

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	29 October 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Public Charitable Collection Policy Review
REPORT NUMBER	GOV/19/403
DIRECTOR	N/A
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Lynn May
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

- 1.1 To review the current Public Charitable Collection Policy to ensure that it is still fit for purpose.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Amend the policy to allow Street Collections to be permitted on any three days in a week, but not on consecutive days; and
- 2.2 Grant delegated powers to the Chief Officer – Governance to grant permission for collections to be conducted at organised events, on any day, where no representations are received.

3. BACKGROUND

- 3.1 The Licensing Committee at their meeting on 4 June 2019 considered applications for public charitable collections which were out with Aberdeen City Council's current policy. Arising from these, they agreed to instruct the Chief Officer – Governance to review the current Public Charitable Collection Policy to ensure that it was still fit for purpose and to report back to the Licensing Committee in this regard at its meeting on 29 October 2019.
- 3.2 Public Charitable Collections are regulated by Section 119 of the Civic Government Act 1982, in that organisers of a collection from the public of money in a public place or by means of visits from place to place require to obtain permission from the Local Authority in whose area they are collecting.

3.3 Applications for permission for a public charitable collection require to be submitted to the local authority not later than one month before the date of the proposed collection.

3.4 Our current policy has been in place for many years and dates from prior to 2005. It permits the following –

Street Collections – every Monday, Thursday and Saturday and every day in December except Sundays and Public Holidays.

(This policy spaces collections out through the week and suggests that Thursdays were selected as this was late night shopping night, Saturdays as this was the main and busiest shopping day of the week and every day in December due to the festive period)

House to House Collections – One Week Monday to Friday inclusive allowed Per Charity.

(This fairly allows each charity to be allocated a week of collections each year)

Other Collections – For Example Pub Crawls, Carol Singers, Book Sales, any number may be allowed at any time at the discretion of the Chief Officer – Governance, Aberdeen City Council.

If the dates applied for are unavailable a member of the Licensing Team will contact the Applicant and discuss alternative dates available.

3.5 Applications which are late or fall out with the above policy or receive a representation from Police Scotland require to be referred to the Licensing Committee or Sub-Committee for consideration.

3.6 The recommendations would only amend the street collection part of the policy in order to provide some flexibility. Instead of the set days it is proposed that collections are permitted on any 3 days in a particular week, but not on consecutive days. The Licensing Committee have previously required to consider applications for collections where there have been no representations and there only reason for being placed on the agenda is due to the organiser seeking a day outwith those set in the current policy. This proposed amendment to the policy would more readily accommodate organisers requests and relieve the Committee from considering such applications.

3.7 It is also recommended that officers are given delegated powers to grant applications that are connected to a particular date-sensitive event (such as a charity fun run for example) where the application would conflict with this policy, but only where there have been no representations or objections from consultees.

4. FINANCIAL IMPLICATIONS

- 4.1 The Civic Government (Scotland) Act 2019 does not permit Aberdeen City Council to charge a fee for applications for permission to undertake a public charitable collection in their area.
- 4.2 Staff costs in implementing any change to the public charitable collection policy will be contained within existing approved licensing budgets.

5. LEGAL IMPLICATIONS

- 5.1 Section 119 of the Civic Government (Scotland) Act 1982 requires any organiser of a public charitable collection to obtain permission from the local authority for the area in which the collection is to be held.
- 5.2 An application for permission requires to be made in writing to the local authority by the organiser not later than one month before the date of the collection.
- 5.3 On receipt of an application the local authority must consult the Chief Constable of Police Scotland and may make such other enquiries as they think fit.
- 5.4 In granting permission a local authority may impose such conditions as they think fit having regard to local circumstances. Conditions may include –
 - 1. Specifying the date, time and frequency of the collection
 - 2. Specifying the area the collection is to take place
 - 3. Regulating the conduct of the collection
 - 4. Specifying the form of any collection boxes, other containers or any other articles used for the purposes of the collection
 - 5. As to any other matter relating to the local circumstances of the collection.
- 5.5 A local authority may refuse to grant permission on the following grounds -
 - 1. That the date, time, frequency, or area of the collection would cause undue public nuisance
 - 2. That another collection in respect of which permission has been granted or which is exempt is due to take place on the same or proximate day
 - 3. That it appears that the amount likely to be applied for charitable purposes is inadequate having regard to the amount of the proceeds of the collection
 - 4. That the organiser has been convicted of a relevant offence.
- 5.6 The above provisions of Section 119 therefore allow Aberdeen City Council as licensing authority to regulate the granting of permissions for charitable collections in their area per the amended policy recommended at 2.1 and 2.2.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	The costs of implementing the recommendations, amending the policy.	L	Close monitoring of the staff costs committed to the work and the budget available.
Legal	Lack of a coherent policy would leave the authority at risk of failing to comply with the legislative requirements.	L	Clear unambiguous policy that enables the authority to meet the statutory requirements.
Employee	There is no risk to employees arising from the recommendations of this report.	L	N/A
Customer	The proposal for amending the public charitable collection policy will allow more collections potentially causing a nuisance to the public.	L	The amended policy proposed together with the terms of Section 119 will allow more flexibility for collection organisers but still ensure that collections are adequately spaced and regulated to avoid public nuisance.
Environment	There is no risk to the environment arising from the recommendations of this report	L	N/A
Technology	There is no risk to technology arising from the recommendations of this report.	L	N/A
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal duty to carry out the statutory procedure in section 119 of the Civic Government	L	As this report is recommending that the Committee consider a review and amendment of their public charitable collection policy in line with the terms of Section 119 of the Civic Government

	(Scotland) Act for applications for public charitable collections in its area.		(Scotland) Act 1982 and that it would continue to appropriately regulate collections in its area, any risk will be mitigated
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7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
	The proposals in this report have no impact on the LOIP.

Design Principles of Target Operating Model	
	Impact of Report
	The proposals in this report have no impact on the Design Principles of the Target Operating Model.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Completed and not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

10. REPORT AUTHOR CONTACT DETAILS

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