

Report title	Charity Collections Policy 2023 - 2028
Report author	Clare Pinnock, Democratic Services Officer
Department	Law and Governance
Exempt	No

Purpose of report:
To Resolve

Synopsis of report:
To approve the updated Charity Collections Policy following public consultation. The new policy would be operational from 13 November 2023 – 12 November 2028.

Recommendation that:
The Charity Collections Policy 2023 – 2028 be approved

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 Council first adopted a formal Public Charitable Collections Policy in 2017. It has been renewed once in 2020.
- 1.3 The Committee is referred to the previous reports to this Committee in November 2017, June and November 2020 and June 2023.

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

- 2.1 The Charity Collections Policy is kept under review so as to respond to legislative change and local circumstances.
- 2.2 The policy was subject to a public consultation exercise which took place between June and September 2023. Unfortunately, there were just three responses to the public consultation, despite extensive publicity and circulation to all the statutory and non-statutory consultees listed at the end of the policy.
- 2.3 The three responses came from one charity, one commercial participator and one ‘other’. The Responses, based on the 8-question survey, were all agreed that:
 - the policy objectives were suitable and sufficient
 - the permitted locations were clear
 - the application process was straightforward and reasonable
 - the supplementary guidance for house to house collections and direct debit appeals were transparent and consistent

- that the informal appeals process for street collections was reasonable
- to retain the guidance for busking and street entertainment

One respondent used the free text box for comments to add:

“The document is clear in setting out the specific requirements, whilst written in a manner that is readily understandable for members of the public. Sections 3.1 to 3.6 and 10.1 to 10.10 are particularly helpful and ensure the reader is fully aware of what is being stated - thus removing all ambiguity. Finally, it's not overly complicated - vis a vis some other Borough Council policy's I've read - hence I'm supportive of the new draft.”

- 2.4 Unfortunately, when the document was sent to the Charity Commission their response was that they were 'unable to provide any comment'.

Proposed amendments

- 2.5 Officers propose some minor amendments to the policy to make it a little more concise and to reflect some best practice in other local authorities. These are the same amendments presented to the Committee in June this year.
- 2.6 The substantive change is to the requirement for commercial clothing collectors to 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.
- 2.7 The other changes remove Appendices and make them links to other documents to make them more e-friendly. However, those Appendices also appear on the website and can be made readily available.
- 2.8 Attached at Appendix 'A' is the proposed policy. Officers have shortened the name of the policy to 'Charity Collections Policy'.

3. Policy framework implications

- 3.1 The charity 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 Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916 (the 1916 Act). The 1916 Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted. The Council has made regulations, which require the promoter to obtain a permit from the Council before the collection can take place.
- 5.2 House to House collections are regulated by the House to House Collections Act 1939 (the 1939 Act) and the House to House Collections Regulations 1947 (as amended). The 1939 Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on

application unless one of the grounds set out in the 1939 Act for refusing the licence apply.

- 5.3 There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision making.
- 5.4 In the Policy we have changed the reference to 'model' street collections regulations and consolidated the references to other relevant legislation.
- 5.5 The licensing of charity collections is a statutory function. No charges can or are made to applicants.

6. Equality implications

- 6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
 - a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
 - b) advance equality of opportunity
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 We should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.
- 6.3 The Equality Screening Assessment has been reviewed, updated and considered by the Council's Equalities Group. It is attached at Appendix 'B'.
- 6.4 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.
- 6.5 Officers consider that the policy and how it is applied have a positive impact on Equalities and demonstrate this Council's compliance with our public sector equality duty.

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.

8. Timetable for Implementation

- 8.1 The policy, if approved will be implement after the 'call in' period (13 November 2023).

9. Conclusions

9.1 The updated policy will assist applicants and the public

10. Background papers

Public Consultation papers held on Law and Governance files

11. Appendices

Appendix A – Charity Collections Policy 2023-2028

Appendix B – Equality Impact Screening Assessment