

SLOUGH BOROUGH COUNCIL

REPORT TO: Council

DATE: 19th April 2016

CONTACT OFFICER: Teresa Clark, Senior Democratic Services Officer
(01753 875018)

WARD(S): All

PART I

FOR DECISION

RECOMMENDATIONS OF THE LICENSING COMMITTEE FROM ITS MEETING HELD ON 23rd MARCH 2016

1. **Purpose of Report**

To advise Council of the recommendations of the Licensing Committee from its meeting held on 23rd March 2016:

- A. Street Collections and House to House Collections.
- B. Review of Standard Terms and Conditions for Street Trading Consents.

'A'- STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS

2. **Recommendation**

Council is requested to resolve that the draft policies for Street Collections and House to House Collections as set out in the report be approved.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The Council is responsible for processing and determining applications in respect of organisations/ people wishing to undertake charitable collections by way of a Street Collection or House-to-house Collection within the Borough of Slough. The Council does not currently have in place specific policies for Street Collections or House to House Collections. The Licensing Team reviewed the current processes and procedures, which resulted in new draft policies being prepared for both types of collections, which have now been subject to a full public consultation . As part of the original review and as a matter of transparency with the new draft policies being prepared on 30th September 2015 the Licensing Committee recommended that the Home Office Model Street Collection Regulation (previously adopted in June 1974) be re-adopted.

3a. **Slough Joint Wellbeing Strategy Priorities –**

As the report outlines the new specific policies for Street Collections and House to House Collections have been subject to a full public consultation. The new draft policies have been prepared with the intention that proceeds (other than holders of Home Office Exemption Orders) will wherever possible be used for the benefit of Slough's community.

The recommendations within the report will contribute the following wellbeing themes.

- Health and Wellbeing
- Safer Communities

Cross-Cutting themes:

Approving the recommendations will promote the benefits of living and working in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines fully the reason for the recommendation to ensure that the Council has in place robust policies, and that all charitable collections are conducted legally ensuring that there is no risk to the public which will therefore contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

a) Financial

There are no financial implications involved in the recommendation.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	None	The new Street Collection and House to House Collection polices will ensure that only bona fide and genuine collections will take place and where possible, for the benefit of Slough's community.

b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

c) Equalities Impact Assessment

An EIA has been completed which indicates that there is a neutral impact on charitable organisations and equality groups.

5. **Supporting Information**

- 5.1 The Council does not currently have in place specific policies in relation to Street Collections and House to House Collections and currently deal with such applications using Slough Borough Council (SBC) House to House Model Guidance for Public Charitable Collections, House to House Regulations, SBC Street Collections Guidance and the SBC Model Street Collection Regulations.
- 5.2 In light of this and to address some concerns over the legitimacy of previous collections made and as to the recipient of the proceeds of the collection the Licensing Team conducted a review of the processes and procedures for 'Street Collections' and 'House to House Collections' with new draft policies and application form being prepared.
- 5.3 On 17th November 2015 the Licensing Committee resolved to approve the policies and that Officers commence a full consultation exercise.
- 5.4 A full public consultation on the draft policies was conducted between 4th December 2015 and 14th January 2016, with all national and local charitable organisations, the Charities Commission and all previous applicants for charitable collections in Slough, as well as through the SBC website. A full list of the consultees, the responses and the Council reply and action is contained at Appendix E.
- 5.5 The final draft Street Collection Policy and application form, House to House Collection policy and application form for approval are attached at **Appendices A, B, C and D respectively.**

6. **Comments of Other Committees**

The Committee welcomed the new policies at its meeting on 23rd March 2016, and resolved that Council be recommended to approve the Street Collection Policy and House to House Collection Policy.

7. **Conclusion**

Council is requested to approve the policy for Street Collections and House to House Collections as set out in the report.

8. **Appendices Attached**

- 'A' - Draft Street Collection Policy
- 'B' - New Street Collection Application Form
- 'C' - Draft House to House Collection Policy
- 'D' - New House to House Collection Application form
- 'E' - List of consultees, responses and Council reply and action.

9. **Background Papers**

Section 5 of the Police, factories and c. (Miscellaneous Provisions Act 1916
As amended by the Local Government Act 1972
Charitable Collections (Transitional Provisions) Order 1974
House to House Collections Act 1939
House to House Collections Regulations 1947, as amended.