

TRAFFORD COUNCIL

Report to: Executive
Date: 21st October 2024
Report for: Noting
Report of: Executive Member for Communities and Safety

Report Title

STREET COLLECTIONS, REGULATIONS AND POLICY

Summary

This report deals with the Council's policy and regulatory regime towards charitable street collections and recommends the adoption of the regime permitted by section 5 of the Police, Factories &c (Miscellaneous Provisions) Act 1916 together with proposed local regulations and a policy.

Recommendation(s)

The Executive is asked:

- to recommend to Council that it adopt section 5 of the Police, Factories &c (Miscellaneous Provisions) Act 1916 which enables the Council to make regulations, subject to the consent of the Secretary of State, to authorise and regulate the conduct of street collections.
- to recommend to Council that it adopt the Street Collections Regulations attached to this report at Appendix A; and
- to recommend to Council that it adopt the Street Collections Policy attached to this report at Appendix B; and
- to delegate authority to the Corporate Director, Place to agree a commencement date once consent has been received from the Secretary of State.

Contact person:

Name: Joanne Boyle
Email: joanne.boyle@trafford.gov.uk

Relationship to Policy Framework/Corporate Priorities	<i>Having a Policy on how the Council will administer its functions under the Police, Factories &c (Miscellaneous Provisions) Act 1916 makes the processing of applications more transparent and gives residents, applicants and decision makers clear guidance on what factors will be taken into consideration when making decisions. Its aim is to ensure that our policies and procedures are consistent, appropriate and fair and in line with best practice nationally.</i>
Relationship to GM Policy or Strategy Framework	<i>None</i>
Financial	<i>Revenue and Capital: The 1916 Act does not provide for a fee to be levied for the processing or issuing of a street collection permit. The Licensing Authority has previously operated an unauthorised scheme and carried the costs of doing so, therefore, there will be no net additional cost to the Council of adopting the policy and regulations.</i>
Legal Implications:	<i>Section 5 of the Police, Factories &c (Miscellaneous Provisions) Act 1916, as amended, if adopted by a local authority, enables a local authority to regulate street collections through the making of regulations and by the issue of permits.</i>
Equality/Diversity Implications	<i>Equality Impact Assessment is attached at Appendix D.</i>
Sustainability Implications	<i>None</i>
Carbon Reduction	<i>None</i>
Resource Implications e.g., Staffing / ICT / Assets	<i>None</i>
Risk Management Implications	<i>None</i>
Health & Wellbeing Implications	<i>One of the aims of the Policy is to ensure visitors are free to enjoy their visit to Trafford without being approached to donate monies to a number of charities on the same date and to ensure they are approached in a civil, polite and orderly manner.</i>
Health and Safety Implications	<i>As set out above.</i>

1. BACKGROUND

- 1.1. Street collections provide bona fide charities with an opportunity to gain income from the generosity of the general public through cash donations and have been a major source of fundraising activity for over 100 years.
- 1.2. The system of street collections is also open to abuse from unscrupulous and fraudulent operators, from which the inhabitants of the Borough and visitors and bona fide Charities deserve protection to avoid financial resources being collected by unauthorised or unregulated organisations without any public benefit.
- 1.3. Section 5 of the Police, Factories &c (Miscellaneous Provisions) Act 1916, as amended, if adopted by a local authority, enables a local authority to regulate street collections through the making of regulations and by the issue of permits.
- 1.4. Such powers enable a local authority to, for example, regulate the number of street collections that might take place in a given area at the same time, ensures that collections are only conducted by legitimate organisations and enables the Council to regulate the behaviour of collectors to avoid nuisance and annoyance being caused by members of the public.
- 1.5. Trafford Council did operate a process of issuing street collection permits but has had to suspend that process in the absence of having adopted the legislative framework. In consequence, it is intended that this matter is brought before the Council to enable the statutory regime to be adopted and, subject to the consent of the Secretary of State, for local regulations to be made regulating how street collections will be permitted within Trafford.
- 1.6. The opportunity has also been taken to update the Council's previous street collector's guidance to include a policy which reflects, reinforces and applies the Code of Fundraising Conduct issued by the Fundraising Regulator.
- 1.7. The purpose of the new regime is to encourage legitimate charitable collections within Trafford and to enable the Council, where necessary, to prevent and restrict collections which do not benefit local or national charities and which are intended to deceive and mislead potential donors.

2. THE ADOPTION OF THE REGULATIONS AND POLICY

- 2.1. The Council is invited to adopt the Regulations that are appended to this report and which set out the powers the Council will deploy when regulating the issue of street collection permits.
- 2.2. The Regulations reflect the requirements of the statutory regime and adopt in so far as is relevant aspects of the Code of Fundraising Conduct.

- 2.3. The Regulations can only come into force if the Secretary of State consents to them being made. The Regulations are similar to those adopted by other comparable Councils and there is no reason to believe that such consent would not be granted.
- 2.4. The Council is also asked to adopt the accompanying Street Collections Policy, which is intended to provide guidance and assistance to applicants, officers and members as to how the Regulations should be applied, to ensure a consistency of approach.

3. **CONSULTATION**

- 3.1 The legislation does not require consultation on these proposals, but good practice would be to do so. Therefore, a consultation on the proposals was carried out for a period of 6 weeks between the 5th July and the 16th August 2024.

The following key stake holders were consulted:

- Previous applicants for Street Collection Permits
- Town Centre representative groups
- Greater Manchester Police
- Members
- Council Officers

Responses to Consultation

- 3.2 The Council received one response to the consultation, expressing concern about the requirement to notify the Authority of the personal details of all volunteers taking part in a collection prior to that collection. In particular, possible delays to the process and data protection issues.
- 3.3 Officers have reviewed this response and agree that the provisions referred to would place an unreasonable burden on both the applicant and the Licensing Authority. Therefore, it is proposed to remove para. 3.3.2 and 3.3.3 and replace with a new paragraph 3.3.2 – see Summary of Responses at **Appendix C**.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 The assessment found no significant negative impact anticipated from adopting the policy and regulations. The Act is a permissive regime and applications must be granted unless there are good reasons not to do so.
- 4.2 The policy sets out to protect the general public as a whole and in particular those under the age of 16 years, ensuring that they are not used to carry out charity collections inappropriately.

5. OTHER OPTIONS

- 5.1 One option is for the Council not to adopt s.5 of the Police, Factories &c (Miscellaneous Provisions) Act 1916 and the proposed regulations and policy attached. The consequences of this course of action would be that the Council would not be able to effectively carry out any function in respect of applications made under the Act.

6. REASONS FOR THE RECOMMENDATION

- 6.1 Good practice and the public interest dictate that the Council should adopt those powers available to it to enable such collections to take place in a manner which does not detract from the peaceable enjoyment of public spaces within the district by those who use them; protects the interests of legitimate charitable concerns from the risks posed by non-charitable street collectors; and ensures equality of opportunity in conducting collections within a specific area.

7. RECOMMENDATIONS

- 7.1 The Executive is asked:
- 7.1.1 to recommend to Council that it adopt section 5 of the Police, Factories &c (Miscellaneous Provisions) Act 1916 which enables the Council to make regulations, subject to the consent of the Secretary of State, to authorise and regulate the conduct of street collections.
 - 7.1.2 to recommend to Council that it adopt the Street Collections Regulations attached to this report at Appendix A; and
 - 7.1.3 to recommend to Council that it adopt the Street Collections Policy attached to this report at Appendix B.
 - 7.1.4 to delegate authority to the Corporate Director, Place to agree a commencement date once consent has been received from the Secretary of State.

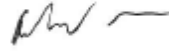
Key Decision (as defined in the Constitution): No

If Key Decision, has 28-day notice been given? N/A

Finance Officer Clearance: *PC*

Legal Officer Clearance: *SL*

CORPORATE DIRECTOR'S SIGNATURE:

A handwritten signature in black ink, appearing to be 'M. W. ...', written over a horizontal line.

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

APPENDIX A – Draft Street Collections Regulations

APPENDIX B – Draft Street Collections Policy

APPENDIX C – Summary of Responses

APPENDIX D – Equality Impact Assessment