

LICENSING

DATE OF MEETING: 5th April 2022

TITLE OF REPORT: Draft Charity Collection Policy

Report of: Head of Place

Cabinet member: Cllr Sara Kinnell, Regulatory

1 PURPOSE OF REPORT

1.1 The purpose of this report is to consider a draft Shared Licensing Service Charity Collection Policy and to approve it for consultation.

2 OFFICER RECOMMENDATION

2.1 Licensing Committee is recommended to approve the draft Shared Licensing Service Charity Collection Policy, set out in Appendix A to this report, for consultation.

2.2 Authorise the Head of Place to make minor administrative amendments to the Policy prior to consultation.

3 BACKGROUND

3.1 The Council is able to make regulations under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 which regulates collections of money or sales of articles for charitable purposes in street and public places. It is also able to use of the Charities Act 1992 (the Acts) to regulate the collection of money for charitable purposes.

3.2 The Charity Collection Policy outlines the general approach of the Shared Licensing Service (SLS) when making licensing decisions under the Acts and can be reviewed and revised by the SLS at any time.

3.3 As part of the SLS with Basingstoke & Deane it is proposed to take this opportunity to create a Shared Statement of Licensing Policy.

4 CONSIDERATION

4.1 There are only a few amendments in the draft document when compared to the existing version of the Hart District Council Policy. This is due to the fact that there have been no significant changes to the legislation or regulations. The key amendment is the incorporation of the two Council's Policies into one shared Policy. The current Policy was last reviewed in 2019.

4.2 With the advances in technology and finance leading to a move from cash transactions to online and card payments, the traditional cash collection method of charity fundraising has evolved, and many more charities now

collect using direct debit or other means, for example on-line. This means that those collections are not required to be regulated.

- 4.3 A Codes of Conduct for direct debit collections has been added to the Policy in order to regulate the numbers of collections occurring and also to ensure that those collectors conducted their collections within the same rules as the cash collectors.
- 4.4 Before determining the Policy for any 5-year period, the licensing authority must consult:
- i. the responsible authorities; and
 - ii. the current licence holders.
- 4.5 The views of all consultees should be given appropriate weight when the Policy is determined. Beyond the statutory requirements, it is for the Licensing Authority to decide the full extent of its consultation. Whilst it is clearly good practice to consult widely, this may not always be necessary or appropriate.
- 4.6 Consultation will take place for a 12-week period from April 2022 to June 2022. The consultation email is attached at Appendix B.
- 4.7 On conclusion of the consultation exercise, a further report will be presented to the licensing committees with a view to adopting new Shared Licensing Service Charity Collection Policy having taken into consideration any consultation responses.
- 4.8 Once approved, the Policy would be in place for a 5-year period unless the Council determines it appropriate to revise before that date.

5 HART'S SUITE OF LICENSING POLICY

One of the aims of the shared service is to streamline policy to provide continuity of service across Hart and Basingstoke. All policy review whether it be set out in the legislation or part of best practise requires permission from the licensing committee for consultation. The recommended period for consultations to apply best practise run for a period of 12 weeks. All policy must then return to the licensing committee and any representations made be reviewed. The officers would then recommend the policy be approved or approved with amendments.

The current policy position for Hart is as follows:

Policy	Start dates	Next Review Date	Notes
Licensing Act	March 2022	Feb 2027	5 th April 2022
Gambling Act	April 2021	March 2024	
Taxi Policy	April 2021	March 2026	
Street Trading	2019	2024	
Charity Collection	2018	2021	5 th April 2022
Sex Establishments	2013	N/A	Date to be confirmed no statutory time frame for review.

6 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 6.1 The alternative would be to keep two separate policies, one for Hart District Council, and one for Basingstoke & Deane Borough Council.

7 CORPORATE GOVERNANCE CONSIDERATIONS

Service Plan

Is the proposal identified in the Service Plan?	No
Is the proposal being funded from current budgets?	Yes
Have staffing resources already been identified and set aside for this proposal?	Yes

Legal and Constitutional Issues

The Council is required to regular review this Policy and this Policy has been added to the 5-year review cycle.

Financial and Resource Implications

There are no significant financial implications arising from this report.

8 EQUALITIES

- 8.1 There are no direct equalities impacts arising from the recommendations.

9 CLIMATE CHANGE IMPLICATIONS

- 9.1 There are no direct carbon/environmental impacts arising from the recommendations.

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APPENDICIES

Appendix A: Draft Shared Licensing Service Charity Collection Policy

Appendix B: Consultation email