



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

Licensing (Regulatory) Committee
Council

3 August 2016
1 November 2016

WARDS AFFECTED: ALL WARDS

LICENSING CHARITABLE COLLECTIONS POLICY

Report of Deputy Chief Executive (Community Direction)

1. PURPOSE OF REPORT

- 1.1 To inform the Licensing Regulatory Committee of the draft Charitable Collections Policy and to seek approval from the Committee to undertake a consultation exercise.

2. RECOMMENDATION

- 2.1 That the Licensing Regulatory Committee approves the draft policy for consultation.

3. BACKGROUND TO THE REPORT

- 3.1 The aim of the policy is to ensure that residents in the area who want to donate to charity through Street Collections and 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.

Street Collections

- 3.2 Any collection for money for Charitable purposes in the street must be authorised under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, with 'Model' street collection regulations drawn from the Charitable Collections (Transitional Provisions) Order 1974. Only the collection of cash and the sale of goods are covered by the Act.
- 3.3 An example is when a charity collects money in a collecting box in the street or a stall is set up temporarily in the street selling goods with all proceeds going to a fundraising cause.

- 3.4 Street collections are usually made by or for charities. A charity (or charitable organisation) need not necessarily be a registered charity but should have charitable aims, excluding political, commercial or religious aims.
- 3.5 The authority issues street collection permits (no charge for the permit) to organisations which are established primarily to benefit particular charitable purposes. The proposed policy states that an organisation shall not be permitted to conduct more than one street collection in the Borough in any one year.
- 3.6 The reason behind this is to give as many local and national organisations as possible the opportunity of collecting in the Borough.
- 3.7 The 'Model' Street Collection Regulations stipulate that 'application for a permit shall be made in writing not later than one month before the date on which it is proposed to make a collection'. This is the approach that Hinckley has adopted over the years.
- 3.8 From 1 April 2015 to 31 March 2016 the authority has issued twenty six charities with street collection permits.

House to House Collections

- 3.9 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.
- 3.10 House to house collection permits are issued under the House to House Collections Act 1939 and The House to House Regulations 1947 as amended.
- 3.11 An example is where a charity leaves a bag at residential properties and then returns a few days later to collect any clothing that has been donated. Or a charity that leaves a small envelope for cash donations and then returns to collect the envelope.
- 3.12 Some of the larger charities hold a National Exemption Order (NEO) which means that they do not have to apply to the local authority for a permit; however, generally they do contact us as a matter of courtesy notify us of the dates. The Minister for the Cabinet Office is responsible for the national exemption order scheme for house-to-house collections under the House to House Collections Act 1939 (as amended). National exemption orders are generally available to charitable organisations that have obtained house to house collection licences in at least 70 local authority licensing areas for the two preceding years and are able to provide evidence of licences and collection returns.
- 3.13 During the last financial year the Council has been notified by twenty charities with Exemption Orders that they will be collecting within our borough.

- 3.14 The licensing service restricts the number of House to House Collections to fifteen per month within the Borough. However by recording permits on a calendar residents can check with us which charities can be collecting on a particular day. The legislation allows a permit to be granted for up to 12 months.
- 3.15 In the period 1 April 2015 to 31 March 2016 the authority has issued forty five house to house collection permits.
- 3.16 Some commercial companies also collect clothing door to door, however, as they are not collecting for a charity they do not fall under the legislation and so do not need a permit. The local authority has no control over commercial collections and recommends that the public contact Leicestershire Trading Standards directly if they have any concerns.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 No exemptions apply and the report is to be considered in open session.

5. FINANCIAL IMPLICATIONS [AG]

- 5.1 The cost of public consultation exercise will be met by the existing budget.

6. LEGAL IMPLICATIONS [MR]

- 6.1 Set out in the report.

7. CORPORATE PLAN IMPLICATIONS [RP]

- 7.1 The policy will help charitable collections in the street from becoming a nuisance to the public within the Borough and thereby contribute towards the Council aims of creating a safe vibrant place to work and live. It supports the Aim of Empowering Communities through creating and support an effective voluntary & community sector.

8. CONSULTATION [MB]

- 8.1 Nationally holders of a national exemption order and other charities that have applied for a permit with this Council in the last year will be consulted on the draft policy. Locally the Town Centre Manager, Parish Councils and Ward Councillors will be consulted.

9. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant Risks		
Risk Description	Mitigating actions	Owner
Reputation, Legal, Regulatory	Procedures have been put in place to ensure that the Statement of Licensing Policy is reviewed and subsequently published.	Mark Brymer

10. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS [RP]**

10.1 The policy will have equal impact on all areas of the Borough.

11. **CORPORATE IMPLICATIONS**

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications - None
- Environmental implications - None
- ICT implications - None
- Asset Management implications - None
- Human Resources implications - None
- Planning Implications - None
- Voluntary Sector – None

Background papers:

The Police, Factories (Miscellaneous Provisions) Act 1916 and Charitable Collections (Transitional Provisions) Order 1974;
 House to House Collections Act 1939 & the House to House Regulations 1947;
 National Association of Licensing and Enforcement Officers (NALEO) – Guidance for Licensing Officers issuing licences for charitable door to door collections;

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