



LICENSING & APPEALS
COMMITTEE:

8 OCTOBER 2019

Report of: Director of Leisure and Environment

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SUBJECT: DRAFT CHARITABLE COLLECTIONS POLICY 2019

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To approve the draft Charitable Collections Policy 2019 and to make the necessary arrangements to amend the West Lancashire Borough Council Street Collection Regulations.

2.0 RECOMMENDATIONS

- 2.1 That the draft Charitable Collections Policy 2019 attached at Appendix 2 to this report be approved.
- 2.2 That the Director of Leisure and Wellbeing Services be given delegated authority to write to the Secretary of State for Digital, Culture, Media and Sport to obtain permission to amend the West Lancashire Borough Council Street Collection Regulations as detailed in Appendix 2 to this report.

3.0 BACKGROUND

- 3.1 Members will be aware that the Council has long administered the licensing of charitable collections throughout the Borough. Such collections fall into two categories:
 - House to House Collections: which routinely involve the collection of either money or items for charitable purposes directly from a person's property. These activities are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947.
 - Street Collections: these include collections for cash or the sale of articles for charitable purposes in the street or a public place. These activities are

regulated by the Police, Factories, etc., (Miscellaneous Provisions) Act 1916, as amended by Schedule 29 Paragraph 22 of the Local Government Act 1972. The Council has established specific requirements for street collections under this legislation, which are contained in the West Lancashire Borough Council Street Collection Regulations.

- 3.2 The purpose of the legislation is to recognise the needs of charities and licensed collectors and those who may wish to donate, but also to ensure that those who do give to charity are able to do so in the confidence that the money or products they donate will benefit the charity directly.
- 3.3 In practice, these controls are implemented in accordance with local guidance based on the above stated legislation and local Regulations. However, particularly given the age of the relevant legislation, it is proposed that these requirements are brought together into a single coherent policy as the means to provide improved clarity and consistency of approach.

4.0 ISSUES

- 4.1 The proposed draft Charitable Collections Policy 2019 (the draft Policy) is attached to this report at Appendix 2. Whilst improvements to the wording have been made from that contained in the existing guidance, the controls contained in the draft Policy are largely unchanged.
- 4.2 As part of these controls, the Council sets a limit as to the proportion of the proceeds gained from a collection that can be retained by a charity or related organisation to cover business costs and that given to the charitable cause directly. This is an important control measure; not only to give potential donators the confidence that the substantive proportion of their donation will be given to the charitable cause, but also to deter/prevent fraudulent collections.
- 4.3 However, in bringing the requirements for Street and House to House Collections together, there is an inconsistency in this stated proportion. For Street Collections, this limit is currently set at 25% of the proceeds that can cover business costs, whereas the limit for House to House Collections is 20%. When comparing these requirements to those set by other authorities, it is clear that a 20% limit is appropriate for both collections, and so this has been proposed within the draft Policy.
- 4.4 In accordance with the Charitable Collections (Transitional Provisions) Order 1974, which was adopted by the Council in January 1974, the requirements contained within the West Lancashire Borough Council Street Collection Regulations can only be amended with permission from the relevant Secretary of State. Recommendation 2.2 of this report therefore seeks permission to write to the Secretary of State for Digital, Culture, Media and Sport to obtain permission accordingly. The proposed amendments to the West Lancashire Borough Council Street Collection Regulations are highlighted in the draft Policy as tracked changes.
- 4.5 If Members approve the recommendations contained in this report, the draft Policy will be returned to this Committee once a decision from the Secretary of

State has been received. The options for adopting and implementing the draft Policy will be presented to Members at that time.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 The draft Policy has the potential to impact upon many areas within the Community, particularly upon charities and those wishing to make a donation.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to administer the regulation of relevant charitable collections, but not to prepare and operate a policy document. However, given the need for consistency and transparency of approach, it is good practice for the Council to formulate and publish relevant policies and standards to avoid potential challenge.
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Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.
2. Draft Charitable Collections Policy 2019

Appendix 1

Equality Impact Assessment Form



Directorate: Leisure and Wellbeing	Service: Licensing
Completed by: Paul Charlson	Date: 24/09/19
Subject Title: DRAFT CHARITABLE COLLECTIONS POLICY 2019	

1. DESCRIPTION

Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
Yes	
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	

If you answered Yes to any of the above go straight to Section 3

If you answered No to all the above please complete Section 2

2. RELEVANCE

Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
If Yes, provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	

3. EVIDENCE COLLECTION

Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All relevant Street and House to House charitable collections.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public may choose to support charitable organisations through Street and House to House charitable collections.

Which of the protected characteristics are most relevant to the work being carried out?	*delete as appropriate
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No

4. DATA ANALYSIS

In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All relevant Street and House to House charitable collections and those who may wish to donate.
What will the impact of the work being carried out be on usage/stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed Policy will be subject to public consultation prior to adoption.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed Policy will be subject to public consultation prior to adoption.
If any further data/consultation is needed and is to be gathered, please specify:	N/A

5. IMPACT OF DECISIONS

In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
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6. CONSIDERING THE IMPACT

If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>

7. MONITORING AND REVIEWING

When will this assessment be reviewed and who will review it?	The proposed Policy will be subject to public consultation prior to adoption.
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