

CHARITABLE COLLECTIONS POLICY FOR STREET AND HOUSE TO HOUSE COLLECTIONS

Council - 21 July 2016

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Also Considered by: Licensing Committee - 13 July 2016

Key Decision: No

Executive Summary: This report seeks Committee to approve the Charitable Collections Policy and recommend to Full Council adoption of the policy.

It is best practice that the Authority revises the regulations and guidelines on charitable collections to ensure the most current information and guidance is made available to applicants. The regulations and guidelines have been combined into a Policy to ensure consistency and transparency for those involved in this sector.

This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy

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Recommendation to Licensing Committee:

To recommend to full Council adoption of the Charitable Collections Policy.

Recommendation to Council:

To approve adoption of the Charitable Collections Policy.

Reason for recommendation: It is essential that this Authority implements best practice. The other authorities within the Licensing Partnership have implemented similar policies and it is a Service Objective that we seek harmonisation of our policies. This will ensure that the requirements upon applicants and permit holders keep track with developments in legislation and associated guidance.

Introduction and Background

- 1 Sevenoaks District Council has responsibility for licensing charitable collections within the District of Sevenoaks. Charitable collections consist of two categories namely, street collections and house to house collections.
- 2 Charitable collections licensing is regulated by two acts of Parliament. These are the 'Police, Factories, etc., (Miscellaneous Provisions) Act 1916' which regulates collections of money or sales of articles for charitable purposes in streets and public places and 'The House to House Collections Act 1939' which regulates collections of money or other articles made by means of going from house to house.
- 3 Both of the acts of Parliament, outlined in paragraph 2 above, give Councils powers to write regulations and Policy to control charitable collections. The proposed Policy, which includes minor revisions to the regulations, has been made with due regard to the legislation.
- 4 As the Licensing Authority, Sevenoaks District Council has a duty to put into effect the legislation and enforce regulations and policies that enable us to do so. The legislation requires any collection undertaken in a street of public place to have a street collection permit.
- 5 Adoption of the policy encourages transparency and consistency in considering and granting street and house to house collections applications. It also provides clarity and guidance for Officers, Councillors, prospective applicants, organisations, permit holders and licence holders.
- 6 The revised policy and guidance seeks to harmonise Officers approaches to processing and deciding applications for street and house to house collections in a manner consistent with other Partners within the Licensing Partnership.

Other Options Considered and/or Rejected

- 7 The Council could choose to continue with the current regulations and guidance however the decision making process would not be as consistent with the other Partners within the Licensing Partnership. In revising the policy, Officers decisions would be less challengeable having regard to updated guidance within the Policy, therefore choosing to maintain current working practice is not a course of action that is recommended.

Key Implications

Financial

- 8 Whilst statutory regulations do not permit charging for functions relating to charitable collections, the revised regulations and implemented Policy would not adversely affect the budgets.

Legal Implications and Risk Assessment Statement

- 9 The implementation of the policy and revised regulations will ensure consistency in decision making within the Licensing Authority at Sevenoaks District Council and any decision made by Officers will be less challengeable, more informed and transparent.

Equalities Assessment

- 10 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper fall in line with the legislation and do not pose a risk to issues surrounding equality.

Conclusions

- 11 Subject to agreement by Full Council on 21 July 2016 the Charitable Collections Policy will be implemented in order to harmonise the way in which applications for street and house to house collections are considered and processed within the Licensing Partnership whilst upholding the Councils responsibility to ensure updated guidance to applicants.

Appendix

Appendix - Charitable Collections Policy

Background Papers

Relevant legislation

Richard Wilson

Chief Officer, Environmental and Operational Services