

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 SEPTEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>PROPOSED CHARITABLE COLLECTION POLICY</b>
<b>PORTFOLIO AREA:</b>	<b>REPORT BY HEAD OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS ENVIRONMENT &amp; CULTURE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To consider introducing a Charitable Collection Policy for Herefordshire

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

THAT Committee

- (a) approve the attached draft Charitable Collection Policy for Herefordshire;

### **Key Points Summary**

- The Charities Act 2006 came into effect on 1 April 2009.
- It replaced a variety of existing legislation which deals with the regulation of charitable collections in public places.
- The Act does not require a policy, but in order to demonstrate fairness and consistency it is considered both good practice and appropriate to have a policy in place.
- The Ombudsman advised we should have a policy following a complaint from a refused applicant.

### **Alternative Options**

- 1 If the policy is rejected the Council leaves itself open for criticism from the Ombudsman if a complaint is made in the future.

---

Further information on the subject of this report is available from  
Fred Spriggs on (01432) 383542

## Reasons for Recommendations

- 2 Ensures compliance with the Licensing Charities Act 2006, and helps protect the public from undue inconvenience.

## Introduction and Background

3. The Charities Act 2006 requires any person proposing to promote a collection in a public place to apply to the local authority for a permit. A Local Authority may issue or refuse a permit. The grounds for refusal would be if it caused undue inconvenience to the public in relation to the bulleted points below. If it issues a permit it may attach such conditions specifying:-

- The day of the week, date, time or frequency of the collection
- The locality or localities in which the collection may be conducted
- To regulate the matter in which the collection may be conducted
- Any prescribed conditions.

The policy was created as a result of advice from an Ombudsman complaint.

## Key Considerations

- 4 The Council has been responsible for authorising house to house collections and street collections (known collectively as “charitable collections”) for many years. Although the Council has some informal guidelines on who the licences and permits should be issued to and in what circumstances, it has never had a formal policy.

## Community Impact

- 5 Adoption of this policy forms a level playing field across the whole County.

## Financial Implications

- 6 None noted.

## Legal Implications

7. Street Collections :- there are no statutory grounds for refusing an application for a street collections permit. However, there is an implied power to refuse if the Council considers that the collections:

- i. Are not for “charitable or other purposes”
- ii. Contravene the provisions of the Street Collection legislation and regulations

In addition, the Council can refuse any application that is inconsistent with its general policy requirements for the issue of permits in the District. Some of these reasons may include:

- i. To limit the number of collections
- ii. If too high a proportion of the proceeds is likely to be spent on expenses
- iii. If inaccurate information was provided on the licence application

- iv. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.
- v. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised

### **Appeal to Regulatory Committee**

Any person/organisation who is dissatisfied with the outcome of an application for a charitable collection permit may request that the application be considered formally by the Regulatory Committee.

### **Appeals Generally**

Street Collection:- The Act does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Collection Permits. Should a person be aggrieved by a decision of the Council feel it necessary, they may seek a Judicial Review of the decision.

House to House:- There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence, this must be made within fourteen days from the date on which notice is given of the refusal or the revocation.

## **Risk Management**

None noted

## **Consultees**

- 9 Legal Services, Street Trading, Public Consultation on the web-site

## **Consultation responses**

10. One response received from Street Trading and can be found at Appendix 2

## **Appendices**

- 11 Draft Charitable Collection Policy  
Consultation response

## **Background Papers**

- None identified.