

Licensing Committee Report
Report of the Licensing Team Leader
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Charity Collections Policy

Executive Summary

The Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939.

On 22 November 2017 Licensing Committee agreed public consultation on a draft Charitable Collections Policy for the Guildford Borough. This report seeks to advise the Licensing Committee on the results of the public consultation exercise, and seeks that Licensing Committee approve the Policy in Appendix 1 with immediate effect.

Recommendation to Licensing Committee

That the Committee approve the Charity Collections Policy with immediate effect.

Reasons for Recommendation:

Adopting a Charity Collections Policy will provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for charity collections.

1. Purpose of Report

- 1.1 The report informs the Committee of the results of the public consultation to the proposed introduction of a Policy concerning Charitable Collections taking place in the Borough.
- 1.2 It asks the Committee to consider the results of the public consultation exercise and approve the proposed draft Charity Collections Policy in Appendix I with immediate effect.

2. Strategic Framework

- 2.1 Charitable collections are regulated by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and the House to House Collections Act 1939. The Council is the licensing authority for the purposes of administering charitable collections taking place in the Borough. Charities must obtain a permit or licence from the Council before a charitable collection takes place.
- 2.2 Currently the Council does not have a Policy covering Charitable Collections in the Borough. As such, decisions on permit or licence applications, for example limiting one collection per day in the town centre, or refusing a House to House collection application due to insufficient amounts going to the charity are based upon historical practices.
- 2.3 Therefore, an approved Policy will assist applicants for a charitable collection permit/licence, and provide guidance to enable the Council to make consistent decisions when determining applications.
- 2.4 As such, adopting a Charitable Collections Policy will contribute to our fundamental themes and priorities as follows:

Our Borough – ensuring that proportional and managed growth for future generations meets our community and economic needs

Our Economy – supporting business, growth and employment

Our Environment – improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy

3. Background

- 3.1 Charitable collections generally take place in one of two ways, either:
- A collection of donations in the street, or
 - A collection of donations at a person's property.
- 3.2 Charitable street collections are regulated by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and house to house collections are regulated by the House to House Collections Act 1939. The Council is the licensing authority for the purposes of administering charitable collections taking place in the Borough. Charities must obtain either a permit under the 1916 Act or a licence under the 1939 Act from the Council before a charitable collection takes place.
- 3.3 Whilst the exact requirements will differ depending on the relevant legislation, the principles of both regimes are the same, in that the collection must be for a charitable purpose. The Council also limits the numbers of street collections taking place. This is to ensure that the public are not inundated by request for donations, and to ensure that charities receive a reasonable opportunity to raise funds.
- 3.4 Currently, there is no policy concerning Charitable Collections, with decisions on applications based upon historical previous decisions and practices.

- 3.5 In order to provide applicants with guidance and the Council with a framework for consistent decision making, a policy covering charitable collections has been drafted and consulted upon.

4. Proposed Changes

- 4.1 The objectives of the draft charity collection policy are to ensure that:
- Charity collections are treated in a fair and consistent way and are well run and regulated
 - each application is considered on its merits
 - the public is not exposed to an excessive number of street collections
 - relevant objectives of the Council's Corporate Business Plan are supported
 - that the obligations of the Council's Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.
 - collections are for the public benefit and in line with a charitable purpose as defined by the Charities Act 2011.
- 4.2 In addition, the reasons for limiting the number of street collections to one area per day are laid out in the form of a written policy.
- 4.3 The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is insufficient. It is recommended that a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause.

5. Consultation

- 5.1 Consultation is critical to ensure that a new Charitable Collections Policy is clear and transparent for charities, responsible authorities and the public.
- 5.2 Following the approval of the Licensing Committee consultation was carried out over a 12 week period between 29 January and 22 April 2018. Officers consulted with all interested parties by:
- Writing to all current and previous holders of a charity collection permit/licence.
 - Writing to people who represent the interests of charitable organisations
 - Writing to persons considered Responsible Authorities
 - Publicising the draft Policy on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.

- 5.4 During the consultation period twelve (12) consultation responses were received. The responses are attached in Appendix 2.
- 5.5 Eleven responses were received from current/previous licence/permit holders. The responses were mainly supportive with some questions about the operation of the application process and conduct of collectors. One response was received from Ash Parish Council.
- 5.6 The proposed comments about the policy, with comment from Officers were as follows:

Comment no:	Comment	Response
1.	However, there is one area where it seems bureaucracy could undermine individual support of charities, namely 3.5 and 3.6 concerning collection from the sale of items. We sometimes receive donations from individuals who have sold items at car boot sales or from outside their own houses and I think if people knew they had to apply for a licence to do so they probably wouldn't bother, so it could have a small adverse impact on our fundraising.	Sections 3.5 and 3.6 of the Policy concern a Charity selling items in the street for a charitable purpose. If the public sell items at a car boot (for example) and donate some/all of the proceeds to charity then this would not require a licence.
2.	[Are] identification labels for each collector necessary if charities already have identifying tabards or clothing?	The requirement to wear a badge comes from the adopted Regulations. It is considered necessary for official identification.
3.	It would be helpful if all licenced collectors were told not to shout and harrass people walking up the high street.	This is a requirement under the Street Collection Regulations.
4.	I would also add that the range of qualified persons permitted under the current regulations to countersign a statement of return is very limited and calls for a level of qualification that, given the simplicity of the return paperwork, is analogous to using a sledgehammer to crack a nut.	The Street Collection Regulations state that returns must be signed by a qualified accountant or an independent responsible person acceptable to the licensing authority.
5.	Guildford is clearly seen as a soft touch or pocket of money as there are several charities who collect	National and Local charities are able to collect in Guildford, as the public may

	here which are neither national nor local	wish to donate to either.
6.	There appears to be little due diligence done by GBC on some of the charities before giving them the right to collect.	The regulation of charities is the role of the Charity Commission.
7.	The rules about collectors standing together and then the distance between the next collector/collectors being 25 metres is often ignored	This requirement can be waived.
8.	Checking of permits/enforcement of rules seems extremely lax.	Enforcement is carried out by both the Council and other agencies on a risk and priority basis.
9.	The appearance of collectors bearing an ID issued elsewhere. They look kosher, are probably collecting for a good cause but are on commission and they have not been authorised by GBC as they don't have GBC permits and witness the fact that authorised collectors with a GBC permit might well be in the vicinity.	These would either fall within the scope of unlicensed charitable collecting or street trading. Enforcement is carried out if required and complaints are responded to.
10.	The requirement for application 28 days before date of the collection: does it have to be 'special circumstances' for this to be waived - could it not be waived simply at the discretion of GBC, for example if there is ample time to process the application?	The requirement to apply one month in advance is in the Regulations. It can be waived at the discretion of the Council.
11.	Cannot apply more than 6 months in advance: it is quite nice to fix collections for the full year often; any special reason for the 6 months limit? Make it 12 months?	The paragraph (4.3) states that dates can be booked and an application made in advance. However it would be sensible from an administrative perspective to issue permits upon processing of the application as such this has been updated.
12.	The need to publish the total collected in a paper; unlikely to apply to us, as we have never got anywhere near £150; but how is the decision of GBC to be communicated on this; can we just have a blanket waiver if it is under	The requirement to publish the total collected in a newspaper is in the Regulations. The Council may waive this requirement if the total collected is under £150 and each case is

	£150?	treated on its merits.
13.	Would have been useful to have a list of main changes from the existing policy	There is no existing policy.
14.	Whilst agreeing that the public should not be exposed to an excessive number of collections it would be helpful if the policy gave a clear idea of what constitutes an 'area' for these purposes. The examples given are 'Guildford town centre' and the Friary. So, for this purpose, are the Tunsgate Quarter and White Lyon Walk separate areas or part of the 'town centre'. In my view, the Railway Station and supermarkets such as Tesco or Sainsbury's at Burpham should be regarded as separate areas.	The difficulty with having a number of defined 'areas' particularly around the town centre (such as the Station, White Lion Walk, Tunsgate, High Street, Friary etc.) may mean that the public may become exposed to an excessive number of collections. As such, the current practice of limiting collections to all areas of the town centre and the Friary is recommended.
15.	The policy should also make clear in the case of events raising funds for a number of charities whether one or several licences will be required. I hope the latter is not the case - it would be extremely onerous for organisers. As this is a new provision, I hope that reasonable steps will be taken to make event organisers aware of it before implementation. These new provisions will cover a large number of events. Has a calculation be made of the extra staff hours required to process them within a reasonable period?	Only one licence per charity/event would be required. This is no different to current practice and as such should not have any additional resource implications.

5.6 As stated above, one minor change to the draft Policy approved for consultation is suggested based upon the consultation responses received. This is at Paragraph 4.3 where the issue of permits may be up to 12 months in advance.

5.7 The final version for approval by Licensing Committee is attached as Appendix I.

6. Financial Implications

6.1 The Council cannot make a charge for the issue of either a Street Collection permit or House to House Collection licence. As such, the cost of administering the scheme cannot be recovered.

- 6.2 The financial implications associated with the recommendation of adopting a Charity Collection Policy for the Guildford Borough can be financed from existing resources.

7. Legal Implications

- 7.1 Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This 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.
- 7.2 House to House collections are regulated by the House to House Collections Act 1939. This 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 Act for refusing the licence apply.
- 7.3 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.

8. Human Resource Implications

- 8.1 There will not be any additional human resource implications associated with the adoption of a Charitable Collections Policy for Guildford.

9. Conclusion

- 9.1 Adopting a Charity Collections Policy will provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for charity collections.
- 9.2 The Policy attached in Appendix I is presented to the Licensing Committee following public consultation. Licensing Committee is asked to approve the Policy with immediate effect.

10. Background Papers

[Guildford Borough Council Street Collection Regulations](#)

[Guildford Borough Council Guidance on the House to House Collection Regulations](#)

11. Appendices

Appendix I: Charity Collections Policy
Appendix II: Consultation Responses Received

12. Consultation

Service	Sign off date
Finance / 151 Officer	<i>30 April 2018</i>
Legal / Governance	<i>26 April 2018</i>
HR	<i>27 April 2018</i>
Equalities	<i>27 April 2018</i>
Lead Councillor	<i>4 May 2018</i>
CMT	<i>24 April 2018</i>
Committee Services	<i>10 May 2018</i>