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| REPORT TO: | Licensing Committee |
| DATE: | Wednesday, 1 February 2023 |
| SUBJECT: | Charitable House to House Collections Policy |
| PURPOSE: | Approval of a Draft Charitable House to House Collections Policy |
| KEY DECISION: | N/A |
| PORTFOLIO HOLDER: | Portfolio Holder for Public Protection |
| REPORT OF: | Donna Hall - Head of Public Protection |
| REPORT AUTHOR: | Richard Boole – Public Protection Manager |
| WARD(S) AFFECTED: | All wards |
| EXEMPT REPORT? | 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

| MISSIONS | |
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| This paper contributes to the follow Missions outlined in the Government's Levelling Up White paper. | |
| Pride in Place | 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. |
| Crime | 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: -

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| APPENDIX A | Charitable House to House Collections Policy (FINAL) |
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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

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| 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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