

Report to: Executive Cabinet Member
Environmental Services

Date: 18th August 2014

Report of: Director of Environmental Services

Bolton Council

Report No: ECMES/12/14

Contact Officer: Sarah Schofield

Tele No: 336718

Report Title: Draft Charity Collections Policy

Non Confidential: (**Non-Confidential**) This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose: To invite the Executive Cabinet Member to consider the Charity Collections Policy post consultation and to consider the adoption of the Policy including the agreement with the PFRA.

Recommendations: The Executive Cabinet Member is requested to consider the final Charity Collections Policy and to agree to adopt the Policy including the agreement with the PFRA.

Decision:

Background Doc(s): House to House Collections Act 1939
House to House Collections Regulations 1947
Police, Factories, Etc (Miscellaneous Provisions) Act 1916

(for use on Exec Rep)

Signed:

Leader / Executive Member

Monitoring Officer

Date:

1. BACKGROUND – AIMS AND OBJECTIVES

- 1.1 The aims of the Licensing Authority in respect of the licensing of charitable collections are to:
- Safeguard the interests of both public donors and beneficiaries;
 - Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met; and
 - Prevent unlicensed collections from taking place.
- 2.2 In order to achieve its aims in respect of licensing of charitable collections, the Licensing Authority has identified the major issues and sought to tackle them through this Policy with the intention of:
- Ensuring impartiality and fairness in determining applications;
 - Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
 - Providing equality of opportunity for would-be collectors;
 - Avoiding causing undue nuisance to the public;
 - Setting fair maximum limits for one applicant/ organisation;
 - Achieving a fair balance between local and national causes;
 - Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as the police, Trading Standards, the Charity Commission, parish councils and local charitable institutions, etc.
- 2.3 The new policy is divided into 3 main sections: house to house collections, street collections and a voluntary agreement with fundraisers.

3 HOUSE TO HOUSE COLLECTIONS

- 3.1 House to house collections are governed by the House to House Collections Act 1939 (the Act) and the House to House Collections Regulations 1947. The Council is the Licensing Authority for the purposes of the legislation; however organisations that have been granted an Exemption Certificate by the Home Office under the provisions of the House to House Collections Act 1939 do not need to apply for a licence from the Licensing Authority but the organisation must inform the Licensing Authority of the dates and wards of any planned collections.
- 3.2 The Council would formally request that individual organisations do not carry out more than 1 house to house collection per ward in any 12 month period.

4 STREET COLLECTIONS

- 4.1 The Licensing Authority is empowered under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 to permit collections made in 'any street or public place' for 'charitable or other purposes'.
- 4.2 Charities must be registered with the Charity Commission or be a charitable organisation based within the borough of Bolton. The Council propose to give preference to local charities wherever possible and that 60% of allocated days for street collections will be for local charities or local branches of national charities.
- 4.3 The policy sets out that not more than 40 Saturday collections will be held in the borough of Bolton per year, spread as evenly as possible; and that no collections will be held in the two weeks leading up to Christmas to avoid disputes as to the allocation of these 'prime' dates;
- 4.4 Not more than 12 week day collections will be held in one year in each ward;

- 4.5 No one organisation will be allocated more than one permit per year;
- 4.6 Two organisations shall not be permitted to collect in the same ward on the same day. Applications will be dealt with on a first come first served basis. The Council reserves the right to permit multiple charity collections to support national events or a major disaster whose collections are being organised by the Disasters Emergency Committee (DEC) and this will be at the discretion of the Executive Member – a list of events will be published on the Council's web .
- 4.7 Applications for a street collection can only be done singularly i.e. once a collection has taken place the next collection can be booked, multiple dates cannot be made at the same time

5 VOLUNTARY AGREEMENT WITH FUNDRAISERS

- 5.1 It is recognised that for many people in Bolton, their primary concern in respect of charity collections, would be tighter regulation of the fundraisers who operate in the town centre collecting direct debits on behalf of charities. They are commonly known as chuggers. However currently local authorities are not legally able to regulate their activities.
- 5.2 For this reason Bolton Council is seeking to enter into a voluntary agreement with the chuggers which would be facilitated by the Public Fundraising Regulatory Association. The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Bolton town centre and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. Details of the agreement can be found in the policy at Appendix A. The key points are summarised as:
- One visit per day from one charity in either Deansgate and Oxford Street Market Street and Hotel Street
 - maximum of 5 fundraisers in total, including a team leader
 - Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.
 - Fundraising will only take place on weekdays, Monday to Friday, and will not be permitted on Saturdays or Sundays.
 - Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities
- 5.3 This agreement is optional for the Council to sign up to or not depending on the perceived benefit of the agreement for Bolton. However it should be noted that currently the Council does not have any powers to regulate these fundraisers and this agreement would give the Council some form of control over their activities. Other Councils in Greater Manchester who have signed up to an agreement with the PFRA include Manchester, Salford, Trafford and Wigan.

6 THE CONSULTATION PROCESS

- 6.1 Following Cabinet approval in April 2014, consultation took place on the draft Charity collections policy.
- 6.2 **Methodology**

The consultation was featured on the Council's website. The questionnaire and links to the Cabinet report and draft policy were sent to the following:-

- eView, the Council's panel of residents who have signed up to take part in consultation
- charities who have contacted the Licensing Department in the last 12 months

- Local businesses [in Bolton Town centre]
- Greater Manchester Police
- The Charity Commission
- Town Councils

In addition, the questionnaire was available in the One Stop Shop and the proposed policy was featured by the Bolton News.

The consultation period ran from the 9th April to the 16th May 2014. The responses have been collated and summarised below.

6.3 Responses

101 valid responses were received, from the following self-completed categories:

- Live/work in Bolton – 94
- Charitable organisation – 6
- Town centre business – 1
- Other: volunteer – 1
- Not stated – 1

(Please note that the total exceeds number of survey responses as respondents were able to tick more than one category)

6.4 Findings – Street Collections

The consultation document asked the question *“Do you have any comments on the proposal to regulate street collections?”*.

- 54 respondents (53.5%) [including 2 from charitable organisations and 1 business] seemed to agree with the proposals.
- 4 respondents [including 1 charitable organisation] indicated that the proposals did not go far enough in limiting street collections.
- 8 respondents (7.9%) [including 1 charitable organisation] seemed to disagree with the proposals feeling that they were too harsh, or unnecessary.

6.5 Findings – Charity Fundraisers

The consultation document asked the question *“Do you have any comments on the proposal to regulate charity fundraisers?”*.

- 74 respondents (73.3%) [including 5 charitable organisation and 1 business] seemed to agree with the proposals.
- 20 of these 74 [including 1 charitable organisation and 1 business] indicated that the proposals did not go far enough in limiting charity fundraisers.
- 1 respondent (1%) seemed to disagree with the proposals.

6.6 Findings – House-to-house Collections

The consultation document asked the question *“Do you have any comments on the proposal to regulate house-to-house collections?”*.

- 71 respondents (69.3%) [including 1 business] seemed to agree that house-to-house collections needed new regulation.
- 19 of these 71 [including 1 business] seemed to feel that the proposals did not go far enough. However, whilst 9 of the 71 were in favour of the proposal with regard to collectors who knocked on doors, they were happy with the status quo regarding bags or leaflets.
- 10 respondents (9.9%) seemed to disagree with the proposals.

6.6 Findings – Alternative Suggestions

The consultation document provided a space for responders to add additional comments and suggestions. Responses made by 3 or more people have been summarised below.

- 10 respondents (9.9%) commented to the effect that the proposals seemed well thought out and comprehensive, although 4 respondents suggested that new regulation was either unnecessary or should be kept to a minimum.
- 3 respondents (3%) felt that the changes should be compulsory and / or that the Council should try to change legislation [including 1 charitable organisation].

7 FINAL CHARITY COLLECTIONS POLICY

7.1 The final Charity Collections Policy can be found at Appendix A.

7.2 The majority of the responses received though the consultation were supportive of the proposals set out in the draft Charity Consultations Policy. As a result no amendments have been made to the policy following the consultation.

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA has been completed for this policy and this can be found at appendix C. No amendments have been made to the EIA following the consultation.

9. RECOMMENDATIONS

9.1 The Executive Cabinet Member is requested to consider the draft Charity Collections Policy and agree to approve the policy including the agreement with the PFRA.

Appendix A – Final Charity Collections Policy
(see separate document enclosed)

Equality Impact Assessment Part 1: Screening Form

Title of report or proposal:
Charity Collections Policy

Department:	Environmental Services
Section/SIAP unit:	Licensing, Neighbourhood and Regulatory Services
Date:	24 th June 2014

This report is for decision and is therefore subject to an Equality Impact Assessment. The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any particular social group. Details of the outcome of the Equality Impact Assessment have also been included in the main body of the report.

Equality Impact Assessment Questions

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes:

The aims of the Licensing Authority in respect of the licensing of charitable collections are to:

- Safeguard the interests of both public donors and beneficiaries;
- Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met; and
- Prevent unlicensed collections from taking place.

In order to achieve its aims in respect of licensing of charitable collections, the Licensing Authority has identified the major issues and sought to tackle them through this Policy with the intention of:

- Ensuring impartiality and fairness in determining applications;
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
- Providing equality of opportunity for would-be collectors;
- Avoiding causing undue nuisance to the public;
- Setting fair maximum limits for one applicant/ organisation;
- Achieving a fair balance between local and national causes;
- Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as the police, Trading Standards, the Charity Commission, parish councils and local charitable institutions, etc.

The new policy is divided into 3 main sections: house to house collections, street collections and a voluntary agreement with fundraisers.

2. Who are the main stakeholders in relation to the proposal?

- The Council – particularly the Licensing Unit
- Charities which wish to collect within the Borough
- The public and visitors within the Borough
- Businesses located within Bolton town centre
- The Public and Fundraising Regulatory Association

3. In summary, what are the anticipated (positive or negative) impacts of the proposal?

It is anticipated that the proposed Charity Collections Policy will have a number of positive outcomes:

- Ensuring impartiality and fairness in determining applications
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after
- Providing equality of opportunity for would-be collectors
- Avoiding causing undue nuisance to the public
- Setting fair maximum limits for one applicant/ organisation
- Achieving a fair balance between local and national causes
- Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as the police, Trading Standards, the Charity Commission, parish councils and local charitable institutions, etc.

The maximum limit for the number of collections undertaken by an individual applicant / organisation may potentially have a negative impact on those which currently collect more often than this. However, it is considered that this is outweighed by the positive impact of providing more organisations the opportunity to collect.

In addition, it is anticipated that the introduction of the regulation of face-to-face fundraising, via the proposed voluntary Site Management Agreement (SMA), will have a positive impact. In particular it is anticipated that the SMA will:

- Improve the public perception and experience of this type of fundraising
- Positively impact shops and local businesses through the introduction of minimum distances fundraisers must be located from shop frontages etc.

4. With regard to the stakeholders identified above and the diversity groups set out below:

	Is there any potential for (positive or negative) differential impact?	Could this lead to adverse impact and if so what?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason?	Please detail what measures or changes you will put in place to remedy any identified adverse impact
Race	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Religion	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Disability	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Gender (including gender reassignment)	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Age	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required

Sexuality	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Caring status (including pregnancy & maternity)	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Marriage and civil partnership	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Socio-economic	It is not anticipated that there is potential for any differential impact	n/a	n/a	None required
Other comments or issues				
<p>Please provide a list of the evidence used to inform this EIA, such as the results of consultation, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.</p> <p>If you have undertaken consultation as part of the proposal, the consultation manager will upload it on to the corporate database.</p>			<p>Consultation consisted of:</p> <ul style="list-style-type: none"> • eView, the Council's panel of residents who have signed up to take part in consultation • charities who have contacted the Licensing Department in the last 12 months • Local businesses [in Bolton Town centre] • Greater Manchester Police 	

- | | |
|--|--|
| | <ul style="list-style-type: none">• The Charity Commission• Town Councils |
|--|--|

In addition, the questionnaire was available in the One Stop Shop and the proposed policy was featured by the Bolton News.

The consultation period ran from the 9th April to the 16th May 2014. The responses have been collated and summarised below.

5a Are there any gaps in your evidence or conclusions that make it difficult for you to quantify the potential adverse impact?

No. The consultation did not raise any issues relevant to this EIA..

5b If so, please explain how you will explore the proposal in greater depth or please explain why no further action is required at this time.

N/A

You may wish to consider undertaking secondary data analysis, further consultation or research or investigating best practice. If you are planning to undertake further consultation or research as a result of this EIA, please contact the Principal Consultation and Research Officer on ext. 2012.

This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input checked="checked" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
Stop and rethink - the EIA identifies actual or potential unlawful discrimination	<input type="checkbox"/>

Report Officer

Name: Sarah Schofield

Signature: SS

Date and Contact No: 09.07.14 Ext. 6718

Departmental Equalities Lead Officer

Name: Janet Pollard

Signature: JP

Date and Contact No: 09.07.14 Ext: 6710

Equality Impact Assessment

Part 2: Consultation Form

(To be completed where consultation has been undertaken)

This report is for decision and is therefore subject to an Equality Impact Assessment. The proposal was also subject to consultation and this Equality Impact Assessment (Consultation Form) provides details of the consultation results.

The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any particular social group. This has been ensured by undertaking consultation. Details of the outcome of the consultation have also been included in the main body of the report.

This form asks you to provide details of all the consultation undertaken specific to the proposal you are making, either prior to the EIA or as part of it and the results of this.

1. Consultation with staff

a. Please summarise the consultation undertaken with staff and their Trade Unions regarding this proposal.

No consultation with staff or Trade Unions was required.

b. Please summarise the results of this consultation, including key issues arising and any changes being made to the proposal as a result of the consultation

N/A

2. Consultation with customers and other stakeholders

a. Please summarise the consultation undertaken with customers and other stakeholders regarding this proposal (refer back to the stakeholders identified in your screening form)

Following Cabinet approval in April 2014, consultation took place on the draft Charity collections policy.

The consultation was featured on the Council's website. The questionnaire and links to the Cabinet report and draft policy were sent to the following:-

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The consultation period ran from the 9th April to the 16th May 2014. The responses have been collated and summarised below.

b. Please summarise the results of this consultation, including key issues arising and any changes being made to the proposal as a result of the consultation

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Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
Stop and rethink - the EIA identifies actual or potential unlawful discrimination	<input type="checkbox"/>

Report Officer

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