

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing & Regulatory Committee

3 March 2023

TITLE:	Charitable Collections Policy Draft and Consultation
PORTFOLIO HOLDER:	Councillor Mike Worthington - Portfolio Holder for Finance
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	All Wards

Appendices Attached – Charitable Collections Draft Policy

1. Reason for the Report

- 1.1 The report proposes an approach for consultation on the proposed Charitable Collections Policy.

2. Recommendation

- 2.1 That the Committee approves the new Policy for consultation and the consultation timetable outlined in the report at 7.9.
- 2.2 That following the consultation period, the proposed policy (together with a summary of the key consultation comments) is considered further by the committee at its next meeting with a view to recommending the policy to Full Council for formal adoption by the Council.

3. Executive Summary

- 3.1 It is a requirement that licensing authorities regularly review and update their policies to reflect changes in legislation, guidance and local circumstances. As part of this duty it is considered appropriate for the Council to consult on a Charitable Collections Policy as proposed in this report.
- 3.2 There has been an increase nationally in the number of bogus House to House collectors in the last few years and as such it is vital that licences are issued to legitimate applicants. This will give the public confidence that if the collection is licensed an adequate proportion of their donations are being given

to the appropriate charity.

4. How this report links to Corporate Priorities

- 4.1 Aim 1 – To help create a safer and healthier environment for our communities to live and work.

5. Alternative Options

- 5.1 There are no alternative options to consider, the Council has a duty to ensure they have robust policies in place to licence activities within the District. The Committee may, however, comment on the proposed contents of the Policy.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The successful implementation of the Charitable Collections Policy should have a positive impact on community safety and assist in the reduction of crime.

6.2 Workforce

The introduction of the policy may require additional resource for the Licensing Team which will be considered as part of the Council's usual workforce planning.

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations

The introduction of a Charitable Collections Policy will not have any financial implications.

6.5 Legal

The failure of the Council to review, consult and publish any new policies on a regular basis may result in Judicial Review proceedings being brought against the Council.

Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.

Should parts of the industry believe the Council's Charitable Collection Policy is not sound it would be open to them to commence judicial review proceedings against the Council.

6.6 Climate Change

The Authority is committed to tackling climate change and any policies reflect this ambition.

6.7 Consultation

A full consultation will be undertaken and made available to the relevant organisations identified.

6.8 Risk Assessment

As considered within the report.

Mark Trillo

Executive Director (Governance & Commissioning)

Web Links and Background Papers

Contact details

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7. Detail

7.1 Staffordshire Moorlands District Council ("the Council") is responsible for licensing charitable collections within the District. Charitable Collections fall into two categories:

- House to House collections for money or property
- Street Collections, which include collections for cash, Direct Debit details or the sale of articles in the street.

If articles are sold for any form of personal gain or as a commercial activity then a Street Trading Consent will be required.

7.2 The licensing of charitable collections is regulated by two separate Acts of parliament:

- The Police, Factories, etc, (Miscellaneous Provisions) Act 1916 as amended by schedule 29 of the Local Government Act 1972 which regulates collections of money or sales of articles for charitable

purposes in street and public places.

- The House-to-House Collections Act 1939 which regulates collections of money or other articles made by means of going from house to house.

- 7.3 Both Acts make provision for Staffordshire Moorlands District Council to implement policies and best practice to control charitable collections.
- 7.4 The policy document will form the Council's Charitable Collections Policy that will apply to Street and House-to-House Collection activities in the Staffordshire Moorlands district.
- 7.5 The purpose of the policy is to safeguard the interests of both public donors and beneficiaries, facilitate, well organised collections by bona fide charitable institutions and to ensure that good standards are met, prevent unlicensed collections from taking place.
- 7.6 This Policy is designed to ensure that people who wish to donate to charity, through street collections, are able to do so in good faith knowing that the money or products they donate will directly benefit the charity.
- 7.7 Collectors will operate within the law and act fairly in their dealings with the public as not to cause nuisance to the public, ensuring a fair balance between local and national causes is achieved.

Consultation

- 7.8 It is a requirement that any revised or new policy must be approved at a Full Council meeting. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies and other organisations as is deemed appropriate.
- 7.9 The Consultation will run for 6 weeks in May and June 2023, any consultation responses received by the Council will be collated, discussed and presented to the next Licensing Committee for consideration, and a decision to undertake further consultation or to recommend the Policy to Council for adoption