

Surrey Heath Borough Council
Licensing Committee
15th June 2022

Street Collections Policy

Strategic Director/Head of Service	Nick Steevens
Report Author:	Paula Barnshaw – Senior Licensing Officer
Key Decision:	No
Wards Affected:	All

Summary and purpose

This report seeks approval for an updated Street Collections Policy following a review of the current policy dated November 2016 and review by Members of the Committee of the dispensations given to charitable organisations named in the policy.

The draft policy has been updated in the following respects:

- removal of the need for a street collection permit on private land where access is restricted;
- additional guidance on the information required to obtain a permit by charities not registered with the Charity Commission;
- removal of the policy that the required schedule form of statement for a collection is nil, future collections will be refused;

Local authorities are unable to charge a fee for the issue of a street collection permit, so there is a cost to the Council in providing this service. The proposed change in policy to remove the need for charities to obtain a permit for collections on privately owned land, as well as seeking the landowner's permission, would reduce the number of street collections permits that the Council has to process, enabling resources to be deployed onto other statutory licensing work.

Recommendation

The Committee is advised to:

- i) consider if the dispensation to have more than one collection per year within the same area, which is given to three named organisations in the policy (see paras 4.9 and 4.10) should remain unchanged; and

- ii) subject to (i) RESOLVE that the revised draft Street Collection policy at Annex A is adopted to take effect for applications received after 1st July 2022.

1. Background and Supporting Information

- 1.1. The Council is responsible for the issuing of permits allowing persons to collect money in a 'street' or 'public place' for the benefit of charitable other purposes under the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972 Schedule 29 (the Act). (This does not include the sale of goods or services door-to-door which requires a Pedlar's Certificate issued by the Police.)
- 1.2. The Act permits local authorities to make regulations with respect to the places where, and the conditions under which, persons may be permitted to collect money for the benefit of charitable or other purposes.
- 1.3. Such regulations have been made by Surrey Heath and street collection permit applications are processed by the Licensing Service, who deal with any associated enquiries and complaints. The current Surrey Heath Street Collection Policy is dated November 2016. The aims of the policy are to:
- Safeguard the interests of both public donors and beneficiaries.
 - Facilitate well organised collections by bona fide charitable and other institutions and to ensure that the standards set out in the regulations are met;
 - Prevent unlicensed collections from taking place.
- 1.4. The definition of a 'street' under the Act includes any highway, public bridge, road, lane, footway, square, court, alley or passage, whether a throughfare or not. A 'public place' is not defined in the legislation, but case law defines a public place as any place to which any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (DPP v Vivier [1991] Crim LR 637). It is the view of Legal Services that there is sufficient flexibility on individual local authorities to implement their own rules in relation to this, provided it is within the terms of the statute.
- 1.5. In line with a number of other local authorities it is proposed that the updated policy will remove the requirement to obtain a permit from the Council for a street collection held on private land. In 2021 36 permits were issued and as no fee can be charged for a permit there is a direct cost to the Council of processing permit applications. Of those 36, 20 (56%) were on private land at Longacres Garden Centre, Bagshot and the Waitrose car parks, Bagshot and Frimley.
- 1.6. A breakdown of the number of street collection permits issued by Surrey Heath since the policy was last updated in 2016 is provided in Table 1.

Table 1 Street Collection Permits issued by Surrey Heath

Year	Total no. of permits issued	Total no. of permits on private land	Percentage (%) of total permit applications on private land
2022 to date	16	9	56
2021	36	20	56
2020	18	7	39
2019	50	30	60
2018	58	24	41
2017	70	37	53
2016	65	30	46

1.7. There has been a reduction in the total number of street collection permits issued since the policy was last reviewed due to the effects of the Covid -19 lockdowns and the reduction in cash collections as a fund raising method by charities.

1.8. The revised draft policy has also been updated in the following respects:

- additional guidance on the information required to obtain a permit by charities not registered with the Charity Commission;
- removal of the policy that if a schedule form of statement for a collection is nil, future collections will be refused;

1.9. The draft policy has been updated with regard to the dispensations given to three charitable organisations in addition to the British Legion Poppy Appeal to have more than one one collection per year in the same area, which are named in the policy at paragraph 4.9 and 4.10.

The Surrey Border Lions disbanded 31/12/2021 and the Camberley Ex Round Tablers 41 Club has been renamed Camberley 41 Club.

1.10 This dispensation was included in the policy to enable these organisations to have more fund raising opportunities as they benefit a wide range of local good causes. Members of the Committee are asked to consider if this dispensation should remain unchanged.

1.11 Information on the street collections carried out by these organisations is shown in table 2 below. The local organisations that have benefitted from these collections include, a senior citizen's town centre tea room, a garden reading area at Lightwater library, The Besom, Disability Initiative, Action Carers Surrey, Hope Hub and Camberley all Night Café.

Table 2 Number of annual street collection permits issued under dispensation

Charitable Organisation	Number of Collections	Year
Rotary Club of Camberley	4	2017
	4	2018

	4	2019
	1 cancelled	2020
	3	2021
Camberley 41 Club	5	2017
	4	2018
	0	2019
	0	2020
	4	2021

2. Reasons for Recommendation

2.1 The policy has not been updated since 2016 and in reviewing and updating the policy, the opportunity has been taken to reduce the administrative burden on charities and the Council.

3. Proposal and Alternative Options

3.1 It is proposed that the revised draft Street Collection Policy is adopted to take effect from 1st July 2022. Alternatively the current policy could be maintained or the draft policy amended.

4. Contribution to the Council's Five Year Strategy

4.1 The proposed change to the policy will reduce the burden on charities requiring them only to seek permission of the site owners when collecting on private land and will also reduce the Council's street collection permit workload for which there is no fee income. This contributes to the Economy and Efficient & Responsive priorities in the Council's Five Year Strategy.

5. Resource Implications

5.1 The proposed changes in the updated policy will not have any direct financial implications as there is no fee income associated with granting of permits. There will be a saving in staff time due to the anticipated reduced number of permit applications, which will be reallocated to other statutory licensing work.

6. Section 151 Officer Comments:

6.1 Any financial implications of this report can be contained within existing budget allocations.

7. Legal and Governance Issues

7.1 The Council is responsible for the issuing of permits allowing persons to collect money in a street or public place for the benefit of charitable other purposes under the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972 Schedule 29 (the Act).

7.2 Legal Services have been consulted on the proposed changes to the policy.

8. Monitoring Officer Comments:

8.1 Pursuant to section 5 of Part 3 Section B of the Constitution (Scheme of Delegation of Functions to Officers), the proposed changes to the Street Collections Policy are a non-Executive function.

9. Other Considerations and Impacts

Environment and Climate Change

9.1 No direct impact.

Equalities and Human Rights

9.2 No direct impact.

Risk Management

9.3 Licensing will continue to respond to allegations of unauthorised collections and misconduct by collectors.

Community Engagement

9.4 Charity coordinators and site owners/managers for private land where the Council has previously issued permits will be contacted to inform them of the proposed change in policy.

Annexes

Annex A – Draft Surrey Heath BC Street Collection Policy

Background Papers

None