

STREET COLLECTION POLICY

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To ask Members to consider the responses received during the consultation undertaken on a new Street Collection Policy and to resolve to adopt the Policy with effect from 1st January 2015.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To adopt the Policy with effect from 1st January 2015.

3. KEY ISSUES

Financial Implications

- 3.1 There are no fees payable in respect of applications for street collection permits.

Legal Implications

- 3.2 Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 enables authorities to make regulations to control street collections in their area.

Service / Operational Implications

- 3.3 The Council regulates charitable collections taking place in any street or public place under the Police, Factories, etc (Miscellaneous Provisions) Act 1916. The Council can regulate collections where there is a collection of money or the selling of articles for the benefit of charitable purposes (cash collections).

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- 3.4 The legislation does not cover face to face fundraisers who ask people in the street or other public place to sign up to donating to charitable causes by direct debit. The Council therefore cannot regulate this type of collection. The Council is however currently engaging with the Public Fundraising Regulatory Authority (PFRA) to try and establish a site management agreement to help control this type of collection.
- 3.5 Street collections are an important method of fund raising for charitable causes, however they can cause annoyance to the public if not suitably controlled and managed. This can lead to the public avoiding certain areas where they believe they will be asked to donate money every time they visit.
- 3.6 It is also important that those that are authorised to carry out street collections represent genuine charitable causes and are not seeking to defraud the public by pretending to collect for a charitable cause and actually using the money collected for other purposes.
- 3.7 In order to ensure that street collections are suitably controlled and managed, and that applicants for permits represent genuine charitable causes, a draft policy has been produced and Members approved the draft policy for the purpose of consultation on 23 June 2014.
- 3.8 This consultation has now been undertaken and Members are asked to consider the responses received.
- 3.9 5 responses were received in total during the consultation and these can be seen at Appendix 1.
- 3.10 Wythall Parish Council, Catshill and north Marlbrook Parish Council and Bournheath Parish Council all responded to say that they did not have any adverse comments to make in relation to the Policy.
- 3.11 The Public Fundraising Regulatory Association responded to make clear that direct debit collections can only be effectively regulated by them if a site management agreement is in place between them and the relevant Council. Members will recall that at the Licensing Committee meeting in June 2014, it was resolved that that authority be given to the Head of Worcestershire Regulatory Services to enter into discussions with the Public Fundraising Regulatory Association (PFRA) with regard to establishing an agreement to regulate face to face fundraising by way of direct debit in Bromsgrove Town Centre. Discussions are underway with the PRFA in relation to this matter.
- 3.12 The Office Manager of the Phoenix Childrens Foundation charity responded to say that, the limit of one collection per charity per year poses a significant problem for them and their fundraising efforts.

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They suggest allowing additional collections by charities in special circumstances or if the collection date remains available close to the deadline for applications.

- 3.13 The draft Policy already states that more than one collection per charity can be permitted where the Licensing Officer considers that circumstances are such that more than one street collection can be permitted. However this paragraph has been amended to provide examples of the circumstances where additional street collections can be permitted to a charity that has already had one application granted.
- 3.14 The Regional Coordinator for the Christian Aid charity responded raising some issues with the content of the draft policy. Firstly there were concerns raised about the Council's interpretation of the term "public place" and the potential implications for charitable collections taking place on private property, such as inside shops and supermarkets. In determining whether a collection is taking place in a public place or not, officers will seek legal advice and assess each case on its own merits.
- 3.15 Concern has also been raised regarding the requirement for collection boxes to be numbered consecutively as this causes the charity administrative difficulties. An alternative requirement has been proposed, which is felt by officers to be a reasonable compromise and so the draft policy has been amended so that collection tins need to be allocated a unique reference number be accounted for and securely closed.
- 3.16 Christian Aid have also raised concerns about the prohibition on the use of tables and chairs during street collections, as this may pose difficulties for some of their collecting volunteers who need to sit down to rest and take breaks. The draft policy does not provide an outright prohibition on the use of tables and chairs and in fact their use can be agreed with the Licensing Officer in advance of the collection. That being the case, it is not felt that any amendment is required to the draft policy in that regard.
- 3.17 Finally concern is raised that not allowing applications on Mondays or Wednesdays is quite restrictive. This restriction only applies in relation to the St John's Ward and has been inserted to try and avoid clashes between cash collections and direct debit collections. With this in mind, officers feel that this restriction in the draft policy is reasonable and proportionate.
- 3.18 The draft policy, which has been revised as detailed above, is at Appendix 2. Members are asked to adopt the Policy.

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4. RISK MANAGEMENT

- 4.1 If street collections are not appropriately controlled this could cause annoyance to the public and increase the risk that the public could be defrauded by people who are not collecting for genuine charitable causes.

5. APPENDICES

Appendix 1 – Consultation Responses Received

Appendix 2 – Draft Street Collection Policy (revised after consultation)

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