



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	Review of the Charitable Collections Policy (2019)	To be marked with an 'X' by Democratic Services after report has been presented
<b>Meeting of:</b>	Corporate Management Team 16 <sup>th</sup> July 2019 Licensing Committee 6 <sup>th</sup> August 2019 Licensing Committee 3 <sup>rd</sup> September 2019	
	Leader and Deputy Leaders N/A	
	Leader's / Leader of the Opposition's Advisory Group N/A	
	Cabinet [DATE] / Council N/A	
	Scrutiny Audit and Value for Money Council Services Committee [DATE] / Scrutiny Economic Growth Communities and Health Committee [DATE] N/A	



Is this an Executive Decision:	NO	Is this a Key Decision:	NO
Is this in the Forward Plan:	YES	Is the Report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	[ ]		

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: **Angela Wakefield**

Date 3 July 2019      Signature .....

Chief Finance Officer: **Sal Khan**

Date .....      Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Licensing Committee**

**Date: 3 September 2019**

**REPORT TITLE: Review of the Charitable Collections Policy**

**PORTFOLIO: Regulatory Services**

**HEAD OF SERVICE: Mark Rizk**

**CONTACT OFFICER: Margaret Woolley Ext. No. x1[343]**

**WARD(S) AFFECTED: All**

**1. Purpose of the Report**

- 1.1. The purpose of this report is to consider the responses to the Charitable Collections Policy consultation and approve as suitable for adoption and publication by the Authority.

**2. Executive Summary**

- 2.1. Local Authorities are required to consider applications from, and issue permits to, suitable and appropriate applicants for charitable collections.
- 2.2. The requirements for such collections are laid out in relevant legislation and regulations.
- 2.3. A formal policy for both types of charitable collections, House to House and Street Collections ensures clarity for applicant's and individual collectors and also for consistency in the processing of applications.
- 2.4. The reviewed policy has been presented to the Licensing Committee and a formal consultation exercise undertaken. The comments and actions are attached as APPENDIX 2. As a result of the consultation minor alterations are recommended, prior to a final version of the policy being approved as suitable.

### **3. Background**

- 3.1. The Council is required to process and determine applications, for charitable collections in line with the relevant legislation, that being:
- The House to House Collections Act 1939
  - The House to House Regulations 1947 and;
  - The Police, Factories, etc (Miscellaneous Provisions) Act 1916 and as amended by the Local Government Act 1972.
- 3.2. It is recognised that such collections play an important role in the work carried out by charities, and are necessary to enable charitable works to be carried out.
- 3.3. It is also necessary to ensure that collections are carried out in a way that does not cause a nuisance or interference with the freedoms of those that live, visit or work within the Borough.

### **4. Contribution to Corporate Priorities**

- 4.1. Value for Money – the policy will ensure a consistent and transparent process.
- 4.2. Promoting Local Economic Growth – applicants will be made aware of the Authorities stance for Charitable Collections.
- 4.3. Protecting and Strengthening Communities – the Councils licensing activities are primarily concerned with public protection.

### **5. Report**

- 5.1. The policy sets out how the Council will authorise charity collections under relevant legislation.
- 5.2. The aims of the policy are to:
- Safeguard the interests of both donors and beneficiaries
  - Facilitate collections by *bona fide* institutions and to ensure that good standards are met
  - Prevent unlicensed collections from taking place, and
  - Prevent nuisance and harassment to residents, businesses and to visitors to the district.

### **5.3. Street collections**

- 5.4. East Staffordshire Borough 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'.
- 5.5. Section 5 Police, Factories, etc (Miscellaneous Provisions) Act 1916 allows Local Authorities to adopt provisions concerning the regulation of Street Collections in their district.
- 5.6. Under Section 5 of the above Act, there are no legal requirements for the Council to adopt a policy on how it proposes to licence Charitable Street Collections.
- 5.7. However, it is considered best practice to have such a policy, to encourage consistency and transparency in the way applications for Street Collection permits are considered and granted.
- 5.8. The attached policy provides information on current practices in the manner applications are considered.

### **5.9. House to House**

- 5.10. House to house collections are regulated by the House to House Collections Act 1939, together with the House to House Collections Regulations 1947. The Act, as amended prohibits the making of house to house collections for charitable purposes except under licence from the Licensing Authority of the area concerned.
- 5.11. It also gives the Secretary of State the power to grant orders for exemptions for house to house collections, in respect of certain charities in England and Wales. An exemption has the same effect as a permit for the areas to which it relates. Collections may be made by individual's cold calling or leaving bags and/or making requests for donations to be collected at a later specified date.
- 5.12. A house to house collection is defined within the Act as an 'appeal to the public, made by the means of visits from house to house, to give, whether for consideration or not, money or other property'. Collections are not restricted to domestic properties and can include a place of business.
- 5.13. A charitable purpose is defined as 'any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law'. Therefore the collection must be one that is made wholly or partly for charitable purposes whether it is for the collection of money, or any other items that may subsequently be sold for money, where either the money or the items are given for charitable purposes. Collections which are made for purely commercial profit are not required to be licensed.

5.14. House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and accordance with the law.

## 5.15. General

5.16. The legislation concerning the refusal of applications for house to house and street collections is very specific, and only allows certain matters to be taken into account. The policy gives both applicant and Officers clear and robust guidance when determining applications for charitable collections.

5.17. The changes to the policy are:

- An updated agreement with the Institute of Fundraising. This relates solely to direct debit collections.
- The format has been amended to ensure a better flow of information.

5.18. Officers have conducted a two week consultation exercise with relevant stakeholders. It is now being brought back to the Licensing Committee to consider the consultation responses prior to adoption.

5.19. Two responses to the consultation have been received and attached at APPENDIX 2.

5.20. Respondent 1 advises that points 3.32 and 3.33 do not apply to direct debit collections therefore having reviewed the policy this may be removed.

5.21. Respondent 2 required clarification regarding 4.6 and the size of charities. We have responded advising that there are National Exemptions in place for large scale charities which the smaller local ones do not have.

## 6. Financial Considerations

*This section has been approved by the following member of the Financial Management Unit: [ Anya Murray ]*

6.1. There are no financial issues arising from this report. This is a revision to an existing policy and it is not considered that there will be any additional staffing resources required as a result of the current proposed changes.

6.2. The cost of consultation will be met from within existing budgets.

Revenue	2019/20	2020/21	2021/22
N/A	0	0	0

Capital	2019/20	2020/21	2021/22
N/A	0	0	0

## **7. Risk Assessment and Management**

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. **Positive** (Opportunities/Benefits):

7.2.1. The policy provides a consistent and transparent decision making process for the Council, enhancing and explaining the Regulations already in place.

7.3. **Negative** (Threats):

7.3.1. If the policy is not approved the Council will not have a robust policy in place.

7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

## **8. Legal Considerations**

*This section has been approved by the following member of the Legal Team: [ Angela Wakefield ]*

8.1. There are no significant legal issues arising from this Report.

## **9. Equalities and Health**

9.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

9.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed.

## **10. Human Rights**

10.1. There are no Human Rights issues arising from this Report.

**11. Sustainability** (including climate change and change adaptation measures)

11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

11.2. Please detail any positive/negative aspects:

11.2.1. Positive (Opportunities/Benefits)

11.2.2. Negative (threats)

**12. Recommendation(s)**

12.1. It is recommended that the reviewed policy be amended to remove point 3.32 and 3.33 regarding direct debit collections.

12.2. It is recommended that the Licensing Committee consider the amended policy as suitable for adoption and publication by the Authority.

**13. Background Papers**

13.1. none

**14. Appendices**

14.1. Appendix 1: Draft Charitable Collections Policy 2019 - 2024

14.2. Appendix 2: matrix of consultation responses and recommendations