

## **LICENSING COMMITTEE**

**DATE OF MEETING: 4 OCTOBER 2022**

### **TITLE OF REPORT: APPROVAL FOR ADOPTION OF THE CHARITY COLLECTION POLICY FOLLOWING CONSULTATION**

**Report of: Executive Director - Place**

**Cabinet Portfolio: Regulatory**

**Key Decision: No**

**Confidentiality: Non-Exempt**

## **PURPOSE OF REPORT**

1. This report is to update the members of the Licensing Committee of the outcome of the public consultation on the draft Shared Licensing Service Charity Collections Policy.

## **RECOMMENDATION**

Licensing Committee are recommended to:

- adopt the Shared Licensing Service Charity Collections Policy, as set out in Appendix B to this report; and
- authorise the Executive Director - Place to make minor alterations and typographical corrections to the Policy.

## **BACKGROUND**

2. 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 the Charities Act 1992 (the Acts) to regulate the collection of money for charitable purposes.
3. 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.
4. As part of the SLS with Basingstoke & Deane it is proposed to take this opportunity to create a Shared Statement of Licensing Policy.
5. The draft Charity Collections Policy was considered by Licensing Committee on the 5 April 2022. Licensing Committee approved the Policy for public consultation.

## **MAIN ISSUES**

6. The consultation ran for a period of 12 weeks, concluding on the 12 August 2022. The consultation was conducted via the council web site, and a copy was emailed to all current charities that use this service as well as the relevant regulatory authorities.
7. Two representations were made during this time, details of which can be found in Appendix A. No major amendments to the content of the policy have been made after the review of these representations.

8. The responses have been considered and minor typographical amendments have been made to the policy to improve the clarity of the document as a result.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

9. Not Applicable. When considering the draft Policy in April the alternative option was to keep two separate policies, one for Hart District Council, and one for Basingstoke & Deane Borough Council.

## **CORPORATE GOVERNANCE CONSIDERATIONS**

### **Relevance to The Hart Vision 2040**

10. Theme two states, “Empowering people to help themselves whilst ensuring there is support for the most vulnerable. Working closely with our partners to enable people to live safely and independently and help our most vulnerable residents can get the support they need when they need it”.

### **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**

11. The Council is required to regular review this Policy and this Policy has been added to the 5-year review cycle.
12. All decisions taken by or on behalf of the Council must:
  - a) be within the legal powers of the Council;
  - b) comply with any procedural requirement imposed by law;
  - c) be within the powers of the body or person exercising powers on behalf of the Council;
  - d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations;
  - e) be fully and properly informed;
  - f) be properly motivated;
  - g) be taken having regard to the Council’s fiduciary duty to its taxpayers;  
and
  - h) be reasonable and proper in all the circumstances.

### **Financial and Resource Implications**

13. There is no financial impact from this report.

### **Risk Management**

14. Policy risks have been considered in accordance with the Council’s risk management processes. No significant risks have been identified. Residual risks may be controlled through maintained corporate procedures.

## **EQUALITIES**

15. When considering these proposals members have a responsibility to ensure they give due regard to the Council’s duty to promote equality of opportunity,

eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

16. There are no direct equalities impacts arising from the recommendations.

### **CLIMATE CHANGE IMPLICATIONS**

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

### **ACTION**

18. The licensing authority recommend that the committee approve the Charity Collections Policy for adoption.
19. Task the licensing team to update the council web site with the approved policy.

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### **Appendices**

**Appendix A – Consultation Responses**

**Appendix B – Charity Collections Policy Final Version 2022**