



OPEN REPORT LICENSING AND APPEALS COMMITTEE

Licensing and Appeals Committee – 26 March 2024

REVIEW OF HOUSE-TO-HOUSE AND STREET COLLECTIONS LICENSING POLICY

Report of Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

This report seeks the Committee's consideration of the draft House-to-House and Street Collections Policy detailed in Appendix 1.

Approval is sought for Officers to carry out a consultation exercise on an agreed draft Policy, with a view to referring it to full Council for consideration for adoption and republishing by 1st August 2024.

Recommendations

That the Committee considers and approves for consultation the draft House-to-House and Street Collections Policy detailed in **Appendix 1**.

List of Appendices

Appendix 1 – Draft Consultation Exercise Document - House-to-House and Street Collections Licensing Policy.

Background Papers

None.

Consideration of report by Council or other committee

No.

Council Approval Required

Yes. Final Policy document will require Council approval

Exempt from Press or Public

No

Review of House-to-House and Street Collections Licensing Policy

1. Introduction

1.1 House-to-House and Street Collections

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 In 2021 the Council approved a formal Policy setting out the Council's requirements and expectations in relation to these collections, for the benefit of the Council, applicants and members of the Public.

1.4 House-to-House and Street Collections Licensing Policy

The current Policy was approved by full Council and took effect from 1st July 2021.

It was recommended that the Policy should be kept under review and republished after a maximum period of 3 years.

1.5 During the last 3 years the Policy and way in which the service has been provided has not presented any cause for concern.

1.6 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.

1.7 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 assessed as insufficient. Generally, a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause. The Promoter must complete an income/expenditure statement after a collection.

1.8 Consultation Exercise

The current Policy was approved by full Council in 2021, following a consultation exercise, where the draft document was circulated to all existing house- to-house and street collection permit holders, town and parish councils, police, trading standards, elected members, and officers within this authority.

The Policy was approved with a view a further review being carried out 3 years later. In the interim period the Policy has been kept under review, and any legislative or administrative changes required have been made to the draft Policy document detailed in **Appendix 1**.

2 Key Issues

2.1 The House-to-House and Street Collections Policy is due for review by 1st August 2024.

- 2.2 Officers consider that the Policy has worked well; there have not been any complaints or issues in the way the service has been administered during the last 3 years.
- 2.3 A 6-week consultation exercise should be undertaken to ensure that stakeholders of the service have the opportunity to influence any required changes).

3 Options Considered and Recommended Proposal

- 3.1 It is recommended that, using the draft document in **Appendix 1**, Officers carry out a 6-week consultation exercise to enable a final draft House-to-House and Street Collections Policy document to be prepared, for referral to full Council for adoption and republishing by 1st August 2024.

4 Policy Implications

4.1 Licensing Policy

Although it is not a statutory requirement to have a formal Policy for House-to-House and Street Collections, it is considered 'good practice' to do so.

5 Financial and Resource Implications

- 5.1 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 cost of the consultation exercise would be minimal, consisting of officer time.

The financial risk is therefore assessed as low.

6 Legal Advice and Implications

- 6.1 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.
- 6.2 The Council has made regulations, which require the promoter to obtain a permit from the Council before the collection can take place.
- 6.3 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.
- 6.4 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.
- 6.5 The legal risk of challenge when taking the decisions as recommended at the beginning of this report has been assessed as low.

7 Equalities Implications

7.1 There are no changes to the Equalities Impact Assessment carried out in 2021.

8 Climate Change Implications

8.1 No direct impact.

9. Risk Management

9.1 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.

9.2 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.

Report Authorisation

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	18/03/2024
Director of Resources/ S.151 Officer	Gemma Hadfield	18/03/2024
Deputy Monitoring Officer	Kerry France	18/03/2024