



# Report to Licensing (Regulatory) Committee

**Date:** 05 September 2023  
**Title:** Draft Charitable Collections Policy  
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## Recommendations:

1. To agree the recommended amendments to the draft Charitable Collections Policy as set out in the report.
2. To agree a final version of the Charitable Collections Policy with an implementation date of 1<sup>st</sup> February 2024.
3. To request Full Council pass a resolution adopting the model street collection regulations as set out in the 'Charitable Collections (Transitional Provisions) Order 1974 (SI 1974/140) (Model Street Collections Regulations).
4. To authorise the Head of Service for Licensing, in consultation with the Cabinet Member for Regulatory Services and Chairman of the Licensing Committee, to amend the implementation date of the Policy if necessary.

## 1. Introduction

- 1.1 Fundraising collections play a vital role in the work carried out by charities and are therefore an important means of both raising money for good causes and also promoting the goals and messages of the collecting charity. However, it is equally important, to ensure that any charitable fundraising, whether in public spaces or door-to-door, is carried out by bona fide charitable organisations and collectors, that a fair percentage of collection proceeds are donated directly to charitable causes and that no nuisance is caused to businesses and residents as a result of collections.
- 1.2 Buckinghamshire Council's ability to regulate charitable collections in public areas is discretionary and is reliant on passing a resolution to adopt the necessary regulations to control "street collections". Whilst discretionary, it is clearly desirable for the council to adopt those controls for the reasons given in 1.1. The council has no such discretion regarding house-to-house collections which are governed by a mandatory licensing regime.

- 1.3 On 1st February 2023 the Licensing Committee approved a draft Charitable Collections Policy, “Policy”, for consultation.
- 1.4 The Policy sets out both the legal framework and a proposed approach to authorising charitable collections in public areas and by way of calling house to house. This report provides the feedback following a 6-week public consultation exercise, together with a number of recommended amendments to the original draft Policy.

## **2. Background**

- 2.1 The legal framework and background to the development of the draft Policy is set out in the report presented to the Licensing Committee on 1<sup>st</sup> February 2023. The report provided to members at this meeting can be viewed here:

<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=349&MId=17573&Ver=4>

- 2.2 Following the meeting, a 6-week public consultation exercise took place between 9<sup>th</sup> May and 20<sup>th</sup> June 2023. Consultation was principally by way of a survey published on Your Voice Bucks. Links to the survey were sent to Ward Councillors, Town and Parish Councils, Community Boards, umbrella charity organisations (National Council for Voluntary Organisations, Community Impact Bucks, Association of Chief Executives of Voluntary Organisations), Thames Valley Police, Buckinghamshire Council Community Safety and town centre management teams. The survey was also publicised through the Council’s media channels.

## **3. Consultation responses**

- 3.1 55 responses were received by way of the survey, and 6 additional written responses were received. Appendix 1 provides a summary report of the consultation responses and Appendix 2 contains a transcript of the typed responses from the survey. Appendix 3 contains the 6 additional written submissions.

### **3.2 Views on house-to-house collections policy**

The first section of the survey asked respondents whether they agreed with or disagreed with specific aspects of the proposed approach to regulating house to house collections.


### **3.3 Requirement for a licence to include collecting direct debit information.**

43 respondents, 78.2%, agreed or strongly agreed with the proposal to include direct debit collectors within scope.

- 3.4 Of the 8 that disagreed, 5 made comments that they either did not want house-to-house collections to be allowed at all or did not want direct debit collectors to be

allowed. The proposal outlined in the draft policy is to include the collection of the direct debit mandate within the scope of house-to-house regulation. If it is not brought within scope, then the collection of direct debit mandate information will remain unregulated, and the council will not be able to impose any control over the activity. It is also important to note that, unlike street collections, the council has no discretion to decide whether it regulates house-to-house collections and has a general obligation to grant licences providing the statutory tests are met.

- 3.5 3 respondents neither agreed nor disagreed with this policy proposal but provided no specific comments to support their view. One expressed concern about 'pressurised' selling tactics and two expressed concerns about a potential impact on Rotary Club Christmas collections but no specific reference to direct debit mandate collection.
- 3.6 Paragraph 2.2 of the draft policy has been amended to provide greater clarity that the collection of direct debit mandates will fall into scope of requiring a licence.
- 3.7 **Restrict house to house collections to between 9am and 7pm.**  
30 respondents, 54.6%, disagreed or strongly disagreed with the proposal.
- 3.8 Of those that disagreed and expressed a comment, 5 expressed a view that they did not want house to house collections at all. 2 disagreed on the basis that they thought the proposed hours should be earlier in winter months and collection times be restricted to dusk. 2 believed there should be no restrictions at all and 2 stated the terminal hour should be later but did not specify a time. Of those proposing a later last calling time, 6 suggested 8pm, 2 suggested 8.30pm and 2 suggested 9pm. One of the 2 respondents who neither agreed nor disagreed suggested a cut off time of 7:30pm.
- 3.9 In most cases the grounds for suggesting a later time related to collections over the Christmas period, for example Santa's Sleigh.
- 3.10 It should be noted that paragraph 4.9 of the draft policy sets out that the Council may make exceptions to the policy in certain circumstances such as the pre-Christmas period. However, in light of the comments, it is recommended that the policy be amended at paragraph 2.10 to allow applicants to apply for collections to take place until 8pm, with a discretion to apply for later hours during the pre-Christmas period which will be from 1<sup>st</sup> December.
- 3.11 **Only one house to house collection in any one council ward area on any given day.**  
Opinion on this question was closely divided. 26 respondents, 47.3%, agreed or strongly agreed with the proposal and 23 respondents, 41.8%, disagreed or strongly disagreed with the proposal.

- 3.12 The majority of those disagreeing who submitted supporting comments cited the potential impact on Christmas time collections, notably Santa's Sleigh. The Policy as drafted at 2.9 does provide a specific exemption for this activity to allow these collections to take place across multiple wards. One respondent referenced difficulties in identifying ward boundaries. The final version of the policy will include links to an interactive map for applicants to use to identify ward boundaries and licences will be issued with maps showing the applicable area. The remaining respondents disagreeing with the proposal were either those who did not want or had concerns about house-to-house collections and those that felt that it should not be regulated.
- 3.13 No changes are proposed to the draft Policy on this point following consultation.
- 3.14 **Grant licences for a maximum of 14 days to give charities equal opportunities.**  
Opinion on this question was also closely divided, 27 respondents, 49.1%, agreed or strongly agreed, and 25 respondents, 44.5%, disagreed or strongly disagreed.
- 3.15 Of those providing reasons for disagreement with the policy, most related to the potential impact on Christmas collections such as Santa's Sleigh. One respondent suggested 21 days and another as 28 days as a maximum period for pre-Christmas collections. The remaining respondents are mainly those that expressed a view that they did not want collections at all, had concerns about collections generally or conversely felt that it should not be regulated.
- 3.16 It is recommended that the Policy be amended at paragraph 2.8 to allow applicants to apply for collections to take place over a period of up to 28 days during the pre-Christmas period.
- 3.17 **Allow charities one house to house licence per calendar quarter.**  
Opinion on this question was again evenly divided, 23 respondents, 41.8%, agreed or strongly agreed and 22 respondents, 40% disagreed or strongly disagreed.
- 3.18 Grounds for disagreement varied, 2 respondents expressed comments that once a quarter was too frequent, conversely one suggested 2 collections per quarter should be permitted. Most of the comments from those disagreeing related to concerns about the potential impact on collections at Christmas time. The remaining respondents who commented, expressed conflicting views and either wanted a prohibition on house-to-house collections, had concerns about house to house collections generally or felt that it should not be regulated.
- 3.19 No change proposed to the draft Policy. Should the recommendation set out at pt. 3.21 of this report be agreed, to extend collection periods up to 28 days during the pre-Christmas period, this will address the majority of the concerns expressed with regard to allowing only one collection per quarter period.
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3.20 **Require charities to submit a declaration confirming that they are satisfied with the amount being donated to charitable causes by commercial collectors.**

35 respondents, 63.6% agreed or strongly agreed with the proposal and 10 respondents, 18.2%, disagreed or strongly disagreed.

3.21 Comments made by those disagreeing with the proposal were mainly on the basis that they disapproved of house-to-house collections, 1 conversely had commented that they did not think this activity should be regulated and 2 had made comments about concerns relating to Rotary Club Christmas collections. No specific comments were made in relation to the use of commercial collectors and submission of declaration by those disagreeing with the proposed policy.

3.22 No changes are proposed to the draft Policy on this point following consultation.

3.23 **House to house collections - require applicants to provide evidence of public liability insurance for a minimum of £5 million**

35 respondents, 63.6% agreed or strongly agreed with the proposal and 9 respondents, 16.4%, disagreed or strongly disagreed.

3.24 Of those disagreeing, 5 expressed comments indicating that they disagreed on the basis that they disapprove of house-to-house collections. 1 commented that they do not believe the activity should be regulated at all. 3 expressed comments based on the potential on Rotary Club collections, particularly at Christmas. Rotary in Great Britain and Ireland have confirmed that they hold umbrella Public Liability Insurance up to £20 million which covers all their clubs' activities, and as such this policy will not impact on local Rotary Clubs.

3.25 No changes are proposed to the draft Policy on this point following consultation.

3.26 **Street Collections**

The second section of the survey asked respondents whether they agreed with or disagreed with specific aspects of the proposed approach to regulating street collections.

3.27 **Regulate street collections by adopting the Model Regulations**

38 respondents, 69.1%, agreed or strongly agreed with the proposal and 8 respondents, 14.6% disagreed.

3.28 Of those disagreeing with the proposal and expressing related comment, 1 disagreed as they are opposed to street collections. It is important to note that if the model regulations are not adopted then the council will not be able to regulate the activity and it can lawfully still take place, but without control. 1 disagreed on the basis that they consider the activity does not need regulating and 1 disagreed as they thought the proposals were too restrictive. 2 disagreed on the basis of the potential impact on street collections by local Rotary Clubs over the Christmas period.

- 3.29 It is recommended that no change is made to the Policy approach following consultation, and that Buckinghamshire Council adopt the model regulations to allow street collections to continue to be regulated.
- 3.30 **Restrict street collections to 8:00am to 8:00pm**  
36 respondents, 65.5%, agreed or strongly agreed with the proposal and 14 respondents, 25.5%, disagreed or strongly disagreed.
- 3.31 Of those that disagreed and expressed related comment, 1 disagreed on the basis that collection times should finish earlier at 4pm. Similarly, another respondent disagreed on the basis that at 8pm in winter it is dark, and this is not conducive to safeguarding and collections should end at 8pm or sunset, whichever is earlier. The proposal to restrict street collections to town and village centres should help address this concern as these areas are highly likely to be adequately lit. The remaining comments from those disagreeing suggest various reasons, as per the comments made in relation to adopting the model regulations.
- 3.32 No changes are proposed to the draft Policy on this point following consultation.
- 3.33 **Limit street collections in any one location to one charity on any given day**  
37 respondents, 67.3%, agreed or strongly agreed with the proposal and 12 respondents, 21.8%, disagreed or strongly disagreed.
- 3.34 Of those that disagreed and expressed related comments, 1 commented specifically in relation to collections at Christmas time that this proposal “seems a bit too restrictive”. It should be noted that the policy is being proposed to prevent potential nuisance by restricting collections to only one in any given day in any one area with regard to this there are no proposed changes to the draft policy at paragraph 4.9 already sets out how situations such as this can be accommodated and will be determined on a case-by-case basis.
- 3.35 **Restrict street collections to town and village centres.**  
35 respondents, 63.6%, agreed or strongly agreed with the proposal and 17, 30.9%, disagreed or strongly disagreed.
- 3.36 Of those respondents that disagreed and expressed additional comment, relevant comments related to the potential impact on Rotary Club Christmas collections, both Santa Sleigh type and static, that may take place both within and outside town and village centres. In non-town centre areas, the former type of collection will typically be calling on residential dwellings and as such will be conducting licensed “house-to-house collections” rather than street collections, so an additional street collection permit would usually not be needed. In terms of static collections, this may for example take place at the entrance to out-of-town supermarkets and shopping centres.

- 3.37 The purpose of generally restricting street collections to town centres and villages is to introduce an element of safeguarding to ensure collections take place in areas where there is likely to be greater degree of surveillance and security. It is acknowledged the same types of measures are likely to be present in out-of-town shopping centres and service stations and it is therefore recommended that “commercial areas” be brought within scope of the permissible collection areas under the Policy.
- 3.38 **Allow one street collection permit per charity for one day, per calendar quarter**  
Opinion was closely divided on this, 25 respondents, 45.5%, agreed or strongly agreed with the proposal and 24, 43.6%, disagreed or strongly disagreed.
- 3.39 One respondent disagreed on the basis that they do not want any street collections to take place. As mentioned, if the regulations are not adopted then no controls can be imposed, additionally if controls are adopted then the council is generally obliged to grant permits subject to compliance with the terms of the model regulations.  
The majority of the respondents disagreeing and those who made additional comment, again cited significant impacts on Rotary Clubs ability to provide a successful collection campaign over the Christmas period, particularly Santa’s Sleigh.
- 3.40 The historic role that the Rotary Club has played in the local community is acknowledged. Similarly other charities may also seek to carry out additional fundraising activity by exception. Provisions are set out in the draft policy which allow for exceptions, such as the run up to Christmas (see 4.9 of the policy). Additionally, it is recommended that the policy also be amended at section 3.12 to enable charities to carry out additional collections in the pre-Christmas period (from the 1<sup>st</sup> December), or for other significant cultural or calendar events, or during an annual nationwide campaign.
- 3.41 **Subject collectors proposing to use animals to additional checks**  
38 respondents, 69.1%, agreed or strongly agreed with the proposal and 7 respondents, 12.7% disagreed or strongly disagreed. Or strongly disagreed.
- 3.42 No comments relating specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation.
- 3.43 **Require charities to submit a declaration confirming that they are satisfied with the amount being donated to charitable causes by commercial collectors**  
36 respondents, 65.5%, agreed or strongly agreed with the proposal and 7 respondents, 12.7%, strongly disagreed.

- 3.44 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation.
- 3.45 **Require applicants to provide evidence of public liability insurance for a minimum of £5 million**  
38 respondents, 69.1%, agreed or strongly agreed with the proposal and 7, 12.7%, disagreed or strongly disagreed with the proposal.
- 3.46 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation.
- 3.47 **Site Management Agreements - Only issue street collection permits for Aylesbury town centre on Wednesdays, Thursdays, Fridays and Saturdays**  
20 respondents, 36.4 % agreed or strongly agreed with the proposal and 8 respondents, 14.5%, disagreed or strongly disagreed. Approximately half the respondents, 27, 49.1%, neither agreed nor disagreed, answered don't know or didn't answer.
- 3.48 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation other than the exemptions previously detailed in this report and provided at sections 4.9 and 3.12 of the Policy.
- 3.49 **Site Management Agreements - Only issue street collection permits for Wycombe town centre on Tuesdays, Fridays, Saturdays and Sundays**  
18 respondents, 32.7 % agreed or strongly agreed with the proposal and 10 respondents, 18.2%, disagreed or strongly disagreed. Again, approximately half of the respondents, 27, 49.1% neither agreed nor disagreed, answered don't know or didn't answer.
- 3.50 No comments related specifically to this proposed policy were made to support the views of those that disagreed. No changes are proposed to the draft Policy on this point following consultation other than the exemptions previously detailed in this report and provided at sections 4.9 and 3.12 of the Policy.
- 3.51 **How easy is the draft Buckinghamshire Council Charitable Collections Policy to understand?**  
44 respondents, 80%, found the draft policy easy to understand and only 1 respondent reported that it was not at all easy.
- 3.52 9 respondents made additional comments. 3 respondents' comments related to the possibility of banning the activities. This is not an option available to the Council as both are lawful activities, the Council's role is to essentially determine the extent to



which it wishes to regulate the activities. 1 respondent asked for a simple table to be included to show changes from the current position. This would be difficult to explain simply as the Council is currently operating under separate legacy rules across the legacy district council areas. 1 respondent suggested a summary document with easier language and step guidance for applicants. The Licensing Service does intend to provide simpler guidance and revised application forms to support both the house to house and street collection regimes once the Policy has been approved prior to implementation.

**3.53 Additional comments**

3.54 Further to the survey responses, 6 separate responses were received as shown in Appendix 3.

3.55 Rotary Club of Aylesbury Hundreds raised concerns about the impact of the draft proposals on Christmas collections in terms of the number of permitted days and collection times, recommending that last collection be no later than 8pm. It is considered that the recommended amendment to the Policy set out in the report will, if agreed, address these concerns.

3.56 Gerards Cross and Chalfont St Peter Rotary Club also raised concerns about the impact on Christmas collections as currently their Christmas house-to-house collections finish at 8.30pm and take place over 23 days with 3 separate licences for 3 areas. The recommended amendments whilst proposing that house-to-house collections finish by 8pm, will allow a discretionary later time and extended collection period of up to 28 days for Christmas collections. The Policy as drafted makes no reference to charities being restricted to only collecting in one ward/location at a time under a licence or permit. However, this point has been clarified in the policy at paragraphs 2.5 and 3.9 to avoid confusion.

3.57 Misbourne Matins Rotary Club also raised concerns about the impact on Christmas collections. They have suggested that house-to-house collections have an absolute cut off time of 9pm and 24 days duration. It is considered that the recommended amendment to the Policy set out in the report will, if agreed, address these concerns. They have also asked for clarity over reference to areas so as to make it clear reference is to Buckinghamshire Council Wards and that no separate licence is required for collection of direct debit mandate information. Both of these recommendations have been actioned by way of minor amendment to the draft Policy wording. In terms of street collections, concerns were raised about limiting collections to single areas, as stated at paragraph 3.78, the Policy as drafted makes no reference to charities being restricted to only collecting in one ward/location at a time under a licence or permit. However, this point has been clarified in the policy at paragraphs 2.5 and 3.9 to avoid confusion. . The club also raised the possibility of collecting outside town and village centres and again the proposed amendments

address this by recommending out of town commercial areas also be included. The club have also asked for clarity over the definition of “private land” and potential issues with obtaining individual permissions from public houses. Reference to private land is essentially land not under council ownership. Where there is doubt relating to specific collections the Licensing Service can assist organisations in answering this question. In terms of visiting public houses, this type of collection would require a house-to-house licence as this activity includes both domestic and commercial premises and permission is not required from the landowner in these circumstances.

- 3.58 Rotary Club of Chesham also raised concerns about the impact on Christmas collections as currently their Christmas house-to-house collections finish at 9.00 pm and take place over more than 14 days across the whole Chesham area. As stated, the proposed amendments will allow this activity to continue. In terms of street collections, concerns were raised about the proposal to allow one collection per day per quarter, the proposed recommended amendments also address this.
- 3.59 Chesham Town Council raised the same concerns on behalf of the Rotary Club of Chesham. The Town Council also requested that they be delegated decision making with regards to exceptional circumstances. The Licensing Service is happy to consider the Town Council’s views on any street collection matter arising, however the primary legislation and model regulations specifically delegate decision making authority to Buckinghamshire Council as the licensing authority.
- 3.60 Coleshill Parish Council submitted comments expressing opposition to house-to-house collections on the basis that there are no realistic safeguards for householders, is impractical administratively and is invasive. The Parish Council has asked that if the policy goes ahead that every home in the parish be issued with a “no doorstep selling” sticker. As stated, the Council has a general obligation to grant licences, and has limited grounds to refuse applications. One of the primary purposes of this policy is to introduce additional safeguards to better protect residents from criminal and anti-social behaviour.

#### **4. Summary of recommended amendments**

- 4.1 The Policy has been amended to allow applicants to apply for house-to-house collections to take place over a period of up to 28 days during the pre-Christmas period. (see Policy 2.8).
- 4.2 The Policy has been amended to allow applicants to apply for house-to-house collections to take place until 8pm, with a discretion to apply for later hours during the pre-Christmas period. (see Policy 2.10)
- 4.3 The Policy has been amended so that street collections are limited to town and village centres and other commercial areas. (see policy 3.24)

4.4 The Policy has been amended to provide clarification that charities can still apply to collect in more than one ward/location under the same licence/permit. ( see policy 2.5 and 3.9).

4.5 The draft policy, with these amendments is attached to this report as Appendix 4.

## **5. Other options considered**

5.1 Applications for charitable collections are currently being considered and determined according to the practices of the legacy district council areas or policies where these are in force. This has resulted in inconsistency and possibly perceived unfairness across the council area and a lack of effectiveness or efficiency for those processing the applications.

5.2 Although there is no statutory requirement for a policy covering charitable collections, it is considered desirable and necessary to implement one so that Buckinghamshire Council is seen to be transparent, consistent, fair and open when considering and determining applications for this activity.

5.3 Whilst there is no discretion with house-to-house collections, which are required to be licensed, the council could determine not to regulate charitable street collections. However, to avoid potential nuisance and ensure appropriate safeguards are in place, it is strongly recommended that controls are retained through the adoption of the model regulations.

## **6. Legal and financial implications**

6.1 There is no provision within the legislation for fees to be charged for either processing applications or granting permits or licences for charitable collections.

6.2 As a result the cost to the service of processing applications and any necessary enforcement action will need to be borne from the general fund.

6.3 The Council currently receives in the region of 150 applications each for House-to-House collection licences and street collection permits each year. Each application takes in the region of 45 minutes to one hour to process. Permits are issued via email and so there are no postage costs associated with the grant of permits or licences. Complaints in relation to unlicensed collectors are rare and subsequently little enforcement action is generally required.

6.4 As stated above, there is no statutory requirement for Licensing Authorities to produce charitable collection policies although it is considered that the council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered and any reasons for refusal.

- 6.5 Currently, the council is able to regulate street collections as a consequence of historical adoptions of the model regulations by the legacy Buckinghamshire district councils and the transitional arrangements governing the formation of Buckinghamshire Council. Should the Licensing Committee be minded to agree to the ongoing control of charitable street collections, it is recommended that Full Council be asked to pass a new resolution to adopt the model regulations for Buckinghamshire Council.
- 6.6 Legacy district council site management agreements for direct debit mandate collection are in place between the Council and the Chartered Institute of Fundraising and these agreements regulate direct debit collection in Aylesbury and High Wycombe town centre areas. Following approval of the Policy officers will work with the Chartered Institute to review these legacy site management agreements with a view to producing a single agreement for the Buckinghamshire Council area, where this required.

## **7. Corporate implications**

- 7.1 Protecting the vulnerable – fundraising by means cash and other collections provides an essential source of funding for charity which can be applied to good causes. It is therefore an important means of assisting and protecting those in need and the vulnerable. It is also recognised that there have been increasing instances of fraudulent money collections and it is the duty of the Licensing Authority to ensure compliance with relevant legislation and that any collections are carried out by bona fide collectors who are using any proceeds for the purposes for which they were intended.
- 7.2 Property – N/A
- 7.3 HR – N/A
- 7.4 Climate change – N/A
- 7.5 Sustainability – N/A
- 7.6 Equality – An Equality Impact Assessment Screening Template has been carried out and it is considered that a full EQIA is not required.
- 7.7 Data – measures will be in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements.
- 7.8 Value for money – there is no fee associated with applications for charitable collections.

### **Key documents:**

House to House Collections Act 1939



<https://www.legislation.gov.uk/ukpga/Geo6/2-3/44>

House to House Regulations 1947

<https://www.legislation.gov.uk/uksro/1947/2662/contents/made>

Police, Factories, etc (Miscellaneous Provisions) Act 1916

<https://www.legislation.gov.uk/ukpga/Geo5/6-7/31>

Charitable Collections (Transitional Provisions) Order 1974

[https://www.legislation.gov.uk/uksi/1974/140/pdfs/uksi\\_19740140\\_en.pdf](https://www.legislation.gov.uk/uksi/1974/140/pdfs/uksi_19740140_en.pdf)

Fundraising Regulator's Code of Practice

<https://www.fundraisingregulator.org.uk/code>

NALEO Guidance for Licensing Officers issuing licences for charitable door to door collections – England and Wales

