

Item 8 Charitable Street Collection Policy

Report of the Head of Administration (Portfolio: Corporate)

Recommended:

That the Street Collection Policy attached as Annex 2 to this report is adopted with effect from 1 July 2012 in relation to all charitable Street Collection applications received after that date.

SUMMARY:

- The Head of Administration has delegated authority to issue Street Collection licences allowing collections of money from the public for charitable or similar purposes
- The policy used to determine the issue of licences is out of date and needs to be revised to reflect the modern demand for collections.

1 Introduction

- 1.1 The Police, Factories, etc. (Miscellaneous Provisions) Act 1916 allows local authorities to regulate public collections of money for 'charitable or other purposes'. This legislation is normally used by national and local charities to undertake 'flag days' and other similar forms of fund raising where the public are asked to make a monetary donation. The Act gives no guidance as to the meaning of 'other purposes' but it is generally understood to mean that organisations or activities which although not charitable are charitable or non-profit making in character, will require a street collection licence.
- 1.2 The legislation applies to collections held "in any street or public place". Whilst the meaning of street is understood there is no definition of 'public place' and it is generally regarded as meaning any place to which the public have access as a right and not merely as a fact. Thus a licence would not be required for a collection held inside a shop or a public house, or in the foyer of a cinema or theatre. A meeting held in the open air is specifically excluded from the definition of public place.

Licences not only apply to the collection of money but also to the sale of articles for charitable purposes. The legislation does not apply to the sale of articles if "sold in the ordinary course of trade and for the purpose of earning a livelihood" although in those cases a Street Trading Consent may be required.

Nor does the legislation apply to the common practice amongst the larger charities of collecting direct debit mandates from the public. However, for many years the Borough Council has encouraged those organisations wishing to undertake direct debit sign up campaigns to check with the Borough Council to ensure there is no clash with other collections and no change to this practice is proposed.

2 Background

2.1 The Head of Administration has delegated authority to issue licences. The Borough Council's current policy was approved in 1985 when it was agreed that licences would be granted on the following basis:

- a) Licences are issued on the basis of the Borough being divided North/South
- b) Licences are only issued to local or well known organisations
- c) There is an interval of two weeks between collections
- d) Applications to be received by 30 September each year
- e) Applications for one-off collections not meeting the above criteria to be granted subject to the [Head of Administration] being satisfied that the collection is for a bona fide charitable purpose and the number of licences so issued not to exceed 12 in any one year.

The above policy has worked well but in recent years it has not been practicable to strictly follow the above criteria as to do so would have excluded a large number of applications. The practice currently is to only allow one collection at any one time in a particular location and also to allow organisations only one collection a year. With one or two exceptions, e.g. the Royal British Legion Poppy Appeal, collections will only be permitted to take place on one day. This ensures that all organisations receive an equal opportunity to collect and also protects the public by ensuring that they are not asked to contribute to more than one collection at any one time.

2.2 The only exception to the delegation is that if the Head of Administration "considers that that there may be a controversial or political nature to a collection it be referred to the [Licensing] Committee for determination". Only one such application has been referred to the Committee in recent years.

2.3 If a street collection licence is granted, then the regulations made by the Council attached as Annex 1 to this report will automatically apply. The purpose of these limitations is to ensure that collectors are properly authorised, that donations are receipted and stored in a secure way and that the total proceeds are properly accounted for. Returns show a huge difference between the funds collected by various organisations. This differential can be brought about by a number of factors including the locality of the collection, the number of collectors and the popularity/support for the particular cause. The regulations will continue in place as any change to them involves a lengthy process of seeking Home Office approval.

- 2.4 Street Collection applications are common; 87 applications were received in 2009/10, 92 applications were received in 2010/11 and 76 in 2011/12. Applications are processed on a first come first served basis and allocated as detailed in paragraph 2.1 above; this procedure does not always facilitate any consideration of specific localised factors or the history of the organisation in relation to the success of previous collections. Increasingly officers are receiving more than one application on behalf of certain local and national charities, e.g. Naomi House Hospice and Help for Heroes, and if the current procedure is strictly applied additional collections on behalf of the same organisation would not be permitted.
- 2.5 To avoid these complications, it is suggested that a revised policy as set out in Annex 2 attached to this report be applied to all Street Collection applications. This would replace the current policy as set out in paragraph 2.1 above; it will provide a transparent framework of how applications will be allocated and also provide a consistent reference document for both applicants and the Borough Council.

3 Corporate Objectives and Priorities

- 3.1 The regulation of street collections is a statutory function that does not specifically align with any of the Council's priorities. However, collections are a significant issue for those charitable organisations wishing to raise funds and collecting for a particular charitable cause can be an emotive issue.

4 Consultations/Communications

- 4.1 No consultation has been undertaken in respect of the matters raised within this report. Street Collection licences are issued to a wide range of local and national charities such that meaningful consultation would be difficult to achieve. It is the view of officers that the proposed policy will not adversely impact upon any charitable organisation that currently applies for a Street Collection licence in Test Valley and in certain cases the proposed policy may actually assist some organisations.
- 4.2 In devising the proposed policy, officers have reviewed the policies of number of other local authorities including many in Hampshire but also a number from elsewhere in England including Blackpool, Brentwood, Exeter, Manchester, North Hertfordshire and Stafford.

5 Options and Options appraisal

- 5.1 The options available to members are either to adopt the policy or continue as at present. As already mentioned the current policy is no longer fit for purpose and in the view of officers does not reflect the current demand for licences. Adoption of a clear policy will assist the Borough Council should it be faced with the prospect of having to refuse an application.

6 Resource Implications

- 6.1 There are no direct resource implications as a result of the report. Members may wish to know that applications for street collections do not attract any fee.

7 Legal Implications

- 7.1 As mentioned above, the regulation of street collections is a statutory function and so the Council must fulfil its responsibilities in determining any applications. There is no statutory right of appeal against the refusal of a street collection licence and the only way the local authority's decision could be challenged would be by application to the High Court for a review of the decision.

8 Equality Issues

- 8.1 There are no directly relevant issues relating to equality and diversity and thus an Equalities Impact Assessment has not been undertaken. On a related note it is the view of officers that the adoption of a clear policy on this matter will assist in ensuring all charitable organisations wishing to collect in Test Valley are afforded an equal opportunity to do so.

9 Other Issues

- 9.1 Community Safety – none.
- 9.2 Environmental Health/Sustainability Issues – none.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – potentially all but particularly Andover and Romsey town centres.

10 Conclusion

- 10.1 The legislation regarding charity collections is archaic and takes little account of modern methods of charity fund raising. New Charities Act legislation is designed to modernise the law around street collections, but the relevant provisions are not yet in force and there appears to be no prospect of them being brought into force in the foreseeable future. Further the current difficult economic situation has meant continued demand from charitable organisations all hoping to arrange collections on their preferred date. The adoption of a clear policy on determining applications will hopefully assist both the Borough Council and those wishing to arrange collections.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Council Minute 640, 1985			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	Two		
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