

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.

This report seeks approval from the Licensing Committee to consult on a new Charitable Collections Policy for the Guildford Borough.

Following consultation, a further report will be presented to the Licensing Committee on 30 May 2018 with the results of the consultation and seeking approval for adoption of the Policy.

Recommendation to Licensing Committee

That the Committee approves the draft Charity Collections Policy for public consultation, and instructs officers to carry out the consultation over a 12-week period.

Reasons for Recommendation:

To obtain the views of interested parties on the proposed Policy and use these views to formulate any changes to the draft prior to adoption.

1. Purpose of Report

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

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 Charity 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 a framework for consistent decision-making, a policy covering charitable collections has been drafted.

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 conducted 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 Collection Policy is clear and transparent for charities, responsible authorities and the public.

5.2 If the Committee approves the draft Policy, we will follow our consultation standards over a 12 week period to ensure we consult with all interested consultees by:

- Writing to or emailing current and/or previous holders of a charity collection permit/licence.
- Writing to or emailing people who represent the interests of charitable organisations
- 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 We will then analyse the comments, prepare any changes considered appropriate to the policy for final approval and present a further report to the Licensing Committee on 30 May 2018.

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 carrying out a public consultation on the draft Charity Collection Policy 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 consultation exercise.

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 Following consultation, a further report will be presented to the Licensing Committee on 30 May 2018 recommending adoption of the revised Policy.

10. Background Papers

[Guildford Borough Council Street Collection Regulations](#)

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

11. Appendices

Appendix I: Draft Charity Collections Policy