

# AGENDA



- Committee - **LICENSING COMMITTEE**
- Date & Time - Wednesday, 29 June 2022 at 6.30 pm
- Venue - Meeting Room 1, Council Offices, Priory Road, Spalding

## Membership of the Licensing Committee:

Councillors: A C Beal, F Biggadike, H J W Bingham, M D Booth, A Casson, A C Cronin, H Drury, J L King, A M Newton, P A Redgate (Vice-Chairman), G T D Rudkin, G P Scalese, J Tyrrell (Chairman), A R Woolf and C N Worth

Quorum: 5

Persons attending the meeting are requested to turn off mobile telephones

Democratic Services  
Council Offices, Priory Road  
Spalding, Lincs PE11 2XE

Date: 21 June 2022

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Please ask for Democratic Services: Telephone 01775 764838  
e-mail: demservices@sholland.gov.uk

## AGENDA

1. Apologies for absence.
2. Minutes - (Pages 3  
- 6)  
To sign as a correct record the minutes of the meeting held on 15 July 2021 (copy enclosed).
3. Declarations of Interest -  
Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.
4. Charitable House to House Collections Policy - (Pages 7  
- 18)  
Consideration of a Draft Charitable House to House Collections Policy (report of the Head of Public Protection enclosed).
5. Charitable Street Collections Policy - (Pages  
19 - 30)  
Consideration of a Draft Charitable Street Collections Policy (report of the Head of Public Protection enclosed).
6. Licensing Update -  
The Public Protection Manager to be in attendance to provide an update on the functions that fall under the remit of the Licensing Committee.
7. Any other items which the Chairman decides are urgent. -

NOTE: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

Minutes of a meeting of the **LICENSING COMMITTEE** held in the Function Room, South Holland Centre, Market Place, Spalding, Lincolnshire, PE11 1SS, on Thursday, 15 July 2021 at 6.30 pm.

## PRESENT

J Tyrrell (Chairman)  
P A Redgate (Vice-Chairman)

A C Beal  
F Biggadike  
M D Booth

A Casson  
G T D Rudkin  
A R Woolf

C N Worth

In Attendance: Head of Public Protection, Licensing Officer, Democratic Services Team Leader and Democratic Services Trainee

Apologies for absence were received from or on behalf of Councillors H J W Bingham, A C Cronin, J L King, J D McLean and G P Scalese

### 1. **DECLARATIONS OF INTEREST**

There were none

### 2. **MINUTES**

That the minutes be signed as a correct record.

### 3. **TAXI LICENSING STANDARDS**

Consideration was given to the report of the Head of Public Protection which set out the Taxi Licensing Proposals following consultation on the Statutory Taxi and Private Hire Vehicle Standards.

New standards had been issued by the Department of Transport in July 2020, which set out common core minimum standards that all Licensing authorities should implement. The Committee had previously considered the new standards at a meeting held on 10 December 2020, where it had been agreed that a consultation exercise be carried out.

As part of the consultation, all drivers, operators and vehicle proprietors had been contacted electronically or in writing and a notice had been published in both the local press and on the Council website. The Head of Public Protection confirmed that no feedback had been received during the consultation period.

The following points were raised regarding specific paragraphs within the Statutory Taxi and Private Hire Vehicle Standards:

- Regional Councillor Liaison Group (paragraph 3.13)

**LICENSING COMMITTEE - 15 July 2021**

- Officers confirmed that discussions would take place with authorities within Lincolnshire and neighbouring authorities to look at the scope and benefits of this group being set up.
- DBS Update Service (paragraphs 4.5 to 4.6)
  - Discussion took place as to how long current drivers would have to sign up to the update service.
  - It was agreed that an amendment be made to the Taxi Licensing Policy to require all drivers to renew their DBS annually and to agree to adopt the national standard to mandate drivers to sign up to the DBS Update Service.
- Licensee Self-Reporting (paragraphs 4.12 to 4.13)
  - Members agreed an immediate amendment to the Taxi Licensing Policy to change the timescale for licensee self-reporting from 7 days to 48 hours.
  - Members wanted to ensure that this change in policy was communicated effectively to drivers and operators.
- Referrals to the Disclosure Barring Service and the Police (paragraphs 4.14 to 4.16)
  - Members agreed to amend the Taxi Licensing Policy to adopt this standard.
- Complaints against Licensees (Paragraph 4.31)
  - Members questioned whether the design of the notices needed to be considered for different types of vehicles.
  - Officers confirmed that this would be taken into consideration.
  - Members agreed to adopt this standard and as a result, amend the Taxi Licensing Policy.
- Criminal Convictions & Rehabilitation Assessment of Previous Convictions (Paragraphs 5.15 to 5.17)
  - Members agreed to adopt the National Standard. This would be written into the Taxi Licensing Policy with immediate effect
- Language Proficiency (Paragraphs 6.14 to 6.15)
  - Members agreed to adopt this standard in principle, but officers would prepare a number of options detailing how this standard would be adhered to practically. These options would be presented to the Committee at a later date.
  - Members suggested that drivers who struggled with the Proficiency test could be signposted to Boston College for support.
- Criminality Checks for Vehicle Proprietors (Paragraphs 7.2 to 7.6)
  - The Head of Public Protection advised that most vehicle proprietors were already DBS checked.
  - Members agreed to adopt the standard with immediate effect.
- In Vehicle Visual and Audio Recording CCTV (Paragraphs 7.7 to 7.13)
  - Members asked whether CCTV was already mandatory at any other authorities.
  - Officers confirmed that it was not currently mandatory within any other Lincolnshire authority.
  - Members agreed to adopt this standard in principle and a report containing options for CCTV would be brought forward to the next meeting of the Licensing Committee.

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- **Criminality Checks for Private Hire Vehicle Operators (Paragraph 8.4)**
  - Officers advised that this standard was not currently included in the Taxi Licensing Policy but would be followed in practice.
  - Members agreed that this standard would be adopted and that the Taxi Licensing Policy would be amended to this effect.
- **Booking and Dispatch Staff (Paragraphs 8.8 to 8.12)**
  - Members agreed that these standards would be adopted with immediate effect and the Taxi Licensing Policy be amended to reflect this.
  - Members asked for clarification as to whether operators had to adopt their own policy for employing ex-offenders or whether they could adopt the Council's policy.
  - Officers advised that the Council could provide a standard wording for the policy that operators could use as a template.

**AGREED:**

- a) That the national Statutory Taxi and Private Hire Vehicle Standards be adopted:
  - b) That the majority of the proposed actions and timescales, as detailed within Appendix A to the report, be adopted, with the following changes and considerations:
    - i. DBS Update Service (paragraphs 4.5 to 4.6) – that an amendment be made to the Taxi Licensing Policy to require all drivers to renew their DBS annually, and to agree to adopt the national standard to mandate drivers to sign up to the DBS Update Service;
    - ii. Licensee Self-Reporting (paragraphs 4.12 to 4.13) – that an immediate amendment be made to the Taxi Licensing Policy, to change the timescale for licensee self-reporting from 7 days to 48 hours, and that this change in policy be communicated effectively to drivers and operators; and
  - c) That the following standards be agreed in principle:
    - i. Language Proficiency (paragraphs 6.14 to 6.15) – that this standard to adopted in principle, that officers prepare a number of options detailing how this standard would be adhered to practically, and that these options be presented to the Committee at a later date;
    - ii. In Vehicle Visual and Audio Recording CCTV (paragraphs 7.7 to 7.13) – to adopt this standard in principle, and that officers prepare a report containing options for CCTV to be considered at the next meeting of the Licensing Committee.
4. **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

There were none

(The meeting ended at 7.19 pm)

**LICENSING COMMITTEE - 15 July 2021**

(End of minutes)



|                          |   |
|--------------------------|---|
| <b>REPORT TO:</b>        | Licensing Committee   |
| <b>DATE:</b>             | Wednesday, 29 June 2022   |
| <b>SUBJECT:</b>          | Charitable House to House Collections Policy                          |
| <b>PURPOSE:</b>          | Consideration of a Draft Charitable House to House Collections Policy |
| <b>KEY DECISION:</b>     | N/A   |
| <b>PORTFOLIO HOLDER:</b> | Portfolio Holder for Public Protection                                |
| <b>REPORT OF:</b>        | Donna Hall - Head of Public Protection                                |
| <b>REPORT AUTHOR:</b>    | Richard Boole – Public Protection Manager                             |
| <b>WARD(S) AFFECTED:</b> | All wards   |
| <b>EXEMPT REPORT?</b>    | No  |

## SUMMARY

Consideration of a draft Charitable House to House Collections Policy, to formalise local requirements and expectations around the application, issue and enforcement of permits under the House to House Collections Act 1939. The Licensing Committee are being asked to consider the draft Policy and agree that a period of consultation can take place, with a view to formally approving the Policy at a later meeting.

## RECOMMENDATIONS

That the Committee consider the draft proposed House to House Charitable Collections Policy as shown at Appendix A of this report and agree for consultation to be undertaken.

## REASONS FOR RECOMMENDATIONS

To ensure that South Holland District Council maintains a consistent approach to the regulation of charitable house to house collections, to protect the rights of legitimate charities to raise

funds directly from people's homes and to protect residents from unscrupulous or overdemanding fundraising.

## **OTHER OPTIONS CONSIDERED**

Do nothing

### **1. BACKGROUND**

- 1.1 The House to House Collections Act 1939 and the House to House Collections Regulations 1947, includes powers for local authorities to regulate charitable house to house collections undertaken in its area. The Regulations require that any charitable collection undertaken house to house requires a permit.
- 1.1 As it stands, the Council doesn't have a formally adopted policy in respect of Charitable House to House Collections, which could lead to inconsistency in the way these collections within the District are managed.

### **2. REPORT**

- 2.1 A draft policy is shown at Appendix A. The intention of the policy once adopted, is to provide greater clarity as to the local requirements and expectations around the application, issue and enforcement of permits.
- 2.2 The adoption of a policy will help to ensure consistency of approach and helps to a) protect the rights of legitimate charities to raise funding through collections at people's homes; and b) protect residents of the District from either unscrupulous fundraising or overdemanding fundraising in one area at any given time.
- 2.3 An adopted policy also aids enforcement consistency, including decision making by the Licensing Committee / Licensing Panel when required.
- 2.4 It is proposed that an consultation process take place before this draft policy is formally recommended for adoption. This would take the form of publishing the draft policy on the Council website for a period of 6 weeks and bringing it to the attention of a number of charities that regularly hold collections in the District.

### **3. CONCLUSION**

- 3.1 Consultation on the adoption of a policy for Charitable House to House Collections, will help inform the final policy and ensure that it takes into account the views of relevant stakeholders.

### **4. EXPECTED BENEFITS TO THE PARTNERSHIP**

- 4.1 This policy relates purely to the regulatory activity within the South Holland District under the remit of the Licensing Committee, however the policy aligns well with the East Lindsey District Council Policy.



## **5. IMPLICATIONS**

### **5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

5.1.1 None

### **5.2 CORPORATE PRIORITIES**

5.2.1 The policy supports the Corporate Priorities and in particular supports the Priority of “Your Place” by helping to reduce and prevent crime and disorder; and enhance the wellbeing of communities. The policy also supports the priority “Your Health and Wellbeing” by ensuring Public Protection can protect and support communities through regulatory activity.

### **5.3 STAFFING**

5.3.1 Adoption of the policy will result in a small amount of additional work for the Licensing Team, however it’s not anticipated that this will have any significant impact on staffing at this time.

### **5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS**

5.4.1 Although no formal policy is required under the relevant legislation, a formally adopted policy helps to provide a transparent and consistent approach, supports legitimate fundraising and protects the general public. The Licensing Committee has the delegated authority to set or amend the policy.

### **5.5 DATA PROTECTION**

5.5.1 Data protection will be in line with other current licensing data and the existing privacy policy and data impact analysis will still apply.

### **5.6 FINANCIAL**

5.6.1 None

### **5.7 RISK MANAGEMENT**

5.7.1 None

### **5.8 STAKEHOLDER / CONSULTATION / TIMESCALES**

5.8.1 Consultation will be carried out as detailed in this report. Consultees will include the Council’s Policy Development Panel, Lincolnshire Police and prominent charities that collect in the District, plus other interested parties and charities that wish to respond to the online consultation. The consultation will take place over a period of 6 weeks. It is intended that the policy be brought back to Licensing Committee for approval in November 2022.

### **5.9 REPUTATION**

5.9.1 None

### **5.10 CONTRACTS**

5.10.1 None

### **5.11 CRIME AND DISORDER**

5.11.1 Lincolnshire Police will be a consultee on this policy. There are offences under the relevant legislation and so the policy will support charities to comply with the law.

## 5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS / SAFEGUARDING

5.12.1 The policy will help to protect vulnerable people by ensuring tighter controls on charitable collections.

## 5.13 HEALTH AND WELL BEING

5.13.1 None

## 5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 The consultation document will be emailed to consultees where possible to reduce printing and paper. The consultation document will be available on the Council's website, as will the final Policy once approved.

## 5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

| <b>MISSIONS</b>   |  |
|---|--|
| <b>This paper contributes to the follow Missions outlined in the Government's Levelling Up White paper.</b> |  |
| <b>Pride in Place</b>   | By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing. |
| <b>Crime</b>  | By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.  |

## 6. ACRONYMS

6.1 None

| <b>APPENDICES</b>   |  |
|---|--|
| Appendices are listed below and attached to the back of the report: - |  |
| APPENDIX A  | Draft Charitable House to House Collections Policy |

| <b>BACKGROUND PAPERS</b>   |
|--|
| No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report. |

| <b>CHRONOLOGICAL HISTORY OF THIS REPORT</b>                                |
|--|
| A report on this item has not been previously considered by a Council body |

| <b>REPORT APPROVAL</b> |               |
|------------------------|---------------|
| Report author:         | Richard Boole |

|                |   |
|----------------|---|
|                | Richard.Boole@sholland.gov.uk   |
| Signed off by: | Donna Hall, Head of Public Protection<br>John Leach, Deputy Chief Executive - Communities |
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## **Appendix A**

# **SOUTH HOLLAND DISTRICT COUNCIL CHARITABLE HOUSE TO HOUSE COLLECTIONS POLICY**

## **Contents**

1. Introduction
2. Policy Intention
3. Scheme of Delegation
4. Application Process
5. Reasons for Refusal
6. Monitoring and Reviewing Progress

### **1. Introduction – Charitable House to House Collections**

Charitable house to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.

It is vital that permits to collect are issued to legitimate applicants. This can give the public confidence that if the collection is properly authorised then an adequate proportion of their donations are being given to the appropriate charity.

Charitable house to house collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Permits for these collections in the South Holland District are issued by South Holland District Council.

There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued to the charity by the Cabinet Office directly.

### **2. Policy Intention**

The aim of the policy is to ensure that residents in the South Holland District, who want to donate to charity through house to house collections, are able to do so in good faith and secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity.

This will be achieved through the issuing of permits to collect in accordance with the House to House Collections Act and associated regulations.

Draft June 2022.

The intention of this policy is also to give clear guidance to both officers and Members of the Council's Licensing Committee on factors to be taken into account when determining applications for house to house collection permits.

All refusal decisions will be notified to the applicant in writing.

Any applicant refused a permit may appeal to the Secretary of State. The appeal must be submitted to the Secretary of State within 21 days of receipt of the notice of refusal.

### 3. Scheme of Delegation

The Council has delegated to its Officers the authority to consider and determine applications for permits, subject to the criteria set out in this policy document.

The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a permit should be granted, then that permit application should be forwarded to the Council's Licensing Panel (consisting of Councillors) for determination.

The delegation will be as follows:

| Matter to be Dealt With          | Delegation   |
|----------------------------------|--|
| Setting or Amending Policy       | Material amendments are a matter for the Licensing Committee.<br>Minor amendments such as changes to references, legislation and guidance, are delegated to the Head of Public Protection/Public Protection Manager in conjunction with the Chair of the Licensing Committee |
| Grant of a Permit                | Officers / Licensing Panel   |
| Refusal / Revocation of a Permit | Delegated to Officers where refusal is due to numbers within a location being exceeded or required timescales not being met.<br><br>Delegated to Licensing Panel for refusals for other reasons, or revocations  |

Please note that Officers can refer an application to the Licensing Panel at any time for determination.

### 4. Application Process

The statutory house to house collection application form needs to be completed when applying for a permit.

There should be a minimum 28 days-notice and a maximum of 6-months notice, given between the application and the proposed start date of the collection. This recommendation may be waived in exceptional circumstances at the discretion of the Authority.

Draft June 2022.

On all applications to this Authority, where the application relates to the collection of clothing or goods, the applicant must also supply information relating to:

- Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission.
- A statement of the company organisation's aims as detailed in any literature and the details and history of the organisation.
- How the collection is to be conducted (e.g. charity collection bags).
- Letter of Authorisation from the Charity Partner to collect goods on their behalf.
- Copy of the Corporate Agreement between the two organisations (the charity partner and the collector).
- Declaration of any previous permit refusals by this Authority and/or any other Local Authority.
- An example of the projected income and expenditure in collecting 1 tonne of clothes.

In addition, it must be clear as part of the application process how much the charity will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections in the South Holland District before.

Where appropriate this Authority reserves the right to ask an applicant to produce the result of a current basic Disclosure and Barring Service disclosure relating to the applicant for the permit (or the Director(s) of the collection company if different).

## **5. Reasons for Refusal**

There are six reasons why an Authority may refuse to grant a permit or, where it has issued, may revoke a permit.

A Licensing Authority may refuse to grant a permit, or, where a permit has been issued may revoke it, if it appears to the Authority that:

1. The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
2. Remuneration which is excessive in relation to the total amount of the proceeds is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
3. The grant of a permit would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
4. The applicant or the holder of the permit is not a fit and proper person to hold a permit by reason of the fact that he/she has been convicted in the United Kingdom of any of the offences specified in the Schedule to the Act, or has been convicted in any part of Her Majesty's Dominions of any offence conviction for which necessarily involved a finding that he/she acted fraudulently or dishonestly, or of an offence of a kind the commission of which

Draft June 2022.

would be likely to be facilitated by the grant of a permit;

5. The applicant or the holder of the permit, in promoting a collection in respect of which a permit has been granted to him/her, has failed to exercise due diligence to secure that persons authorised by him/her to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
6. The applicant or holder of the permit has refused or neglected to provide to the Authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the above paragraphs.

When considering applications, the financial information given is sometimes difficult to interpret. Unless the proportion that will be donated to charity is clear and this Authority is confident in the calculations the application will normally be refused.

If the proportion allocated to the charity is clear, this Authority must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity.

Refusal of the permit application will be given serious consideration if the proportion allocated to the charity is considered inadequate in relation to the proceeds received.

It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive, the nature of the business and the overheads will be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process, at all levels, should also be considered as part of this assessment.

Refusal of the application may be given serious consideration when the remuneration amount is greater than 20% of the value of the total collection at the point of donation.

If no previous returns have been supplied to the Council after previous collections by the same organisation or individual within the South Holland District, then the application will normally be refused.

In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

## **6. Allocation of House to House Collection Days**

The Council operates a diary booking system on a "first come first served" basis for the allocation of house to house collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation's preferred date will be allocated to that organisation. Where an organisation's preferred date cannot be granted, alternative dates may be suggested where practicable.

It is this Authority's policy that an organisation is normally limited to one collection day per

Draft June 2022.



calendar year in the same town or village.

The Council will normally only encourage a maximum of one charitable house to house collection in any town or village centre per day - although collection applications for other areas in the District away from a town or village centre can be considered.

If there is already a collection taking place in the particular area at same time as the proposed collection being considered, the Council may consider undertaking the following (in order of preference);

- a) Arrange by mutual agreement with the collector to grant a licence to operate a collection on alternative dates; or
- b) If this is not possible, make a recommendation to the collector to withdraw the licence application, to protect the interests of both charities.

The date of the Royal British Legion Poppy Day Appeal and the preceeding week are permanently reserved for that charity.

## **7. Monitoring and Reviewing Progress**

This policy will be actively monitored in its first year of introduction to determine its impact and will be reviewed during that period if deemed necessary.

In addition, this policy will be placed on the Council's Policy Register and will be subject to review every 5 years, unless revisions are deemed necessary prior to that date.

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|--------------------------|---|
| <b>REPORT TO:</b>        | Licensing Committee   |
| <b>DATE:</b>             | Wednesday, 29 June 2022                                       |
| <b>SUBJECT:</b>          | Charitable Street Collections Policy                          |
| <b>PURPOSE:</b>          | Consideration of a Draft Charitable Street Collections Policy |
| <b>KEY DECISION:</b>     | N/A   |
| <b>PORTFOLIO HOLDER:</b> | Portfolio Holder for Public Protection                        |
| <b>REPORT OF:</b>        | Donna Hall - Head of Public Protection                        |
| <b>REPORT AUTHOR:</b>    | Richard Boole – Public Protection Manager                     |
| <b>WARD(S) AFFECTED:</b> | All wards   |
| <b>EXEMPT REPORT?</b>    | No  |

## **SUMMARY**

Consideration of a draft Charitable Street Collections Policy, to formalise local requirements and expectations around the application, issue and enforcement of permits under the Police, Factories, etc (Miscellaneous Provisions) Act 1916. The Licensing Committee are being asked to consider the draft Policy and agree that a period of consultation can take place, with a view to formally approving the Policy at a later meeting.

## **RECOMMENDATIONS**

That the Committee consider the draft proposed Charitable Street Collections Policy as shown at Appendix A of this report and agree for consultation to be undertaken.

## **REASONS FOR RECOMMENDATIONS**

To ensure that South Holland District Council maintains a consistent approach to the regulation of charitable street collections, to protect the rights of legitimate charities to raise funds in the street and to protect residents and visitors from unscrupulous or overdemanding fundraising in the street.

## **OTHER OPTIONS CONSIDERED**

Do nothing

### **1. BACKGROUND**

- 1.1 The Police, Factories, etc (Miscellaneous Provisions) Act 1916, includes powers for local authorities to regulate charitable street collections undertaken in its area, through Regulations made under the Act. The Regulations require that any charitable collection undertaken in a street or public place requires a permit.
- 1.2 As it stands, the Council doesn't have a formally adopted policy in respect of Charitable Street Collections, which could lead to inconsistency in the way these collections within the District are managed.

### **2. REPORT**

- 2.1 A draft policy is shown at Appendix A. The intention of the policy once adopted, is to provide greater clarity as to the local requirements and expectations around the application, issue and enforcement of permits.
- 2.2 The adoption of a policy will help to ensure consistency of approach and helps to a) protect the rights of legitimate charities to raise funding in the street; and b) protect residents and visitors to the District from either unscrupulous fundraising or overdemanding fundraising in one area at any given time.
- 2.3 An adopted policy also aids enforcement consistency, including decision making by the Licensing Committee / Licensing Panel when required.
- 2.4 The draft policy includes specific protections for certain date-specific collections of national importance, these being the Royal British Legion Poppy Appeal and BBC Children in Need.
- 2.5 It is proposed that a consultation process take place before this draft policy is formally recommended for adoption. This would take the form of publishing the draft policy on the Council website for a period of 6 weeks and bringing it to the attention of a number of charities that regularly hold collections in the District, including the Royal British Legion.

### **3. CONCLUSION**

- 3.1 Consultation on the adoption of a policy for Charitable Street Collections, will help inform the final policy and ensure that it takes into account the views of relevant stakeholders.

#### **4. EXPECTED BENEFITS TO THE PARTNERSHIP**

- 4.1 This policy relates purely to the regulatory activity within the South Holland District under the remit of the Licensing Committee, however the policy aligns well with the East Lindsey District Council Policy.

#### **5. IMPLICATIONS**

##### **5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

- 5.1.1 None

##### **5.2 CORPORATE PRIORITIES**

- 5.2.1 The policy supports the Corporate Priorities and in particular supports the Priority of “Your Place” by helping to reduce and prevent crime and disorder; and enhance the wellbeing of communities. The policy also supports the priority “Your Health and Wellbeing” by ensuring Public Protection can protect and support communities through regulatory activity.

##### **5.3 STAFFING**

- 5.3.1 Adoption of the policy will result in a small amount of additional work for the Licensing Team, however it’s not anticipated that this will have any significant impact on staffing at this time.

##### **5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS**

- 5.4.1 Although no formal policy is required under the relevant legislation, a formally adopted policy helps to provide a transparent and consistent approach, supports legitimate fundraising and protects the general public. The Licensing Committee has the delegated authority to set or amend the policy

##### **5.5 DATA PROTECTION**

- 5.5.1 Data protection will be in line with other current licensing data and the existing privacy policy and data impact analysis will still apply.

##### **5.6 FINANCIAL**

- 5.6.1 None

##### **5.7 RISK MANAGEMENT**

- 5.7.1 None

##### **5.8 STAKEHOLDER / CONSULTATION / TIMESCALES**

- 5.8.1 Consultation will be carried out as detailed in this report. Consultees will include the Council’s Policy Development Panel, Lincolnshire Police, the Royal British Legion and other prominent charities that collect in the District, plus other interested parties and charities that wish to respond to the online consultation. The consultation will take place over a period of 6 weeks. It is intended that the policy be brought back to Licensing Committee for approval in November 2022.

## 5.9 REPUTATION

5.9.1 None

## 5.10 CONTRACTS

5.10.1 None

## 5.11 CRIME AND DISORDER

5.11.1 Lincolnshire Police will be a consultee on this policy. There are offences under the relevant legislation and so the policy will support charities to comply with the law.

## 5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS / SAFEGUARDING

5.12.1 The policy will help to protect vulnerable people by ensuring tighter controls on charitable collections.

## 5.13 HEALTH AND WELL BEING

5.13.1 None

## 5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 The consultation document will be emailed to consultees where possible to reduce printing and paper. The consultation document will be available on the Council's website, as will the final Policy once approved.

## 5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

| <b>MISSIONS</b>   |  |
|---|--|
| <b>This paper contributes to the follow Missions outlined in the Government's Levelling Up White paper.</b> |  |
| <b>Pride in Place</b>   | By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing. |
| <b>Crime</b>  | By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.  |

## 6. ACRONYMS

6.1 None

| <b>APPENDICES</b>   |  |
|---|--|
| Appendices are listed below and attached to the back of the report: - |  |
| APPENDIX A  | Draft Charitable Street Collections Policy |

| <b>BACKGROUND PAPERS</b>   |
|--|
| No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report. |

|   |
|---|
| <b>CHRONOLOGICAL HISTORY OF THIS REPORT</b> |
|---|

|  |
|--|
| A report on this item has not been previously considered by a Council body |
|--|

|                        |  |
|------------------------|--|
| <b>REPORT APPROVAL</b> |  |
|------------------------|--|

|                |  |
|----------------|--|
| Report author: | Richard Boole<br>Richard.Boole@sholland.gov.uk |
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|                |  |
|----------------|--|
| Signed off by: | Donna Hall, Head of Public Protection<br>John Leach , Deputy Chief Executive - Communities |
|----------------|--|

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## APPENDIX A

### SOUTH HOLLAND DISTRICT COUNCIL CHARITABLE STREET COLLECTIONS POLICY

#### Contents

1. Introduction
2. Policy Intention
3. Scheme of Delegation
4. Application Process
5. Determination of Application
6. Allocation of Street Collection Days
7. Miscellaneous Matters
8. Monitoring and Reviewing Progress

#### 1. Introduction – Street Collections

The power that enables the Council to regulate charitable street collections and to issue permits is contained in the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

The legislation stipulates that any charitable collection to be undertaken in a street or public place requires a permit. It is a criminal offence to conduct a collection in any street or public place within the South Holland District without first obtaining such a permit from the Council.

For the purposes of this policy the Council will identify charitable purpose as meaning any charitable, benevolent or philanthropic purpose that includes the following:

- the prevention or relief of poverty;
- the advancement of education;
- the advancement of religion;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;

- the advancement of environmental protection or improvement;
- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- the advancement of animal welfare;
- the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services.

## 2. Policy Intention

The aim of this policy is to ensure that residents in the South Holland District, who want to donate to charity through charitable street collections, are able to do so in good faith and secure in the knowledge that what they donate will directly benefit the named charity.

This will be achieved through the issuing of permits to collect in accordance with the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and associated regulations.

The intention of this policy is also to give clear guidance to both Officers and Members of the Council's Licensing Committee on factors to be taken into account when determining applications for charitable street collection permits.

All refusal decisions will be notified to the applicant in writing.

The Act does not make provision for legal appeals against the decision of the Council in relation to the refusal of a street collection permit.

## 3. Scheme of Delegation

The Council has delegated to its Officers the authority to consider and determine applications for permits, subject to the criteria set out in this policy document.

The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a permit should be granted, then that permit application should be forwarded to the Council's Licensing Panel (consisting of Councillors) for determination.

The delegation will be as follows:

| Matter to be Dealt With          | Delegation  |
|----------------------------------|---|
| Setting or Amending Policy       | Material amendments are a matter for the Licensing Committee<br>Minor amendments such as changes to references, legislation and guidance, are delegated to the Head of Public Protection/Public Protection Manager in conjunction with the Chair of the Licensing Committee |
| Grant of a Permit                | Officers / Licensing Committee Panel  |
| Refusal / Revocation of a Permit | Delegated to Officers where refusal is due to numbers within a location being exceeded or required timescales not being met.<br><br>Delegated to Licensing Committee Panel for  |

Please note that Officers can refer an application to the Licensing Panel at any time for determination.

#### **4. Application Process**

An application for a permit should be made to the Council in writing on the prescribed application form no later than twelve weeks before the proposed collection date. The exceptions to this expectation are applications for Christmas Town Centre Street Collections – see section 7 of this policy document.

The following will be required to be submitted with the permit application:

- the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- details of street collection permits refused (in the South Holland or any other Council's area);
- for transitory / mobile collections, details of the proposed routes must be provided with the application.

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

#### **5. Determination of Application**

Each application will be determined on individual merits and with the aim of promoting the principles and objectives contained in this policy document.

The legislation does not include statutory criteria for the approval or rejection of a permit request. The criteria, for the approval or refusal of a permit, are a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant / refuse /limit permits on various grounds that are not specific within the legislation and regulations.

The Council reserves the right to make detailed enquiries about an applicant and the proposed charitable collection in relevant and appropriate circumstances.

Where the application for a permit includes a street procession or placing a structure or vehicle on the street / highway; or where the proposed collection relates to the sale of articles in a street / public place, permission should be sought in advance from the relevant authority.

There are no statutory grounds for refusing an application for a permit. However, the Council will refuse the application if it considers that the collection:

- Is not for "charitable or other benevolent purposes", and/or
- Contravenes the provisions of the Street Collection legislation and regulations.

In addition, the Council may refuse any application for any of the following reasons:

- To limit the number of street collections,
- If too high a proportion of the proceeds are likely to be spent on expenses,

- If inaccurate information was provided on the permit application,
- If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty (e.g. theft, blackmail or fraud etc.).
- If no previous returns have been supplied to the Council after previous collections by the same organisation within the South Holland District.

The above list is not exhaustive and the Council may refer to other relevant matters in its decision making process, where appropriate and/or necessary.

Where appropriate this Authority reserves the right to ask an applicant to produce the result of a current basic Disclosure and Barring Service disclosure relating to the applicant for the permit.

Once issued, a permit may be revoked if it is believed the objectives of this policy are or could be compromised.

The Council's charitable street collection regulations set out the procedure for submission of a statement of income and expenditure following the completion of the collection. All items required under these regulations must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to submit the required return may prejudice any future permit applications.

## **6. Allocation of Street Collection Days**

The Council operates a diary booking system on a "first come first served" basis for the allocation of street collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation's preferred date will be allocated to that organisation. Where an organisation's preferred date cannot be granted, alternative dates may be suggested where practicable.

It is this Authority's policy that an organisation is normally limited to one collection day per calendar year in the same town or village. The exceptions to this policy are:

- Royal British Legion Poppy Appeal
- BBC Children in Need Appeal

The Council will normally only permit a maximum of one charitable street collection in any town or village centre per day - although collection applications for other areas in the District away from a town or village centre may be considered at the Council's discretion.

The date of the Royal British Legion Poppy Day Appeal and the preceding week are permanently reserved for that charity.

## **7. Miscellaneous Matters**

Emergency and Special Collections: In exceptional circumstances, such as an emergency appeal or a national special event, consideration may be given to the grant of additional permits or reduced notice time, at the discretion of the Council.

Transitory / Mobile Collections: Transitory / mobile collections, (i.e. those whose collections pass through the District), will normally be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.

Christmas Town Centre Street Collections: In addition to the requirements set out above, the Council will not accept applications for Christmas Town Centre Street collections until the first week of September every year. For the purposes of this policy Christmas Town Centre Street Collections are defined as collections taking place during period 24<sup>th</sup> November to 24<sup>th</sup> December in a town or village centre.

An application for a permit for a Christmas Town Centre Street Collection should be made to the Council in writing on the prescribed application form no later than four weeks before the proposed collection date.

Animals: The use of animals in conjunction with street collections is discouraged by this Authority and will only be supported in conjunction with recognised animal charities.

Duration of Permit: The permission to carry out a street collection is valid only for the period of collection specified in the permit. There are no provisions in the legislation for renewal of permits. Therefore, in all cases where a street collection permit has expired, a new application will have to be made for future collections.

Direct Debit Collections: The Council does not control collections where pledges are collected for direct debit donations (clipboard collectors or 'chuggers') because they do not collect actual money and there are no legal provisions for the Council to regulate collections of this type at present.

## **8. Monitoring and Reviewing Progress**

This policy will be actively monitored in its first year of introduction to determine its impact and will be reviewed during that period if deemed necessary.

In addition, this policy will be placed on the Council's Policy Register and will be subject to review every 5 years, unless revisions are deemed necessary prior to that date.

Draft June 2022.

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