th September 2023](#), the Licensing Committee, having considered the responses to the public consultation approved a final version of the Policy with some minor amendments. The report presented to the Licensing Committee on 5th September 2023 provides full details of the 55 consultation responses, together with an analysis of those response and reasoning for the minor amendments. Of particular note, 69% of respondents agreed or strongly agreed with the proposal to regulate street collections through adopting the Model Regulations and 15% disagreed. The remaining 16% either neither agreed/disagreed, didn't know or didn't answer this particular question.
- 1.6 In approving a final version of the Policy, the Licensing Committee recommended that the Council adopt the Model Regulations for street collections. Under Buckinghamshire Council's constitution, the Licensing Committee has delegated authority to develop, review and adopt Policies in relation to the various licensing and registration functions that fall under its remit, however it is not able pass byelaws and local legislation which are function are reserved for Full Council.
- 1.7 The Model Regulations are contained within Appendix 4 of the report presented to the Licensing Committee on 5th September 2023 ([Draft Charitable Collection Policy FINAL](#), see Appendix 3). The regulations prescribe various requirements relating to the application process and the manner in which 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.

- 1.8 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 Secretary of State before implementation. The Model Regulations, approved by the Home Office, were introduced so that councils could introduce regulations by resolution without the need for confirmation by the Secretary of State.

2. Other options considered

- 2.1 The Council could determine not to make a resolution to adopt the Model Regulations. To avoid ambiguity the Council would also need to make a decision in respect of any historic resolutions. Should the Council determine not to adopt the Model Regulations and rescind any legacy resolutions, then charitable street collections would effectively be unregulated within Buckinghamshire Council's area. Without regulation, there is an increased risk of public nuisance and exploitation by unscrupulous collectors.
- 2.2 The Council could determine its own regulations, however any decision to adopt regulations other than the prescribed Model Regulations requires specific confirmation from the Secretary of State. For this reason, most councils have adopted the Model Regulations and no authorities have been identified that have adopted their own regulations.

3. Legal and financial implications

- 3.1 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'.
- 3.2 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](#).
- 3.3 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.

- 3.4 If Council passes a resolution to adopt the Model Regulations, a copy of the resolution must then be lodged with the Secretary of State and advertised in two local newspapers.
- 3.5 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 is possible given the requirement to administer the regime without funding.

4. Corporate implications

- 4.1 Protecting the vulnerable – fundraising by means cash and other collections provides an essential source of funding for charity which can be applied to good causes. It is therefore an important means of assisting and protecting those in need and the vulnerable. It is also recognised that there have been increasing instances of fraudulent money collections and it is the duty of the Licensing Authority to ensure compliance with relevant legislation and that any collections are carried out by bona fide collectors who are using any proceeds for the purposes for which they were intended.
- 4.2 Property - N/A
- 4.3 HR – N/A
- 4.4 Climate change – N/A
- 4.5 Sustainability – N/A
- 4.6 Equality - An Equality Impact Assessment Screening Template has been carried out and it is considered that a full EQIA is not required.
- 4.7 Data - measures will be in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements.
- 4.8 Value for money - there is no fee associated with applications for charitable collections.

5. Next steps and review

- 5.1 If Council passes a resolution to adopt the Model Regulations, a copy of the resolution will be lodged with the Secretary of State and advertised in two local newspapers. The regulations will take effect once the Secretary of State has

acknowledge receipt of the resolution and the advertising in the two local newspapers has taken place.

6. Background papers

[Licensing Committee meeting 1st February 2023](#)

[Licensing Committee meeting 5th September 2023](#)

[The Police, Factories \(Miscellaneous Provisions\) Act 1916 as amended by Section 251 and Schedule 29 to the Local Government Act 1972](#)

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

