

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Committee

Date of Meeting: 8th September 2014
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Draft Charitable Collection Policy
Portfolio Holder: Cllr Les Gilbert – Localism and Enforcement

1.0 Report Summary

1.1 This report seeks Members' approval for a policy concerning the Charitable Collections following a consultation exercise.

2.0 Recommendation

2.1 That the Committee considers the consultation response received and resolves to adopt the Policy set out at Appendix 1 (subject to any further amendments deemed appropriate).

3.0 Reasons for Recommendations

3.1 The Council does not currently have a Borough wide Charitable Collections Policy. All applications are therefore processed in accordance with the policy or working practise applicable in each of the former Boroughs.

3.2 The Licensing Committee is authorised to make decisions of this nature by virtue of the Council's Constitution.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 None identified

7.0 Financial Implications

7.1 None identified

8.0 Legal Implications

8.1 The Licensing Authority authorises collections made in 'any street or public place' for 'charitable or other purposes' in accordance with Section 5 of the Police, Factories, and & c. (Miscellaneous Provisions) Act 1916.

8.2 House to House collections are controlled by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.

9.0 Risk Management

9.1 Full consideration of the policy and any consultation responses received would mitigate the risk of challenge to any decision taken.

10.0 Background

10.1 A draft policy was compiled by Officers, having regard to the procedures and working practice currently used in each of the former Boroughs.

10.2 The purpose of controlling charitable collections is to provide appropriate controls and ensure that:

- § A locality is not saturated with collectors
- § The presence of any collector does not cause a nuisance or annoyance to the public
- § To provide consistency and ensure fairness to applicants
- § Achieving a fair balance between local and national causes

10.3 On the 23rd May 2013 the Licensing Committee considered the content of the Policy and subject to some minor amendments approved a final draft for consultation.

10.4 Consultation on the draft Policy was conducted over a 6 week period, 24th February 2014 to 7th April 2014, via publication on the Council's website.

10.5 The Policy was also forwarded to all Town and Parish Councils by the Council's Partnerships Team and to the Council's Event Safety Advisory Group (this group comprise officers of the Council together with colleagues from Cheshire Police, North West Ambulance, Cheshire Fire Service and representatives of town centre management).

10.6 One response was received from a member of the public and this response is attached at Appendix 2. A response was also received from the Council's Environmental Health Department. This response related solely to typographical errors, which have been corrected.

10.7 The following amendments have been made by Licensing Officers and have been incorporated into Appendix 1:

1. Paragraph 4.3 – Sentence included: *‘Applicants are encouraged to contact the relevant Town Centre Manager or Town Council to confirm that areas under their control are available before making an application.’*

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

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