

### Review of Public Charitable Collections Policy Consultation, (Law and Governance, Clare Pinnock)

#### Synopsis of report:

To present a revised policy for the administration of public charitable collections and seek approval for a public consultation

#### Recommendation(s):

- i) That the consultation exercise on the revised public charitable collections policy, as attached at Appendix 'A', be approved; and
- ii) the results of the consultation be submitted to this Committee for further discussion in November 2023, prior to approving the final version of the policy, to be effective from 13 November 2023 – 12 November 2028

#### 1. Context and background of report

- 1.1 The Council's administration of public charitable collections is a statutory function carried out under delegated authority by Officers in Democratic Services in Law and Governance.
- 1.2 The Charity Collections policy was last approved in 2020 following a public consultation exercise and in accordance with the provisions for consultation set out in the Council's Constitution.
- 1.3 Members are referred to the report and Minutes of the meetings of this Committee held in June and November 2020 (see background papers).

#### 2. Report and, where applicable, options considered and recommended

- 2.1 Officers have kept the charity collections policy under review since it was first introduced in 2017, through the last review in 2020, to the current day.
- 2.2 Officers propose some minor amendments, including deletions and additions and re-ordering of the policy to make it shorter in some places and to adapt to changing circumstances.

#### Proposed amendments to the policy

- 2.3 Attached at Appendix 'A' is the proposed policy to be issued for consultation.
- 2.4 Appendices B and C of the policy's **Introduction** have been deleted and replaced by a link. This makes the document shorter and more e-friendly. Section 1 contains an additional sentence to clarify when the policy is reviewed. It is proposed to change the review requirement from 3 to 5 years. This is in line with the other Licensing related policies and a number of other local authorities.

- 2.5 Appendix A of the policy has been incorporated into the **Policy Objectives**. The list of the nine protected characteristics under the Equality Act have been listed instead of bullet points.
- 2.6 **Permitted locations** have been listed in full, and 'door to door' added after house to house to clarify that both residential and business premises are covered by the policy. Para 4.2 was a duplication and has been removed.
- 2.7 There is now an additional reference to the Council's Safety Advisory Group to ensure that where relevant they can advise on outdoor events wherein charities might be operating, but which are not necessarily licensed. Generally, large public events taking place in the borough are exempted from the need to hold licences; this gives more autonomy to event organisers.
- 2.8 The **Application process** has been amended to highlight that 'tacit approval' does not apply. Some authorities do allow this, but Officers consider that collections must be licensed where required and have a degree of control. Increasingly, and particularly Commercial Clothing Participators are asking for licences that are more than 12 months long. This is not legally permissible and the additional wording highlights this point to potential applicants.
- 2.9 The reference to public liability insurance cover is a standard clause which may apply to any collection, and or may be as recommended by the Council's Safety Advisory Group and/or County Highways, depending on the size and scale of the event.
- 2.10 In line with good practice elsewhere it is proposed to require the applicants for commercial clothing collections to provide evidence that they hold a waste carrier licence/certificate or relevant exemption. This complements the 'fit and proper' test under the 1947 Regulations, which pre-date such licences.
- 2.11 A very minor amendment to reflect the current arrangements in the Cabinet Office has been made in the section on **Appeals**.
- 2.12 The explicit reference to Covid guidance has been removed but is covered generally in the section on **Enforcement**.
- 2.13 Again, to consolidate the information and reduce the size of the document, Appendix D has been removed and included in the section on **Busking and Street Entertainment**.
3. **Policy framework implications**
  - 3.1 The charitable collections policy includes provision for applicants to support the relevant parts of the Council's Corporate Business Plan. For example Health and Wellbeing, Empowering Communities and supporting local events and organisations.
4. **Resource implications/Value for Money (where applicable)**
  - 4.1 The administration of charitable collections is carried out within existing resources. There are no additional resourcing implications arising from the review.
5. **Legal implications**
  - 5.1 There has been no legislative change regarding charitable collections since the policy was last reviewed.

- 5.2 Charitable collections are still governed by the legislation as stated in the policy. It is a statutory function.

**6. Equality implications**

- 6.1 One of the policy's objectives is to have regard to the Council's Public Sector Equality Duty under the Equality Act 2010 and to prioritise collections that promote equality and diversity.
- 6.2 An Equalities Screening Assessment was carried out when the policy was reviewed in 2020. The proposed changes to the policy are not so significant as to require a full assessment to be undertaken. A review of the last screening assessment will be made after the consultation to ensure the Council is fulfilling its duties under the Equality Act, which will be sent to the Equalities Group for review.

**7. Environmental/Sustainability/Biodiversity implications**

- 7.1 One of the objectives of the charitable collections policy is facilitating collections that advance environmental protection or improvement.
- 7.2 The addition in the policy of the reference the Council's Safety Advisory Group ensures outdoor events that contain charitable collections are taken into account in terms of health and safety.
- 7.3 Removing and/or consolidating Appendices from the paper version of the policy shortens the document. If there is scope to reduce this further, we will do so.

**8. Timetable for Implementation**

- 8.1 It is proposed to issue the public consultation to the list of consultees at section 12 of the policy and via the Council's website and social media platforms, with the assistance of the Communications Team.

**(To resolve)**

**Background papers**

Working papers for reviewing the charitable collections policy held in Law and Governance.

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