

# AGENDA



- Committee - **LICENSING COMMITTEE**
- Date & Time - Wednesday, 1 February 2023 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, 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: 24 January 2023

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

## A G E N D A

1. Apologies for absence.
2. Minutes - (Pages 3  
- 10)  
To sign as a correct record the minutes of the meeting held on Wednesday 29 June 2022 (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  
11 - 22)  
To approve the Draft Charitable House to House Collections Policy (report of the Head of Public Protection enclosed).
5. Charitable Street Collections Policy - (Pages  
23 - 34)  
To approve the Draft Charitable Street Collections Policy (report of the Head of Public Protection enclosed).
6. 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 Meeting Room 1, Council Offices, Priory Road, Spalding, on Wednesday, 29 June 2022 at 6.30 pm.

## PRESENT

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

A C Beal  
F Biggadike  
H J W Bingham

M D Booth  
A Casson  
A M Newton

G T D Rudkin  
A R Woolf  
C N Worth

In Attendance: The Public Protection Manager, the Licensing Officer, the Assistant Licensing Officer and the Democratic Services Assistant.

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

### 1. **MINUTES**

Consideration was given to the minutes of the meeting held on 17 July 2021.

#### **AGREED:**

That the minutes of the meeting be signed as a correct record.

### 2. **DECLARATIONS OF INTEREST**

There were none.

### 3. **CHARITABLE HOUSE TO HOUSE COLLECTIONS POLICY**

The Public Protection Manager introduced the Charitable House to House Collections Policy and the Charitable Streets Collection Policy:

- The Charitable House to House Collection Policy included door to door and clothing collections and was based on the requirements of the House-to-House Collections Act 1939.
- The Street Collections Policy was based on the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
- There was no statutory requirement to have a policy but without one in place there could be inconsistency in the way collections within the district were managed.
- There was also a need for more clarity around the application process and expectations of charity collection organisers, such as information around percentage returns and security checks.
- There was no transparency for decisions without the policies in place.
- The policies aimed to protect the rights of charities to raise funds and balanced this with protection of residents in the district from the pressure of too many collections at one time.

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- The policies presented were the first draft and officers were seeking the agreement of the Committee to put the policies out for consultation to different stakeholders, e.g., Charities, Policy Development Panel and residents via publication of the policy on the website.
- The draft policies were based on tried and tested policies at East Lindsey District Council.
- The policies were not controversial but aimed to put protections in place for all parties around granting a collection permit.
- The scheme of delegation within the policy detailed the reasons as to why the grant/refusal of a permit would be subject to a Panel decision.
- The proposed consultation would take place over the summer and the final policies would be brought back to the Committee in the autumn for approval.

Members raised the following points:

- Did charities have to apply for a permit annually or for every collection?
  - Officers confirmed that charities had to apply for specific timings and areas, but some national charities would give a broad range of dates and that would be over a number of weeks. It was important to remember that it was a permit that was issued for collections rather than a licence.
- There wasn't anything in the House-to-House policy that stated collectors had to have an ID badge.
  - Officers responded to say that the Home Office Stationary Office provided collectors with an ID badge.
  - It was a challenge to monitor what happened on the ground once the permit had been granted.
- Members felt that ID should be checked as the public could be at risk.
  - Officers confirmed that the legislation required collectors to have ID, but they could consider adding this requirement into the wording of the policy.
  - If complaints were received about bag collections, residents were advised to check if the bag came from a registered charity.
  - Officers were working on providing a public register of collections on the website to enable residents to check what collections were taking place in their area.
- As there was a National Exemption Order in place for larger national charities, did they have to notify the Council of their collection dates?
  - Officers responded to say that charities that were subject to a National Exemption Order did not have to apply for a permit, but it was good practice for them to advise the Council via a letter as the Council could then offer alternative dates if other charity collections were already taking place in the area.
- Could something be incorporated into the House-to-House collections policy to ensure collections bags did not obstruct the highway?
  - Officers confirmed that this was not part of the policy, but a good practice guide could be put on the website regarding bag collections.

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- Were residents currently able to check the register of collections going on in the area?
  - Officers responded that currently the on-line system was not operating as it had previously been a shared system with Breckland Council. However, work was being undertaken to get the register back up and running again as soon as possible.
- Once the register was back up and running, could it be advertised more to the public?
  - Officers confirmed that they would take this into consideration.
- Why was there a disparity in the application time frames for the different types of collections?
  - Officers responded that there were different requirements within the legislations that sat behind the two different types of collections.
- Members were of the understanding that individual collectors from each charity had to register and be given a badge number that correlated with their collection bucket.
  - Officers said that this may be stated in the Charity Commission guidance and therefore something for each charity to manage but was not a requirement of the legislation in terms of the permits issued by the District Council.
- What was the maximum limit of Street Collections and House-to-House Collections that could take place at one time?
  - Ideally there would only be one street collection in a town/village at one time but house to house collections could have more than one going on at a time dependent on charities collecting that were subject to National Exemption Orders.
- Would the badges that collectors wore have the SHDC logo on them at all?
  - Officers confirmed that the permit issued by the Authority would have the SHDC logo on it, but each collector would not necessarily have a copy of this and that was why they had to carry a prescribed badge.
- Would it cost more money to give out permits with a policy in place?
  - Officers confirmed that there was no fee payable for either permit to be given out
  - The aim of the policy was to put in more checks and balances but also about protecting residents. It was not an income generating activity.
- ID was imperative for those out collecting on behalf of charities, especially considering the new S&ELCP lottery scheme that was being set up by the Council.
- What percentage would the S&ELCP lottery take out in terms of overheads?
  - Officers responded to say that the lottery was outside of the scope of the House-to-House Collection policy and would be governed by Charity Commission lotteries legislation.
  - The usual accepted level for overheads was 20% but some charities would submit a higher percentage and additional information could be requested from the applicant to evidence why a higher percentage was required. The decision on whether to grant the permit or not could then be forwarded to the Licensing Panel for consideration.

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- How would the message of the policy get out to charities with national exemption orders?
  - Officers responded to say that not a lot would change in practice with the policy, but it would allow for decision-making rationale if challenged when refusing permit applications. The policy would be published on the SHDC website.
- Could the good will of people be knocked back as they were unaware of what to do?
  - Officers confirmed that there would be no problem with legitimate charities as they tended to be flexible with their dates.
- Would Parish Councils be included in the consultation and had there been any challenges against the refusal of a permit?
  - Officers confirmed that the consultation would be open to everyone.
  - There had been one charity recently that had had its permit refused and it had asked to see a policy, however this had not been in place at the time.
- What was the process for an appeal of the refusal of a permit and would the Council be responsible for costs if an appeal was accepted?
  - Officers confirmed that there was only a right to appeal for house-to-house permits. For any challenge on a street collection permit, a judicial review would need to be applied for.
- Did the Authority not have a policy in place before as there used to be a list of national charities collection dates for the year?
  - Officers confirmed that there had never been a formally adopted policy but there was likely a more structured planning of dates for collections.
- Would every collector get a badge and a corresponding collector number?
  - Officers responded to say that badges were usually issued by the individual charity but there were conditions listed on the permit that would ensure that all collectors had an ID badge.
- Would it be possible to have a number on the badge which linked to SHDC records?
  - Officers confirmed that SHDC wouldn't hold records on individual collectors as the charity would be granted the permit and then delegate collection to individuals.
- How often would the policy need to be updated?
  - Officers confirmed the policy would be added to the Council's Policy Register and reviewed every five years.
  - There would be delegated authority in place for Officers to make minor changes to the policy between reviews.
- The Acts the policies were based on were quite old – were they outdated?
  - Officers responded to say that the policies gave details to flesh out the legislation, but the Council could only work within the framework set out by the Acts.
- It was important to have a policy in order to enforce decisions.
- Could the policies be presented to Policy Development Panel for consideration as part of the consultation?
  - Officers confirmed that the final policies would come back to a meeting of Licensing Committee for approval after consultation had ended. The

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Chairman of PDP would be asked if the policies should be considered by PDP as part of the consultation.

- Could Members be informed when the register of collections was again operating on the website?
  - Officers confirmed that this was possible.
- Would the consultation incorporate any updates to legislation?
  - Officers confirmed that they would double check all legislation before bringing the policy back for final approval.
- Why were direct debit collections not a Council responsibility?
  - Officers responded to say that these collections were excluded from legislation as they did not directly take money and there was an opportunity for people to withdraw their consent to the donation.
- Did pedallers licences fall under the remit of the Licensing Committee?
  - Officers confirmed that these licences were provided by the Police.

### **AGREED:**

That the draft policy be sent out for consultation.

## 4. CHARITABLE STREET COLLECTIONS POLICY

This item was discussed in conjunction with item 4.

### **AGREED:**

That the draft policy be sent out for consultation.

## 5. LICENSING UPDATE

The Licensing Officer introduced the update and highlighted the following changes to legislation:

- Taxis & Private Hire Vehicles Disabled Persons Act 2022
  - Amended the Equality Act to introduce new duties for local authorities, taxi and private hire drivers and private hire operators.
  - It was now a mandatory requirement for the local authority to publish a list of wheelchair accessible vehicles on their website which was something that SHDC already did.
  - The updates to legislation required drivers to not charge more for any extra assistance required by a disabled person than they would for a non-disabled person.
  - Exemption certificates could be produced if a driver was not able to assist on medical grounds.
  - Officers would be updating operators on this new legislation but noted that they hadn't received any customer complaints regarding this issue.
- Taxis and Private Hire Vehicles Safeguarding and Road Safety Act 2022
  - This was an extension of the NR3 register for taxi drivers which was now required to be checked by the local authority for all taxi driver applications for any previous convictions and offences.

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- If previous offences and convictions were found, the Council would then contact their previous local authority for details of the offences.

Members raised the following points:

- Did the Council already automatically check the NR3 register for all taxi driver applications?
  - Officers confirmed that they already did this for every application and any taxi driver applicant who did not state previous offences would be subject to a Panel hearing to determine whether to grant a licence or not.
- Did the register pick up any parking tickets a driver had received?
  - Officers confirmed that the register would only pick that up if another authority had refused a licence on that basis.
- Would the Council be notified if a taxi driver received a parking ticket?
  - Officers responded to say that the Council would only be notified if the parking ticket became a police issue. The NR3 register only gave information if a licence had been revoked, suspended or refused by an authority.
- Would the Council be notified of any road traffic offences committed by a taxi driver?
  - Officers confirmed that the police would raise any offence committed by a taxi driver with the Council.

**AGREED:**

That the update be noted.

**6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

Members asked whether the Council was up to date on animal inspections and whether a full complement of staff were in post to carry out the inspections.

Officers responded to say that the team were getting caught up on inspections as during Covid not as many inspections had taken place due to many premises being closed. They noted that vets were under a lot of pressure and in a lot of cases officers were waiting for a vet to be available to assist with the inspections. There were currently 5 more premises to inspect and a few to chase up who had not renewed their licence.

Officers also confirmed that a new Assistant Licensing Officer was in post who would be undertaking a qualification to be able to undertake animal inspections in the future. There was also an officer within the wider Public Protection team who had relevant qualifications to be able to assist with these animal inspections.

Members felt that the level of inspections taking place and the number of officers qualified to do the inspections was unacceptable and suggested that an update should be given at the next meeting of the Performance Monitoring Panel.



**LICENSING COMMITTEE** - 29 June 2022

(The meeting ended at 7.31 pm)

(End of minutes)

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<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	Wednesday, 1 February 2023
<b>SUBJECT:</b>	Charitable House to House Collections Policy
<b>PURPOSE:</b>	Approval 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 formally approve the policy.

## RECOMMENDATIONS

That the Committee consider the draft proposed House to House Charitable Collections Policy as shown at Appendix A of this report and formally approve it for implementation from 1 April 2023.

## 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 The final 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 A consultation process has taken place and further detail of the consultation responses is provided later in this report. The draft policy was published on the Council website for a period of 6 weeks and was brought to the attention of a number of charities that regularly hold collections in the District, including the Royal British Legion. A minor change has been made to the draft policy in respect of cold calling during hours of darkness at Section 6 (Pg 5)

### **3. CONCLUSION**

- 3.1 The draft policy for Charitable House to House Collections has now been consulted upon and any responses considered and acted upon as appropriate, having regard to the relevant legislation. The Policy can now be formally adopted.

## **EXPECTED BENEFITS TO THE PARTNERSHIP**

- 3.2 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 and Boston Borough Council Policies.

## **5. IMPLICATIONS**

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

- 5.1.1 To provide consistency of policy and operational arrangements for charitable organisations that operate across the Partnership and to aid efficiency and effectiveness of service delivery in each place.

### **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 and work is currently underway to develop options for increasing capacity within the service to ensure service standards are not compromised.

### **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 has been carried out as detailed in this report. Consultees included 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 wished to respond to the online consultation. The draft Charitable Street Collections Policy was consulted on at the same time.
- 5.8.2 Two responses were received that related to the matters covered by the Charitable House to House Collections Policy. Both related to concerns about cold calling at domestic

properties and more specifically the potential impact on vulnerable residents, including during the hours of darkness. Although these are legitimate concerns, the legislation doesn't allow the Council to impose any restrictions. The provision of this policy does however enhance the protections available, as it would allow us to give greater regard to complaints when making decisions. We will also be publishing details of permitted collections that residents can check against. The Policy wording in Section 6 (Pg 5) has been amended to say that any door knocking during the hours of darkness is to be discouraged. The main use of these permits however is to undertake bagged clothing and similar collections, where bags are normally dropped off and collected in the street at a later date, rather than through door knocking activity. Direct Debit collections at the door aren't covered by this legislation.

**5.9 REPUTATION**

5.9.1 Having a Policy provides the Council will help safeguard the Council and its reputation in the event of challenge by charitable organisations, the public or Local Government Ombudsman.

**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 None.

**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

**APPENDICES**

Appendices are listed below and attached to the back of the report: -

APPENDIX A

Charitable House to House Collections Policy (FINAL)

**BACKGROUND PAPERS**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

**CHRONOLOGICAL HISTORY OF THIS REPORT**

This report was previously considered by Licensing Committee on 29 June 2022 prior to consultation; and by Policy Development Panel (amended to reflect the consultative nature of the report) on 4 October 2022 during the consultation process.

**REPORT APPROVAL**

Report author:

Richard Boole

Richard.Boole@sholland.gov.uk

Signed off by:

Donna Hall, Head of Public Protection

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.

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 Committee 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 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.  Delegated to Licensing Committee Panel for refusals for other reasons, or revocations

Please note that Officers can refer an application to the Licensing Committee 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.

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 His 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 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 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 proceeding week are permanently reserved for that charity.

Charities are discouraged from undertaking door knocking activity at domestic properties during the hours of darkness.

## **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, 1 February 2023
<b>SUBJECT:</b>	Charitable Street Collections Policy
<b>PURPOSE:</b>	Approval 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 formally approve the policy.

## RECOMMENDATIONS

That the Committee consider the draft proposed Charitable Street Collections Policy as shown at Appendix A of this report and formally approve it for implementation from 1 April 2023.

## 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 The final 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 A consultation process has taken place and further detail of the consultation responses is provided later in this report. The draft policy was published on the Council website for a period of 6 weeks and was brought to the attention of a number of charities that regularly hold collections in the District, including the Royal British Legion. A minor change has been made to the draft policy in respect of the use of animals to support collections at Section 7 (Pg 5)

### **3. CONCLUSION**

- 3.1 The draft policy for Charitable Street Collections has now been consulted upon and any responses considered and acted upon as appropriate, having regard to the relevant legislation. The Policy can now be formally adopted.



#### **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 and Boston Borough Council Policies.

#### **5. IMPLICATIONS**

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

- 5.1.1 To provide consistency of policy and operational arrangements for charitable organisations that operate across the Partnership and to aid efficiency and effectiveness of service delivery in each place.

##### **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 and work is currently underway to develop options for increasing capacity within the service to ensure service standards are not compromised.

##### **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 has been carried out as detailed in this report. Consultees included 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 wished to respond to the online consultation. The draft Charitable House to House Collections Policy was consulted on at the same time.

- 5.8.2 There was only one response that related to the Charitable Street Collections Policy. This response asked for a wording change in respect of Section 7 (Pg 5) the use of animals to

support charitable collections. Rather than the use of the word ‘discouraged’, the draft policy has been amended to say ‘will not be permitted, other than for registered animal welfare charities and charities providing support animals, for example guide dogs and assistance dogs’

**5.9 REPUTATION**

5.9.1 Having a Policy provides the Council will help safeguard the Council and its reputation in the event of challenge by charitable organisations, the public or Local Government Ombudsman.

**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 None

**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	Charitable Street Collections Policy (FINAL)

**BACKGROUND PAPERS**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

**CHRONOLOGICAL HISTORY OF THIS REPORT**

This report was previously considered by Licensing Committee on 29 June 2022 prior to consultation; and by Policy Development Panel (amended to reflect the consultative nature of the report) on 4 October 2022 during the consultation process.

**REPORT APPROVAL**

Report author:	Richard Boole Richard.Boole@sholland.gov.uk
Signed off by:	Donna Hall, Head of Public Protection 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 Committee 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 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.  Delegated to Licensing Committee Panel for refusals for other reasons, or revocations

Please note that Officers can refer an application to the Licensing Committee 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 preceeding 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 will not be permitted, other than for registered animal welfare charities and charities providing support animals, for example guide dogs and assistance dogs.

**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.

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