LICENSING AND REGISTRATION COMMITTEE

29 OCTOBER 2025

REPORT OF THE ASSISTANT DIRECTOR – CORPORATE POLICY & SUPPORT

A.2. CHARITABLE COLLECTIONS POLICY –CONSULTATION ON A DRAFT

(report prepared by Michael Cook & Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The report invites the Committee to consider commencing the process for the adoption of a policy concerning Charitable Collections within the District. Through the report, the Committee is invited to approve a public consultation exercise on the draft Charity Collections Policy laid out in the appendix to this report.

EXECUTIVE SUMMARY

Tendring District Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and the Charitable House to House Collections under the House to House Collections Act 1939.

This report seeks approval from the Committee to consult on a possible new Charitable Collections Policy for the District.

Following consultation, a further report will be presented to the Committee with the results of the consultation and seeking approval for a recommendation to the Cabinet for adoption of such a Policy.

RECOMMENDATION(S)

It is recommended that the Committee:

(1) Endorses the intention for the Council to adopt a policy for charitable collections in the District; and
(2) approves the draft Charitable Collections Policy set out in the appendix to this report for public consultation.

REASON(S) FOR THE RECOMMENDATION(S)

The Council does not currently have a codified policy for charitable collections in the District. The establishment of such a policy will assist all concerned by providing a policy reference document in respect of those charitable collections. Prior to adoption of a Policy, ultimately by Cabinet, consultation would be a legitimate expectation for those who hold permits or are otherwise engaged in charitable collections on the street or by going house to house. Through this consultation the views of interested parties on the content of a proposed policy can be obtained and these views can assist the Council to finalise such a policy prior to any adoption.

ALTERNATIVE OPTIONS CONSIDERED

There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision-making.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of a policy in this area of licensing is intended to support the following themes from the Council’s Corporate Plan 2024-28:

- Pride in our area and services to residents
- Working with Partners to improve quality of life

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted. The Council has made regulations, which require the promoter to obtain a permit from the Council before the collection can take place.

House to House collections are regulated by the House to House Collections Act 1939. This Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on application unless one of the grounds set out in the Act for refusing the licence apply. In addition to the local regulation of house to house collections, there is a National Exemption Order (NEO) scheme. Holders of an NEO authorisation are exempted under section 3 (1) of the House to House Collections Act 1939 from having to apply for individual collection licenses from local authorities. This exemption allows organizations to conduct house-to-house collections without the need to apply separately to each local licensing authority, thereby reducing administrative burdens and costs. From the Government’s website, there are currently 36 such NEO authorisations.

FINANCE AND OTHER RESOURCE IMPLICATIONS
The Council cannot make a charge for the issue of either a Street Collection permit or House to House Collection licence. As such, the cost of administering the scheme cannot be recovered. The financial implications associated with the recommendation of carrying out a public consultation on the draft Charity Collection Policy can be financed from existing resources.

USE OF RESOURCES AND VALUE FOR MONEY	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	A policy approach will support financial sustainability in this licensing area.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The adoption of a policy by the Council ensures there is a clear governance framework for discretion exercised by officers on behalf of the Council.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Through codifying the Council's approach to this licensing area it should ensure consistency and thereby demonstrate secure economic, efficient and effective delivery of services.

MILESTONES AND DELIVERY
The submission of this report itself marks a significant milestone in the adoption of a policy. The intended consultation and submission of the outcome of the consultation to the Committee will mark further milestones in this process.

ASSOCIATED RISKS AND MITIGATION
The principal risks this policy seeks to address to those around supporting good decision making in respect of charitable collection matters.

OUTCOME OF CONSULTATION AND ENGAGEMENT
Consultation is critical to ensure that a new Charitable Collection Policy is clear and transparent for charities, responsible authorities and the public. If the Committee approved the draft policy, we will consult with interested consultees by email, publicising the draft policy on the Council's website and use social media to inform the public of the consultation and direct them to the website. We will analyse any comments received, prepare any changes considered appropriate to the policy and return to the Committee for approval and adoption.

EQUALITIES
In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010. The Licensing Authority will have due regard to the public sector equality duty under the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to: • eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act); • advance equality of opportunity between people who share a relevant characteristic and people who do not; • foster good relations between people who share a protected characteristic and people who do not.

SOCIAL VALUE CONSIDERATIONS
None for this report.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030
There are no environmental implications arising directly from the content of this report.

OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its area.
Health Inequalities	There are no direct implications arising from the proposals set out in this report.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Charitable collections generally take place in one of two ways, either:

- A collection of donations in the street, or
- A collection of donations at a person’s property.

Charitable street collections are regulated by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and house to house collections are regulated by the House to House Collections Act 1939. The Council is the licensing authority for the purposes of administering charitable collections taking place in the District. Charities must obtain either a permit under the 1916 Act or a licence under the 1939 Act from the Council before a charitable collection takes place.

Whilst the exact requirements will differ depending on the relevant legislation, the principles of both regimes are the same, in that the collection must be for a charitable purpose. The Council also limits the numbers of street collections taking place. This is to ensure that the public are not inundated by request for donations, and to ensure that charities receive a reasonable opportunity to raise funds

Currently, there is no policy concerning Charitable Collections, with decisions on applications based upon historical previous decisions and practices.

In order to provide applicants with guidance and a framework for consistent decision-making, a policy covering charitable collections has been drafted.

The objectives of the draft charity collection policy are to ensure that:

- Charity collections are treated in a fair and consistent way and are well run and regulated
- each application is considered on its merits
- the public is not exposed to an excessive number of street collections
- relevant objectives of the Council’s Corporate Business Plan are supported
- that the obligations of the Council’s Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conducted prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.
- collections are for the public benefit and in line with a charitable purpose as defined by the Charities Act 2011.

The activities of direct debit mandate collectors on the street (known as “chuggers”) are not regulated by law. However it is the view of the Licensing Authority that direct debits and chuggers can be classed as giving ‘giving of money’ and therefore suggest that direct debit collections would fall under the remit of the act and that they should be licensed.

The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is insufficient. It is recommended that a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
Not Applicable

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
Appendix A – Proposed Charitable Collections Policy Appendix B – Current Regulations

REPORT CONTACT OFFICER(S) *Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*	
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