



Report No: **133/2010**

Public Agenda Item: **Yes**

Title: **Amendment to Street Collection Policy**

Wards
Affected: **All**

To: **Licensing Committee**

On: **20 May 2010**

Key Decision: **No**

Change to
Budget: **No**

Change to
Policy
Framework: **No**

Contact Officer: **Steve Cox**

☎ Telephone: **01803 208034**

8 E.mail: **Steve.cox@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 To amend Torbay Council's Street Collection Policy to comply with the requirements of The Provision of Services Regulations 2009.

2. Recommendation(s) for decision

- 2.1 It is recommended that:

The amended Torbay Council's Street Collection Policy be adopted.

3. Key points

- 3.1 The European Services Directive has made significant changes to the way services are provided. This has been implemented into United Kingdom law through The Provision of Services Regulations 2009.
- 3.2 The Department of Business, Innovation and Skills believes that Torbay Council's existing Street Collection Policy is non compliant with the European Services Directive.
- 3.3 To overcome this issue of non compliance in respect of an individual or individuals, an additional exemption has been added to the existing Policy, which reads,

“(d) Where the collection recipient is an individual or individuals”

All collections still remain charitable, so the individual collection would still be charitable.

For more detailed information on this proposal please refer to the supporting information.

**Frances Hughes
Executive Head Community Safety**

Supporting information to Report 133/2010

A1. Introduction and history

A1.1 The European Services Directive has made significant changes to the way services are provided. This has been implemented into United Kingdom law through The Provision of Services Regulations 2009.

A1.2 Under Regulation 30 it says:

“A competent authority may not subject recipients of a service who are individuals to discriminatory requirements based on their nationality or place of residence.”

A1.3 The Department of Business, Innovation and Skills believes that Torbay Council's existing Street Collection Policy is non compliant with the European Services Directive.

A1.4 To overcome this issue of non compliance in respect of an individual or individuals, an additional exemption has been added to the existing policy, which reads:

“(d) Where the collection recipient is an individual or individuals”

All collections still remain charitable, so the individual collection would still be charitable.

A1.5 One other minor amendment has also been made to bring the policy up to date. This is the replacement of

“For example, many fundraising schemes operate in connection with South Devon Healthcare which extends through Torbay and down to Plymouth.”

With

“For example, many fundraising schemes operate in connection with Healthcare which extends through Torbay in to the adjoining areas.”

A1.6 A copy of the new Policy is attached. See appendix one.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report, unless the recommendation is not adopted.

A3. Options

- A3.1 (i) To agree to the recommendation
(ii) To not agree to the recommendation
(iii) or to make some other alterations

A4. Summary of resource implications

A4.1 There are no significant resource implications.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability implications, or crime and disorder implications.

A6. Consultation and Customer Focus

A6.1 There has been no public consultation on this matter.

A7. Are there any implications for other Business Units?

A7.1 There are no implications for other Business Units.

Appendices

Appendix 1 Amended Street Collection Policy (amendments highlighted)

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None