

Middlesbrough Council

Street Collection Regulations

(Council resolution 5.3 74 and 1.2.77 in accordance with the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (as amended) and the Charitable Collections (Transitional Provisions) Order 1974.

1. In these Regulations :-

“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes (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. This 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.

2. No collection, must be made in any street or public place within Middlesbrough unless the promoter has been issued with a permit from the Licensing Section.
3. Applications for a permit shall be made in writing no later than one month before the date on which it is proposed to make the collection. The Licensing Section may only in exceptional circumstances, waive part of this period.
4. The collection shall only be made on the day and between the hours stated in the permit.
5. The licensing authority may, limit the collection to specific locations, streets or public places.
6.
 - (1) No person may assist or take part in any collection without the written permission of the promoter.
 - (2) Any person authorised under paragraph (1) above shall produce such written authority upon request of a duly authorised officer of the licensing authority or any police constable.
7. No collector shall importune any person to the annoyance of such person, nor shall the collector act in a manner which inconveniences or annoys any member of the public.
8. While collecting:-
 - (a) a collector shall remain stationary; and
 - (b) there must be a minimum distance of 25 metres between collectors unless the Licensing Section waives this requirement e.g. for collections held as part of a procession.

9. No person under the age of 16 years may act as a collector.
10.
 - 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 the promoter.
11. A collector shall not carry or use any type of collection box, receptacle or tray which does not prominently display the name of the charity or fund which is to benefit, nor any collecting box which is not duly numbered.
12.
 - (1) Subject to paragraph (2) below all collecting boxes 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 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 him/her and the responsible person.
13.
 - (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, except such payments as may have been approved by the licensing authority.
14.
 - (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 required form showing the amount received and the expenses and payments incurred in connection with such collection. This must be 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 provide details of the use of the proceeds.
 - (2) The said person shall also, within the same period, at his/her own expense and after a qualified accountant had 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.

(4) If a collection results in a sum of £100 or less being collected, the Council may, if it thinks fit, waive the requirements in paragraph (1) (a) above that the statement of accounts shall be certified by a qualified accountant and substitute therefore a certificate signed by an independent responsible person acceptable to the Council (or if the Council prefers, two auditors nominated by the promoter and who are acceptable to the Council).

15. 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.

16. Any person who acts in contravention of any of these regulations shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds.