

COUNCIL
8TH JULY 2021

Report of the Director of Regulatory Services

REFERRED ITEM - INTRODUCTION OF HOUSE-TO-HOUSE AND STREET COLLECTIONS (FOR CHARITY) POLICY

PURPOSE OF REPORT

The report seeks Council's approval to introduce a Licensing Policy to assist in regulating House-to-House and Street collections In the Derbyshire Dales organised by local and national charities.

At the April 2021 meeting of the Licensing and Appeals Committee it was resolved that a final Draft Policy relating to Street Collections and House to House Collections (for charitable and other good causes), was approved for referral to the next available meeting of the full Council, with a view to adoption as soon as possible.

(Minute Number: 320/20 refers – Introduction of Policy on Street Collections and House to House Collections).

RECOMMENDATIONS

- (1) That the final Draft Policy (Appendix 1), relating to Street Collections and House to House Collections (for charitable and other good causes), is approved for implementation with effect from 1st August 2021.
- (2) That, if approved, the Policy will be reviewed every 3 years, when further consultation will be required before the Policy is revised, approved and published.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

1 BACKGROUND

- 1.1 The District Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939.
- 1.2 The Council has made regulations, which require the promoter to obtain a permit from the Council before a collection can take place.
- 1.3 The function of licensing House to House and Street Collections was transferred to the Licensing Team in 2019. Regulation of these activities was undertaken previously based on custom and practice. Although there is no legal requirement to have a Licensing Policy for this service, it is believed that the adoption of a formal Policy setting out the Council's requirements and expectations in relation to these collections would be beneficial to the Council, applicants and members of the Public.
- 1.4 The Council usually limits collections to one per day in the same location/area, so that the public are not inundated with requests for donations, and to ensure that as many charities as possible have a reasonable opportunity to raise funds.
- 1.5 The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is considered to be insufficient. Generally, a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause. The Promoter has to complete an income/expenditure statement after a collection.
- 1.6 Following a consultation exercise, the 7 responses received were reviewed by Officers and a final draft policy document at **Appendix 1** has been updated to reflect the proposals where appropriate. This was considered by the Licensing and Appeals Committee at the meeting on 15th April 2021.
- 1.7 At the meeting it was resolved unanimously, that a final Draft Policy relating to Street Collections and House to House Collections (for charitable and other good causes), was approved for referral to the next available meeting of the full Council, with a view to adoption as soon as possible. (Minute Number: 320/20 refers – Introduction of Policy on Street Collections and House to House Collections).
- 1.8 Officers propose that, if the Policy is approved for implementation, a further review should be carried out in 2024. In the interim period it should be kept under review to assess whether it works well and to take account of any legislative or administrative changes that may be needed before 2024.

2 RISK ASSESSMENT

2.1 Legal

Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted. The Council has made regulations, which require the promoter to obtain a permit from the Council before a collection can take place.

House to House collections are regulated by the House to House Collections Act 1939. This Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on application unless one of the grounds set out in the Act for refusing the licence apply.

There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision-making. The legal risk is therefore assessed as being low.

2.2 Financial

The Council cannot make a charge for the issue of either a Street Collection permit or House to House Collection licence. As such, the cost of administering the scheme cannot be recovered. The staff costs involved in administering the permits and licences can be contained within existing budgets.

The financial risk is therefore assessed as low.

3 **OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 **CONTACT INFORMATION**

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5 **BACKGROUND PAPERS**

1. Committee Report to 15 April 2021 Licensing and Appeals Committee Meeting.
2. Responses to Consultation Exercise – March 2020.
3. Equalities Impact Assessment 2020-2021.

6 **ATTACHMENT(S)**

Appendix 1 – Final Draft House-to-House and Street Collections Policy Document