



REPORT of DIRECTOR OF SERVICE DELIVERY

to
LICENSING COMMITTEE
16 JULY 2024

STREET COLLECTIONS POLICY

1. PURPOSE OF THE REPORT

- 1.1 The Council's Street Collections Policy provides guidance relating to charitable street collections on how the Council administers applications for permits, applies the law / regulations and ensures fairness to charities. The Council's existing Policy was published in November 2018 and so is due for review.
- 1.2 Officers have undertaken a comprehensive review of the existing policy and made appropriate changes to ensure that it takes account of current best practice and updated guidance. A draft version of this new policy is set out in **APPENDIX 1**.
- 1.3 The Committee is asked to consider the draft policy and to agree the method of consultation with the public and relevant stakeholders.

2. RECOMMENDATIONS

- (i) That the Committee agrees the revised Street Collections Policy as set out in **APPENDIX 1** as a 'consultation draft';
- (ii) That the Committee agrees for officers to commence consultation with the public and key stakeholders (as outlined in this report);
- (iii) That the Committee agree that subject to only minor or inconsequential amendments / changes arising from comments or feedback received during the consultation process, that the Head of Environmental Health, Waste and Climate Action be authorised to make such changes to the draft Policy at **APPENDIX 1**;
- (iv) That subject to (i) – (iii) above the revised Street Collections Policy be presented to the Council for adoption.

3. SUMMARY OF KEY ISSUES

- 3.1 Maldon District Council (the Council) is responsible for issuing permits for charitable street collections within the district as directed by 'The Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (the Act).
- 3.2 The Act requires that anyone wishing to make a public collection or sell articles for a charitable purpose anywhere in the district of Maldon must have a Street Collection Permit. This enables the Council to regulate the number of collections taking place at

any one time, to regulate the method of collection and to ensure that only legitimate collections are permitted to take place.

3.3 The Street Collections Policy details:

- how street collection permits will be fairly allocated.
- how applications are to be made.
- additional information for charitable bodies who may be seeking a permit for a street collection.

3.4 The Policy affects any person charity, society, committee, or other person responsible for any collection of money or sale of an article for charitable purposes in any street or public place. Permits will be issued in line with this Policy and granted for a specific date and for a specified locality. Operating outside the conditions of the permit or the requirements of the Street Collection Regulations is an offence.

3.5 The Policy does not apply to:

- collections or sale of article(s) for charitable purposes in non-public places (if private land, consent should be obtained from the landowner).
- collections made incidental to meetings in the open air.
- the selling of articles in the ordinary course of trade, for the purpose of earning a livelihood, where no representation is made by or on behalf of the seller that any part of the proceeds of the sale are for charitable purposes.

3.6 The Council's existing Policy was published in November 2018 and had an effective operational end date of June 2023. Consequently, the Policy is now out of date and action is required to ensure it remains relevant.

3.7 Officers have undertaken a comprehensive review of the current Policy and its requirements, and a revised version is included in **APPENDIX 1** for consideration.

3.8 For the Committees awareness, the following changes / amendments have been made to the previous version of the Policy:

3.8.1 **Section 2** - Additional detail has been provided outlining legislative framework for issuing Street Collection Permits including details of the relevant appeal mechanism (review by a sub-committee of the Licensing Committee).

3.8.2 **Paragraph 4.8** - In order to ensure that there is sufficient processing capacity by the Licensing Team and that popular collection periods are allocated fairly, applications for street collections within the first three months of the year must be submitted with a minimum of three months' notice.

3.8.3 **Section 5** - Greater detail is now provided on acceptable behaviour from collectors.

3.8.4 **Section 6** - Outlines the requirement for a registered charity number to be provided on the application form and a letter of authority from the charity to be provided with an application.

3.8.5 **Section 7** - Outlines exemptions to section 6 - notably collections on behalf of the Royal British Legion Poppy Appeal.

3.8.6 **Section 8** - Outlines the Hearings Procedure.

- 3.8.7 **Section 9** - Requires Charity Collectors to produce a Proceeds Statement Form.
- 3.8.8 **Section 10** - Outlines the offences and penalties for not complying with the requirement to obtain a Street Collection Permit.
- 3.9 The Committee is invited to review the revised Policy at **APPENDIX 1** and agree for officers to undertake a 6-week consultation to include the following stakeholders:
- Those that have applied for permits since 2020;
 - Local Charities;
 - Representatives of charitable organisations;
 - Maldon District Councillors;
 - All Parish and Town Councils;
 - Maldon District Council:
 - Economic Development Team
 - Communications Team
 - Community Safety Team
- 3.10 Consultation will be undertaken by a combination of direct mail / emails to stakeholders and by placing details on the Council's website.
- 3.11 After the 6-week period, officers will review consultation responses. If comments received are inconsequential in their nature (i.e. do not materially change the meaning or scope of the draft policy) then officers would request that the Head of Service for Environmental Health Waste and Climate Action be authorised to make any necessary changes and that the Director for Service Delivery be given delegated authority to progress the amended draft Policy to Council for decision.
- 3.12 Should the Council receive comments of a material nature, a further report will be made to this Committee with an updated draft of the Policy for consideration and to recommend adoption of the Policy to the Council.

4. CONCLUSION

- 4.1 The Council's Street Collection Policy has expired and requires renewal. Officers have conducted a review of the existing policy making appropriate changes to ensure that the draft Policy (in **APPENDIX 1**) reflects changes to guidance and current best practice. Officers are requesting permission to undertake a consultation involving a range of stakeholders (outlined in paragraph 3.9) for a period of six weeks. Subject to minor / inconsequential comments resulting from the consultation, Officers are seeking delegated authority to progress the draft Policy to the Council for consideration and if agreed adoption. Should material changes arise from the consultation period a further report will be made to the Licensing Committee.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027

5.1 Supporting our communities

5.1.1 The Street Collection Policy outlines how the Council will consider and process applications for charitable street collections within the district. The Policy details how applications can be made and for what purposes.

5.2 Enhancing and connecting our place

5.2.1 Charity collections are an important method for local and national charities to bring in donations. The Policy ensures that all charities are provided with an equal opportunity to undertake collections within the district whilst ensuring that the number and frequency are controlled. Further the Policy specifies acceptable behaviour standards for those undertaking street collections so that they do not unreasonably impact upon visitors and residents.

5.3 Provide good quality services.

5.3.1 The Street Collections Policy ensures that decisions made by the Licensing Team are consistent and transparent. It ensures that all charities have equal chance to undertake street collections within the Maldon district.

6. IMPLICATIONS

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – The revised Policy ensures that all stakeholders are treated consistently and equitably. It ensures that information provided to applicants is clear and accurate.
- (iii) **Impact on Risk (including Fraud implications)** – This policy provides clarity to all stakeholders of the requirements placed upon applicants and the decision-making processes that will be followed when determining a licence reducing the risk to the Council of challenge and/or appeal.
- (iv) **Impact on Resources (financial)** – A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal. There is no budgetary impact to this policy.
- (v) **Impact on Resources (human)** – There is limited / minimal impact.

Background Papers:

APPENDIX 1- Maldon District Council's Statement of Licensing Policy 2024-2029 (DRAFT).
[Police, Factories, & c. \(Miscellaneous Provisions\) Act 1916](#)

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