

'Chuggers' briefing note

Charity cash collections on the street are not licensed by the Council in London. The police have responsibility for it under the Police, Factories (Miscellaneous Provisions) Act 1916. The enforcement of this is by the Met Police.

The Act states that a license is required for collection of money on the street, this is obtained from the Met Police.

There are now people that sign up passers by for Direct Debits ('promises of money' at a later date) or where a campaigner will collect names on the street for a follow-up telephone call at a later date. Neither of these require a license.

Both the 1916 (street collections) and the 1939 (door to door collections) Acts are scheduled to be repealed and replaced by Part 3 of the Charities Act 2006, which contains a new unified licensing regime for both cash and direct debit collections on the street. This has not been pursued by the Government and there is no idea as to if or when the changes will be brought in.

There is a Code of Practice that exists, it applies nationally (written by the Institute of Fundraising), and all the registered fundraising bodies/charities are supposed to adhere to this Code of Practice. Their website has a number of Codes of Practices and states "The Institute of Fundraising provides legal and best practice guidance on a wide range of fundraising techniques. Fundraising itself is largely unregulated in law, but there are a number of regulatory requirements that impact upon fundraising. By taking some time to understand the regulatory environment and the requirements that you may need to follow, you will be best placed to ensure you meet legal and best practice standards."

At this present time the legal position is that face-to-face fundraising is not licensable. In fact, there is an organisation called the PFRA (Public Fundraising Regulatory Association) that exists to provide a self-regulatory solution due to this statutory void. At present the Council will not have any information of who will be in their local high streets collecting money as this information is not shared between the police and the Council. Neither the Council nor the Police have details of who will be in our town centres collecting signatures for direct debits as a license is not required for this activity.

What the PFRA have done in conjunction with some boroughs Westminster (and London boroughs of Greenwich, Hillingdon, Bromley, Redbridge, Richmond) is to have a Site Management Agreement. In effect these Council are informed of who to expect, how many, when and where. Normally this role has been carried out by the relevant town centre manager. These Site Management Agreements enable the PFRA to respond to complaints and enforce their own penalties and sanctions regime to improve behaviour in those areas.

Because there is no legal responsibility for this activity, local authorities tend to take a wide variety of approaches as to which service works with the PFRA to bring about a code of practice for the area in question. Each Authority that has put in place a site Management Agreement firstly carried out a study to gather the extent of the problem in their area.