

# Regulatory Committee

**Tuesday 27 June 2017 7.30pm**

**Council Chamber  
Runnymede Civic Centre, Addlestone**

## Members of the Committee

Councillors Mrs J Gracey (Chairman), D W Parr (Vice-Chairman), Mrs D V Clarke, Mrs M T Harnden and P S Sohi.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

## A G E N D A

### Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: [clare.pinnock@runnymede.gov.uk](mailto:clare.pinnock@runnymede.gov.uk))**.
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
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The Chairman will make the final decision on all matters of dispute in regard to the use of social media, audio-recording, photography and filming in the Committee meeting.

## **LIST OF MATTERS FOR CONSIDERATION**

### **PART I**

#### **Matters in respect of which reports have been made available for public inspection**

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### **PART II**

#### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

- a) Exempt Information  
(No reports to be considered under this heading)
- b) Confidential Information  
(No reports to be considered under this heading)

1. **FIRE PRECAUTIONS**

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. **NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP**

3. **MINUTES**

To confirm and sign as a correct record, the Minutes of the meeting held on 5 April 2017, as attached at Appendix 'A'.

4. **APOLOGIES FOR ABSENCE**

5. **DECLARATIONS OF INTEREST**

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

6. **2017 ANNUAL REPORT (ENVIRONMENTAL SERVICES)**

**Synopsis of report:**

**To present the 2017 Annual Report on matters relating to Hackney Carriage and Private Hire Licensing and its operation within Runnymede.**

**Recommendation(s):**

**None. This report is for information only.**

1. **Context of report**

- 1.1 The Licensing Section is responsible for administering and enforcing the Hackney Carriage (HC) and Private Hire (PH) licensing regime in Runnymede. This report is to enable the Committee to be appraised of developments over the past year and gives an overview of the work undertaken by the Licensing Section.
- 1.2 The annual report includes statistical data from the Council's Licensing records. In order to have some commonality with other reports, unless otherwise stated, the data covers the period 1 April 2016 to 31 March 2017.

## 2. Report

2.1 Detail is included in relation to the following items:

- Statistics
- Suspensions / refusals
- Knowledge test
- Communications
- Enforcement and complaints
- Fees and fares
- New legislation
- Conditions and requirements
- Future Developments
- Staffing arrangements

### Statistics

2.2 The following table details statistical information on the number of vehicles and drivers licenced (both new and renewals) over the last year. The previous four years have been shown for comparison:

	2012/13	2013/14	2014/15	2015/16	2016/17
Hackney Drivers	147	147	154	154	147
Hackney Carriages	149	151	140	143	130
Private Hire Drivers	95	95	89	80	81
Private Hire Vehicles	113	115	86	86	78
Private Hire Operators	22	23	23	23	22

2.3 Members will recall that Runnymede amended the vehicle age policy in 2014 by introducing 'no age limit' along with more stringent standards concerning the condition of the vehicle. The charts below are produced to show age and mileage statistics of taxis and private hire vehicles in Runnymede as at 31 March 2017.

Chart 1 number of vehicles to mileage ratio:-

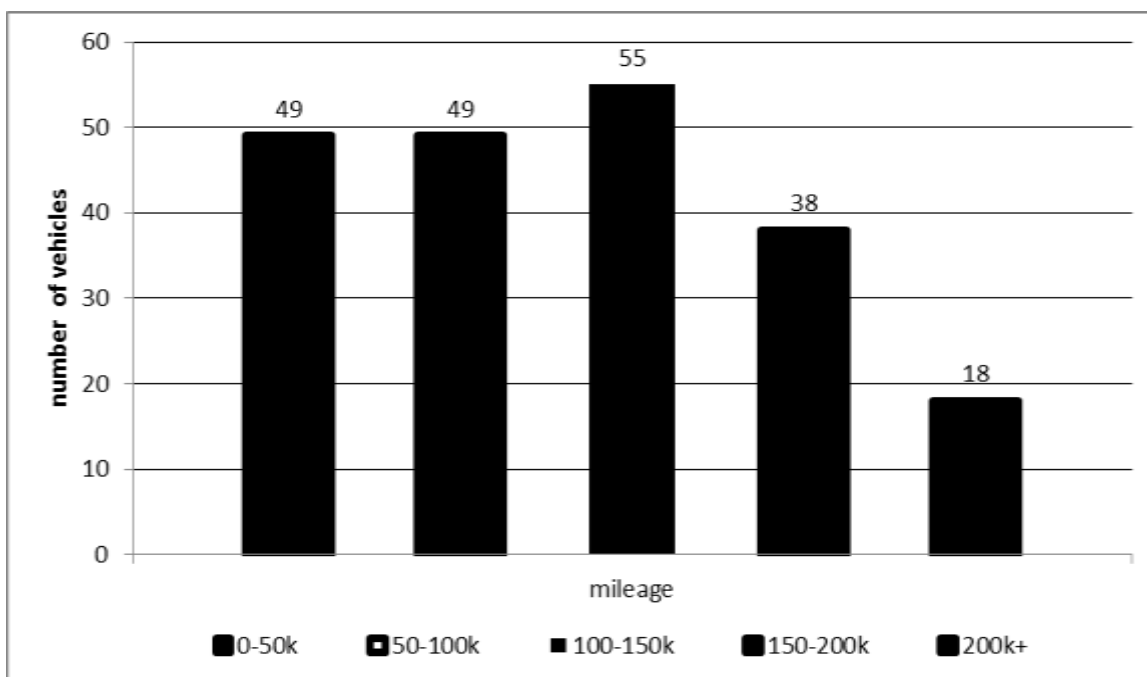


Chart 2 numbers of vehicles to age ratio:-

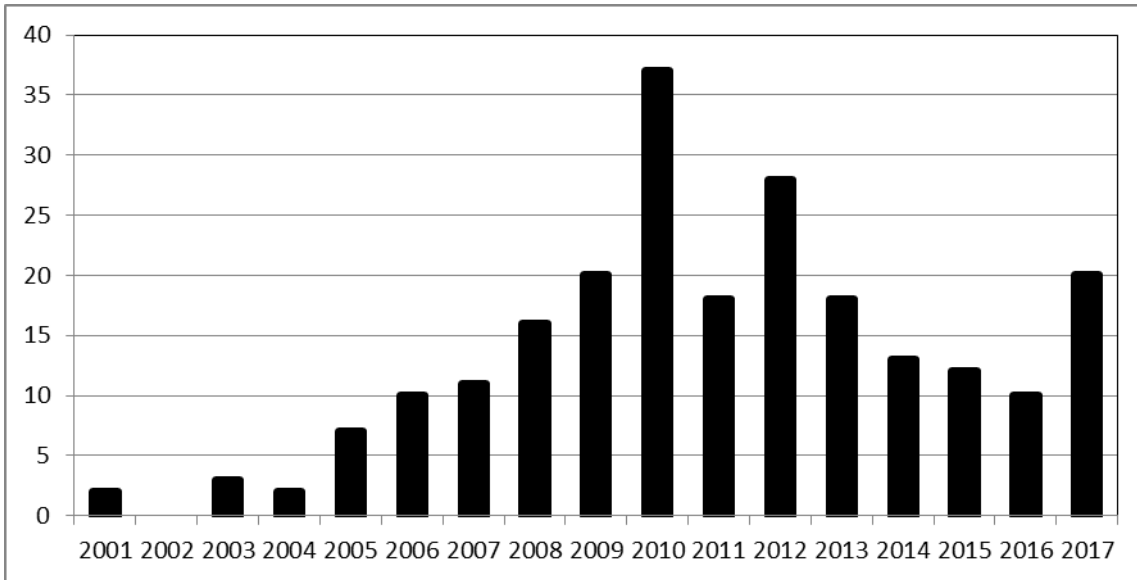
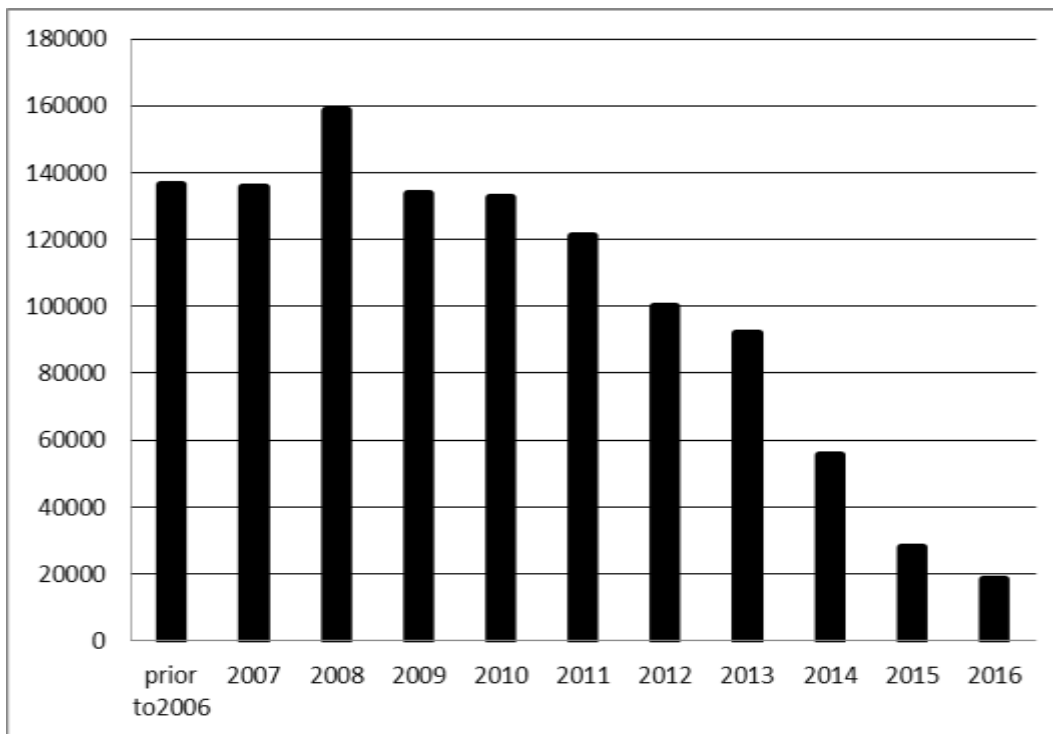


Chart 3 Average mileage to age ratio



Suspensions and refusals

- 2.4 The Licensing Section assists drivers in keeping track of their documentation by sending them a reminder letter 6 to 8 weeks prior to the expiry of their medical, DBS (Disclosure and Barring Service) check, DVLA driving licence check, HC/PH drivers and vehicle licence. This is often followed by a phone call or text to ensure drivers are taking steps to ensure they have their documents in date.
- 2.5 The 'Reminder Service' is not a function the section is obliged to carry out but it is a routine, well practiced procedure, which assists in the smooth running of the licensing regime. Fewer drivers face suspension and this in turn saves a huge amount of time for Licensing and the Legal Sections.

- 2.6 In 2016/17, five drivers were suspended, compared with four in the previous year.
- 2.7 Two of these suspensions related to drivers failing to have their required DBS check. These were not through any fault of the individuals; both were aware they required a DBS check but were content to allow themselves to be suspended, as one was working in another business and the other was out of the Country.
- 2.8 Two suspensions were in relation to medical conditions, which meant that the drivers no longer met the Group 2 standard. One of these has subsequently left the trade and the other has had his licence reinstated following further medical reports.
- 2.9 One suspension was due to failure to produce a medical certificate when due, this driver has informed us he will be leaving the trade.
- 2.10 All five suspensions were carried out using Officer's delegated authority, saving time and money.
- 2.11 With regard to new applications and renewals, there has been no cause to refuse any new applications or renewals. This is a good indication of the effectiveness of the documentation checks.
- 2.12 Vehicle licence suspensions are much less common. One vehicle licence was suspended in 2016/17 (using Officer's delegated authority). This was due to a worn tyre which was brought to our attention when Police stopped the vehicle for a routine check. The vehicle licence was reinstated once the tyre had been replaced and the vehicle inspected by Licensing Officers.

#### Knowledge test

- 2.13 All new applicants are required to pass the Runnymede Hackney or Private hire Knowledge test.
- 2.14 The Knowledge test is carried out once a month and the fee (£68), is payable for the first test and any subsequent resits. The test is in written form and a maximum of six applicants may take the test at the same time. The tests themselves are regularly revised and alternate test papers are used so that it is not the same test every time.
- 2.15 The test was revised in December 2013 and the new test was brought into operation in January 2014. The test comprises three parts, part 1- conditions and regulations which also includes a numeracy test, part 2 - locations and part 3 – a route test for hackneys only.
- 2.16 The test itself is considered to be a fair expectation of the knowledge required to be a driver in this Borough.
- 2.17 All those who apply to do the knowledge test receive a study guide to assist them in preparing for the locations test (part 2). This part comprises 60 questions, taken from a bank of 180 locations, which are changed for each paper; the pass mark is 52. In revising for and passing this locations test, using the study guide, we can be confident that the driver has attained the required level of knowledge for the most commonly requested locations in Runnymede.
- 2.18 To maintain relevance, the knowledge test's content is updated at regular intervals to take into account new legislation or conditions, as well as new developments within the borough.

## Communications

- 2.19 Over the past year we have continued to communicate with the trade as much as possible. Our methods and further improvements aimed at reducing costs are described below.
- 2.20 The Council's web site has a page specifically for HC and PH news; this is regularly updated with events, latest developments and new legislation. All drivers have been made aware of the existence of this webpage and encouraged to view it. It is possible to count the number of individual visits to this web page and a total of 148 individual viewings were carried out during the period of this report, down from 236 the previous year.
- 2.21 Drivers have been written to and asked to supply us with their e-mail address; it is now possible to send group or individual e-mails to 203 drivers/operators. We continue to encourage drivers to supply their e-mail addresses on application forms.
- 2.22 As referred to in section 2.4 approximately 60 reminder letters a month are sent to drivers with the necessary form for renewal of licences etc. We also use e-mails and texts for reminders and general messages.
- 2.23 A texting service costs approximately 0.1p per text and we can send a text to individuals or groups. This is most useful for making drivers aware of urgent matters as a matter of course and can be used to send an additional reminder for any renewals.
- 2.24 Forums where drivers and operators can exchange views with the Licensing Section were re-introduced in October 2013, these are held three times a year. We do encourage other agencies attendance at forums when there is a need. For example the Student Wellbeing Officer from Royal Holloway University attended and gave a very informative input on student/taxi matters.
- 2.25 Future forums include Police attendance to discuss racially aggravated crime and the Council's Head of Commercial Services was due to attend the forum in June to discuss HC and PH facilities in the Addlestone and Egham developments.
- 2.26 Although attendance at forums is low, those who do attend raise some very valid points and give us some useful feedback which is always very welcome.

## Enforcement and complaints

- 2.27 The Licensing Section has been involved in enforcement activity throughout the year. In general only minor infringements are usually identified and the activity is normally concentrated around Egham.
- 2.28 Transport for London Enforcement Officers joined us in December 2016 for an enforcement day and this proved to be very successful, more are planned for 2017/18. Surrey Police have also been involved in a number of enforcement operations; they help to enhance the visible nature of the activity and to enable vehicles to be stopped while moving. We have built an excellent working relationship with the traffic officers who assist us on these operations but they can only take place when the Police can spare resources.
- 2.29 Other enforcement action takes place when complaints are made about drivers, either from a member of the public or another driver. By their very nature these complaints normally result in no action being taken due to lack of evidence, it is often one word against another with no independent witnesses or corroboration.



- 2.30 Seventeen complaints have been received about Runnymede drivers in the last financial year. Twelve were from the public, four were from other drivers and one was from the Police. A list of these is produced below.

Attitude and behaviour – 8 public, 3 drivers  
Manner of driving – 3 public  
Condition of vehicle – worn tyre- 1 Police  
Overcharging - 3

- 2.31 Where there has been a need for further investigation 4 drivers were interviewed under caution and asked for an explanation.
- 2.32 Carrying out enforcement and dealing with complaints is a very time consuming activity and Members should be aware that there is no scope to recover enforcement costs through taxi licensing fees.
- 2.33 For the Licensing Section's two part time Officers this does pose difficulty in that their time is primarily taken up by the administration and plating of vehicles. The Senior Licensing Officer has to fit any enforcement in with other duties relating to taxi licensing and the other licensing regimes. The Licensing Section must balance the other licensing priorities against enforcement activity to ensure we deliver a service to drivers and operators which does not delay their applications.

#### Licensing Fees and Fares

- 2.34 Fees and hackney carriage fares are reviewed annually in November of each year. Following a review in November 2016 a small increase in some fees was approved. The fees are shown at Appendix 'B'.
- 2.35 Hackney carriage fares were last increased in June 2014, the fare card is shown at Appendix 'C'.
- 2.36 The fee setting process includes a comprehensive breakdown of fees for each licensing process. In setting the fees we have been transparent in our approach and made all reports and details of the fee setting process available.
- 2.37 It is essential that fee setting for taxi and private hire licensing reflects the true cost of administering / determining applications and also ensuring compliance with licence conditions.
- 2.38 Fee setting will take place again later this year; a report will be presented to this Committee in November 2017.

#### New and proposed Legislation

- 2.39 The Law Commission report to the Government published on 23 May 2014 included a draft Taxi and Private Hire Reform Bill. Progress of the Bill has been on hold since the General Election in 2015. The latest communication from the Department for Transport indicated they were still considering the Law Commission's recommendations.
- 2.40 As reported to this Committee on 5 April 2017 new legislation in the form of The Immigration Act 2016 (Right to work checks), The Equality Act 2010 (Access for wheelchair users to HC and PH vehicles) and The Policing and Crime Act 2017 (Protection of Children) have all had an effect on taxi licensing.
- 2.41 Since 1 October 2015 drivers and operators licences must have durations of 3 and 5 years respectively, unless there is what the 'Act' refers to as appropriate

circumstances to allow a licence of a lesser duration. No guidance has been given to Councils as to what are 'appropriate circumstances' so it is very much a case of Officers in each Council making their own judgement.

- 2.42 In lieu of any guidance, legal experts in taxi licensing have suggested that each case should be taken on its own merits and that has been our approach in Runnymede.
- 2.43 Examples of reasons for a licence of a shorter duration include, pending retirement, ill health and financial difficulties. In preparation for the 'Act' becoming effective on 1 October 2015, Runnymede had been issuing drivers and operator's licences for these longer durations since 1 April 2015. During this period, 1 April 2016 to 31 March 2017, 99 drivers applied for licences. 28 requested a 1 year licence with the majority of reasons given being financial or pending retirement.

#### Conditions and requirements

- 2.44 Runnymede's conditions and requirements for taxi and private licensing were revised earlier this year to bring them up to date with current legislation and to reflect the advances in vehicle safety.
- 2.45 Officers carried out a thorough review of our existing conditions and requirements and produced a comprehensive hackney carriage and private hire licensing policy; this was adopted by the Council on 2 March 2017.
- 2.46 The details of DBS procedures were reported to this Committee on 5 April 2017. To date, this new procedure is working well and drastically cut the waiting time for DBS certificates.
- 2.47 Drivers have been encouraged to subscribe to the DBS update service (at a cost of £13 a year). This allows Licensing staff to simply check the status of a driver's DBS online, with their written permission. This makes for a simple cost saving service with little inconvenience for the driver.
- 2.48 One hundred and twenty drivers have informed us they have subscribed to this service as of April 2017 (compared to 88 as of April 2016). This is a healthy increase over the previous year. DBS checks are carried out on individual drivers once every three years. We are now finding as the three yearly DBS checks become due that although drivers may have told us they have subscribed, many of them have not or they have failed to keep up their subscription, which removes them from the update service. Early indications are that only around 30% of those who said they subscribed to the update service actually were. We have made the trade aware of this and would hope to see this figure improving.

#### Staffing of the Licensing Section

- 2.49 The Section's current staffing consists of:-
- One full time Senior Licensing Officer who also has responsibility for applications with regard to the Licensing Act 2003, the Gambling Act 2005 and Scrap Metal Dealers Act 2013.
  - Two part time dedicated taxi Licensing Officers who between them work 24.5 hours a week.
  - One full time Licensing Administrator who has responsibility for administering Taxi licensing, the Licensing Act 2003, the Gambling Act 2005 and Scrap Metal Dealers Act 2013.
- 2.50 The Section's main administrative function has now been returned from the Client side of Customer Services. The return of a dedicated 'Licensing only' member of

staff has improved our service considerably through a better understanding of processes and day to day knowledge. The administrative staffing component for licensing is now one full time administration post; in comparison, 5 years ago we had two full time and one part time post. This is a key position and one that requires staff with considerable knowledge and particular skills.

- 2.51 The Taxi Licensing Officers fill a part time post of 24.5 hours a week. As always they have been diligent and shown considerable skill in scheduling vehicle plating appointments and arranging enforcement activity. They are very aware of the need for drivers to remain on the road and go to some length to fit appointments into their short working week; this often involves working longer hours at short notice. Their sense of duty and willingness to assist cannot be underestimated or taken for granted, it is not uncommon to find them changing shifts to accommodate taxi enforcement operations or plating appointments to keep a driver on the road.

#### Future Developments

- 2.52 Looking ahead there are other areas which require some consideration and may be the subject of future reports. For example:-

- English language speaking assessment as part of the application process.
- Training for drivers and operators on recognising Child Sexual Exploitation (CSE)
- Exploration of emission controls limits as a requirement for taxis and private hire vehicles.
- Amendments to our convictions policy to bring it into line with a common Surrey wide policy used by all licensing authorities in Surrey.

### 3. **Conclusions**

- 3.1 Taxi licensing is controlled and administered by a very small section who are able to provide good value by being productive and flexible despite the many challenges they face on a day to day basis.

#### **(For information)**

##### **Background papers**

Runnymede Hackney Carriage and Private Hire Licensing Policy  
Law Commission report on taxi licensing  
Deregulation Act 2015  
Immigration Act 2016  
Policing and Crime Bill 2016  
The Equalities Act 2010

## 7. **DRAFT CHARITY COLLECTIONS POLICY 2017 – 2020 (LAW AND GOVERNANCE)**

### **Synopsis of report:**

**To seek endorsement of the Council's updated draft policy on charitable collections prior to a public consultation exercise. Any feedback from the consultation exercise to be considered at the November meeting of this Committee prior to approval and subsequent adoption by full Council**

**Recommendation(s):**

**that the draft Charity Collections Policy 2017 – 2020, be approved, for a public consultation exercise of 12 weeks.**

**1. Context of report**

- 1.1 Since their enactment, The Charities Acts 2006 and 2011 have not been followed by updated statutory regulations for public charitable collections.
- 1.2 Charitable Collections are licensed within the context of relatively old legislation which has not kept pace with how charities, volunteer fundraisers and third party fundraisers and/or commercial participators operate in the 21<sup>st</sup> Century. For example, clothing collections and direct debit (face to face fundraising). This has resulted in an inconsistent approach nationwide; different local authorities approach licensing in a variety of ways.
- 1.3 Charitable Collections are largely self-regulating. In addition to primary legislation, the majority follow the Fundraising Regulator's Code of Fundraising Practice and other guidance issued from time to time by other regulatory bodies.
- 1.4 In the absence of updated statutory regulations, Officers have reviewed the existing Criteria and Guidance notes to applicants for Street and House to House Collections and created a new policy for adoption.

**2. Report**

- 2.1 The proposed draft policy is attached at Appendix 'D'. This is in 'tracked changes' so that Members of the Committee can see what the proposed substantive amendments, additions and deletions are. Minor formatting changes have already been made.
- 2.2 A summary of the changes and additions to the policy and why these are proposed is set out in the following sections.

Policy Objectives

- 2.3 There are 5 policy objectives proposed. The over-arching principle is to promote legitimate collections and safeguard the public from excessive or inappropriate appeals.
- 2.4 In this context, excessive would include having too many collections of a similar nature as well as the total number of all types of collection and the avoidance of having a number of collections in the same location.
- 2.5 Inappropriate appeals would be those that are not for the public benefit and/or are not in accordance with the definition of charitable purpose set out in Appendix 'A' of the policy.

Permitted locations

- 2.6 Following feedback into the response to the Fundraising Regulator, approved at the last meeting of this Committee, we have included a new paragraph 3.5 to cover the issue of no cold calling.
- 2.7 We have removed the provision to proscribe an absolute number of appeals. This has proved too inflexible. We manage the Charity Diary (as opposed to out sourcing

it to the former PFRA, which would only be relevant if we allowed face to face street fundraising) because it is beneficial for us to control the diary by applying local knowledge and our experience of the capacity of our main collection areas, as well as updating the web-based diary ourselves with minimum fuss or delay.

#### Application Process

- 2.8 The new wording clarifies what we do in practice already. We consider each application as it comes in, generally on a first come first served basis and on its individual merits. We check the diary for availability, bearing in mind how many dates have or have not already been granted to that charity.
- 2.9 We deal with a number of charities every year, but place greater scrutiny on people applying for the first time or who have been unable to satisfy our requirements previously.
- 2.10 Protection of the public is a priority. Therefore, we do not simply process applications. There is often information sharing with other local authorities, checking, seeking clarification with or obtaining more information from the charity, third party fundraiser to ensure as far as possible that only fit and proper people are licensed to raise funds in this borough.
- 2.11 Once we are satisfied with the applicant and the information they have provided we will issue a street collections permit or a house to house collections licence. The street collections permit will be accompanied by our home fashioned badges which we require collectors to wear or display on their collection boxes. For house to house collections we send them a badge order form for the HM Stationery Office. If there are four or more collectors they must apply for these badges and receive them before they start collecting.
- 2.12 There is a pre-disposition to grant an application if we can. However, unlike a number of other local authorities who accept applications via the on-line Government website ([www.gov.uk](http://www.gov.uk)), in our case, tacit approval does not apply. We also do not use any expensive template software to process applications and produce licences. We find that managing the administration in the way we do is more efficient. Without any checks or balances in place there would be no governance and no fulfilment of our duty to the public and to those charities that have no problem complying with the policy and other legislative requirements.
- 2.13 After a collection has taken place the fundraiser is required to let us know how much money they have raised or equivalent value and this is published on our website so that local residents can have an overview of both charitable activity in the borough and how much as a community they have benefited local and national charities.

#### Supplementary Guidance for House to House Clothing Collections

- 2.14 This section of the former Criteria and Guidance notes was added when we started receiving an increasing number of applications from commercial participators undertaking house to house clothing collections on behalf of registered charities.
- 2.15 On balance, this has worked well. Although we (as do other local authorities) experience a number of unlicensed collections, we are assisted by intelligence provided by some well informed and alert residents and the number of unauthorised collections has reduced.
- 2.16 We publish a lot of information on the charity pages of the website and further to having been identified as a leading borough in the area of managing clothing collections were recently invited to take part in a BBC Radio 5 live discussion about

unauthorised clothing collections. Although we provided some written information we declined to take part in the broadcasted programme owing to a lack of resources within the Communications Team at the time when they wanted to conduct the interview. Also, we did not want to get involved in too detailed a discussion where much of the information we are dealing with is confidential.

- 2.17 Following the recent Advertising Standards Authority (ASA) ruling in respect of Recycle Proline, point e) has been added to this section. To summarise the case, Recycle Proline was the subject of a complaint upheld by the ASA that the charity for which they were collecting unwanted clothing, Cancer Research and Genetics UK, was given greater prominence on the collecting bag to the extent that it misled the public about who was conducting the appeal.
- 2.18 Members are asked to note that co-incidentally, this organisation appears on our list of unauthorised collections in the borough to which residents are alerted on the website. A worrying development is that only in the week beginning 17 April, more bags were delivered in the borough, and were still of the old design which the ASA had ruled against. The ASA have been advised accordingly. This was raised with Proline who advised us that the bags were not distributed by them. A note was added to our website. Proline have since applied for a House to House Collections Licence and this is currently being considered.

#### Appeals

- 2.19 At the moment, there is no right of appeal if we refuse or revoke an application for a Street Collection. However, looking at best practice elsewhere and to give Members an opportunity to consider appeals, paragraph 7.2 has been added.
- 2.20 It is entirely up to the Committee whether they wish to adopt this potentially time consuming addition to the policy which is not a statutory right. Members may be content for Officers to continue as we are. To date, there have been a number of applications not granted, eliciting no formal challenges. Often we refuse an application on the basis of confidential information received or on the basis of experience. However, as worded the opportunity is there for an applicant to appeal if they think we have not handled their application properly or in accordance with the policy, or spirit thereof.

#### Fee Structure

- 2.21 This section clarifies that under current legislation there is no provision for charging. All costs are met within existing resources. Forms, badges, permits and licences are produced at minimal cost in-house.

#### Enforcement

- 2.22 There is no change to the policy but we have added the reference to the Fundraising Regulator's Code of Fundraising Practice and other bodies to formalise existing practice.
- 2.23 If we are alerted to unauthorised activity such as 'rogue' clothing collectors we encourage residents to contact the Police on 101. Resources are increasingly limited to engage in active enforcement but we put a lot of information on the website to help residents make an informed choice about the 'causes' they support.
- 2.24 It is worth pointing out that we often get complaints about the Big Issue sellers and pedlars. The former are exempt from the need to be licensed by the Newspapers Libel and Registration Act 1881 and the latter are defined by the Pedlars Act 1871.

People often have the misconception that we licence pedlars; we do not. They, if genuine are given a pedlar's certificate by the Police Commissioner of the area from which they have come to visit this (and any other borough)

### Busking/Street Entertainment

- 2.25 Members will be aware that when the Live Music Act came into force in 2011, the requirement to licence busking and/or street entertainment disappeared for the majority of circumstances, save when it is being conducted for a charitable purpose.
- 3. Policy framework implications**
- 3.1 The Council's Corporate Business Plan 2016-2020 contains a corporate value of being customer focussed. The welfare of our residents, promoting authorised fundraising and facilitating well run charitable appeals meets this aim.
- 3.2 The corporate theme of Supporting Local People is relevant to regulating charitable collections.
- 3.3 There is no requirement for Members of the Regulatory Committee (or Licensing Committee Members if they are occasionally substituted onto the Committee), to be trained to deal with Charitable Collections Licensing. However, if Members would like a session on this, we would be happy to oblige. It is hoped that the detail of this report however has made the process readily accessible.
- 4. Resource implications**
- 4.1 Subject to the approval of the draft policy, Officers will conduct a public consultation exercise, lasting 12 weeks, on the draft Charity Collections Policy and bring the results of that consultation and any subsequent amendments to the meeting of this Committee in November 2017.
- 4.2 All costs are met within existing resources. Officers have considered whether to use a software package to produce forms, badges, permits and licences etc but it would not be cost effective and would not suit the way we administer the service.
- 4.3 With no provision to charge for any part of the service it is better to keep the administration and paperwork in house, produced as and when necessary.
- 4.4 Officer time on charity collections is accounted for in the salary allocations for one Officer within Democratic Services. Advice on legal, equalities and financial matters that arise is sought from relevant Officers from time to time.
- 5. Legal implications**
- 5.1 The Charity Collections policy has to include provisions that do not contradict relevant legislation.
- 5.2 Charity Collections are a discreet area of Licensing determined by Officers in Democratic Services, under delegated authority. Only a small number of matters regarding house to house collections and face to face fundraising have been brought to Members for consideration in the past.
- 5.3 Article 5 of the Charitable Collections (Transitional Provisions) Order 1974 authorises a district council to adopt the model street collection regulations set out in the Schedule to the Order by resolution without the need for the regulations to be confirmed by the Secretary of State. Therefore, the reference to their re-adoption

being confirmed by the Secretary of State has been removed.

## 6. **Equality Implications**

- 6.1 The Council has a public sector equality duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
- a) eliminate discrimination harassment victimisation and other conduct prohibited by the Act
  - b) to advance equality of opportunity
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 In drafting this policy, we have considered its potential impact on anyone with a protected characteristic.
- 6.3 An Equality Impact Screening is attached at Appendix 'E'.
- 6.4 The Equalities Group have confirmed that a full impact assessment is not considered necessary at this stage. This is because the policy affects all and has flexibility to mitigate against any adverse impact on people with protected characteristics. This will be reviewed following the consultation exercise.
- 6.5 The opportunity to promote equalities will be taken. For example prioritising local groups who may represent those with protected characteristics.

## 7. **Conclusions**

- 7.1 The draft Charity Collections Policy has been drawn up to provide a clear framework to fundraisers and the general public about how we deal with applicants, enquiries and manage a balanced programme of charitable appeals throughout the year.
- 7.2 The Committee's endorsement of the draft Charity Collections Policy 2017 – 2020 is sought.
- 7.3 If approved, the policy would be put out to public consultation for a period of 12 weeks, with the intention of submitting it to the November meeting of this Committee, prior to adoption by full Council on 7 December 2017.
- 7.4 The list of consultees appears at the end of the draft policy.
- 7.5 We would then formally review the policy in 2020 but take stock of how the policy is operating 18 months after adoption by bringing a report back to this Committee in June 2019.

**(To resolve)**

### **Background papers**

Police Factories etc Act 1916  
Street Collections Regulations 1976  
House to House Collections Act 1939 and Regulations 1947  
Charities Act 2011  
Fundraising Regulator Code of Fundraising Practice (as revised) 2016  
Charity Commission CC20 Guidance checklist June 2016  
Correspondence held on Law and Governance email files



8. **EXCLUSION OF PRESS AND PUBLIC**

If Members are minded to consider any of the foregoing items in private, it is the

**OFFICERS' RECOMMENDATION that -**

**the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.**

**(To resolve)**

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)

# Regulatory Committee

Tuesday 27 June 2017

## Appendices

<b><u>Appendix</u></b>		<b><u>Page no.</u></b>
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Runnymede Borough Council

REGULATORY COMMITTEE

5 April 2017 at 4.15 pm

Members of the Committee present: Councillors Mrs J Gracey (Chairman), Mrs D V Clarke, R J Edis and Mrs M T Harnden.

Members of the Committee absent: D W Parr (Vice-Chairman)

Councillor P Sohi also attended.

647 FIRE PRECAUTIONS

The Committee noted the Fire Precautions.

648 MINUTES

The Minutes of the meeting of the Committee held on 12 January 2017 were confirmed and signed as a correct record.

649 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D W Parr.

650 FUNDRAISING REGULATOR – RESPONSE TO THE CONSULTATION ON CHANGES TO THE CODE OF FUNDRAISING PRACTICE

The Committee considered endorsement of the Council's response to a consultation from the Fundraising Regulator on proposed changes to the Code of Fundraising Practice.

The Fundraising Regulator had only existed for two years and assumed responsibility for self-regulation following the merger of the Institute of Fundraising and the Public Fundraising Regulatory Association. The Fundraising Regulator had no legal powers and saw itself as a co-operative collective of fundraising charities and third parties.

The Fundraising Code of Practice guided charities in good practice within the context of existing legislation. Most charities had signed up to the code which was last revised in 2016.

There had recently been two high profile cases of poor practice that highlighted a need to amend the Code of Fundraising Practice, and the details of the cases were noted.

In considering the proposed response, the attention of Members was drawn to two matters which had arisen subsequent to the production of the Agenda report. Firstly, the Committee of Advertising Practice had issued new guidance to clothing collection organisations about how information should be presented on charity bags to avoid misleading the public. This followed a ruling by the Advertising Standards Agency about one particular company.

The second matter concerned 'no cold calling' which was to advise that the stickers to deter doorstep trading could be obtained free via Surrey County Council Trading Standards and the Charity web pages on the RBC website had been updated to publicise this. A reference would be included in the response to ensure that the onus was put on Charities to ensure

their collectors and third party fundraisers adhered to 'no cold calling' and similarly worded stickers.

The Fundraising Regulator had invited responses to its consultation on eight areas of the Code, setting out the proposed changes and asking a series of questions. In addition they held a webinar on 1 March and Officers took part in this.

The eight parts being consulted on were:-

- A. Charity Trustees
- B. The fundraising ask
- C. Solicitation (disclosure) statements
- D. Raising Concerns about fundraising practice (whistleblowing)
- E. People in Vulnerable Circumstances
- F. Charity Collection bags
- G. Third Parties
- H. The Code – General questions

The Committee endorsed the draft responses shown in Appendix 'A' and gave authority for the final wording of the response to be agreed with the Chairman.

Officers would be submitting an updated draft Charity Collections Policy to the meeting of this Committee in June 2017, prior to a consultation exercise.

**RESOLVED that -**

**the response set out in the bold sections in Appendix 'A' be approved and submitted to the Fundraising Regulator with minor alternations to be agreed in consultation with the Chairman of the Committee prior to the submission deadline.**

651 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – LEGISLATIVE AND PROCEDURAL AMENDMENTS

The Committee was informed of:

- 1) New legislation affecting the taxi licensing regime in respect of the protection of children, access for wheelchair users to Taxi and Private Hire vehicles, and right to work checks.
- 2) Procedural changes as a result of the expansion of online government services.

The introduction of new legislation had placed additional responsibilities on licensing authorities in respect of the protection of children, access for wheelchair users to Taxi and Private Hire vehicles and right to work checks.

The Policing and Crime Act 2017 (PCA2017) had introduced a new discretionary power for the Secretary of State to issue guidance to local authorities as to how they consider the protection of children from harm in the hackney carriage and private hire licensing process. No commencement date for these changes had been announced as yet.

The implementation of Sections 165 and 167 of the Equalities Act 2010 (EA2010) had introduced specific requirements for drivers who had a wheelchair adapted vehicle in respect of access for wheelchair users. A Commencement Order would bring these Sections into force on 6 April 2017.

The provisions of the Immigration Act 2016 (IA2016) prohibited licensing authorities from issuing a hackney carriage, private hire or operators' licence to anyone who was

disqualified by reason of their immigration status. Licensing authorities would be under a duty to carry out immigration checks.

With regard to procedural changes, the Council currently required all drivers to produce the following as a means of satisfying the fit and proper criteria. 1) An enhanced Disclosure and Barring Service (DBS) certificate. 2) Their driving licence record as held by the DVLA.

Prior to March 2017, these were carried out using a paper driven process. The expansion of Government online services now allowed the application for and checking of DBS and DVLA records online.

Runnymede's Hackney Carriage and Private Hire Licensing policy had been amended prior to its adoption so that it took these legislative and procedural changes into account. However, when the guidance in relation to the protection of children had been produced it would be assessed and amendments made to policy/procedures where necessary.

These legislative and procedural changes had led to an increase in Officer and administrative time for taxi licensing. In the short term this involved informing the trade and updating application forms and, in the longer term, the process of administering DBS applications and right to work checks.

The cost of amending forms and liaison with the trade was already included within the administrative charge related to taxi licensing, as was the cost of administrative processing, although this would be monitored to ensure it reflected the true cost of provision.

The extra work and safeguards involved, together with the extra measures which had now been put in place were noted.

In response to a question from a Member, it was confirmed that the new Licensing Policy had reaffirmed the obligations of drivers under the Equality Act 2010.

## 652 TIMING OF SCHEDULED REGULATORY COMMITTEE MEETINGS

Following the earlier decision of the Licensing Committee to change the timing of scheduled meetings of that Committee from 4pm to 7.30pm, it was considered appropriate to mirror the same change to the timing of scheduled meetings of the Regulatory Committee for the same reasons. Accordingly it was

**RESOLVED that –**

**subject to the formal approval of Group Leaders, the scheduled meetings of Regulatory Committee be held at 7.30pm from the Municipal Year 2017/18.**

(The meeting ended at 4.34pm)

Chairman

## Questions

**A1.** Does the proposed additional wording of the Code (combined with the existing Code requirements) give sufficient clarity on how Charity Trustees are expected to oversee the fundraising activities of their charity?

Yes / No

If no, please explain how the wording could be improved.

**A2.** Are there any other comments you wish to make on the proposed additional wording of the Code on Charity Trustees?

No

**B1.** Is the existing focus on limiting the number of fundraising asks helpful in safeguarding the public from undue pressure?

Yes / no

If no, please explain why, giving your reasons with any supporting evidence.

**Placing a limit on the number of 'asks' should in theory be helpful. However, we feel that if someone says 'no' initially this should be enough to indicate that they do not wish to engage with the fund raiser. This would be similar to the rules regarding no importuning under the Street Collections Regulations**

**B2.** For telephone calls, does a narrower focus on financial asks (as opposed to requests for other forms of support) put the right emphasis on where the risk of undue pressure lies?

Yes / no

If no, please explain why, giving your reasons with any supporting evidence.

**Making a distinction between financial and other types of 'ask' could be considered as providing an additional opportunity for a fundraiser to try and justify some degree of pressure on the potential donor by asking the same question in a different way or engaging in bartering over the amount of time and/or money that a donor might want to give to the charity. Confining the number to 3 for the financial ask in effect places no limit on the other type of asks. People may be more inclined to give their time, money etc if not persistently asked either by phone or mail or face to face.**

**B3.** Does the proposed new wording of the two rules provide sufficient clarity on when a fundraising ask is or becomes inappropriate?

Yes / no

If no, please explain why, giving your reasons with any supporting evidence

**The second rule is sufficient by itself to clarify that 'no' means no**

**C1.** Does the proposed new wording on solicitation statements address the following concerns:

**a.** that the person making the donation is clear before they give as to who is soliciting the donation?

**Yes / no**

If no, please explain why, giving your reasons with any supporting evidence.

**b.** that, where applicable, it is made clear that the person seeking a donation is a professional fundraiser?

**Yes / no**

If no, please explain why, giving your reasons with any supporting evidence.

**D1.** Do you agree that fundraising organisations should be required to have an internal procedure for members of staff and volunteers to raise concerns?

**Yes / no**

If no, please explain why, giving your reasons with any supporting evidence.

**D2.** If yes, do you agree that this requirement needs to be contained in the Code?

**Yes / no**

If no, please explain why, giving your reasons with any supporting evidence.

**D3.** Does the proposed new code rule provide a clear statement on what fundraising organisations must have in their whistle blowing policy?

**Yes / no**

If no, please explain why, giving your reasons with any supporting evidence.

**E1.** Does the existing wording of the Code adequately recognise the needs of people in vulnerable circumstances?

**Yes / No**

If no, please explain why.

**E2.** Does the existing Code and supplementary guidance give sufficient clarity to fundraisers on how they are expected to engage with people in vulnerable circumstances?

**Yes / No**

If no, please explain why, giving your reasons with any supporting evidence.

**Although we agree that the current wording is clear, it cannot be working in practice given the level of complaints reported. There are clear expectations of fundraisers**

**and charity trustees are responsible for overseeing the conduct of the charity and ensuring good training and support is in place. However, we are concerned that trustees are not able to exercise the level of control needed and that the Fundraising Regulator does not have any legal powers to enforce.**

**F1.** Does the addition of the proposed new rule adequately deal with the distribution of unwanted charity collection bags?

Yes / No

If no, please explain why giving your reasons with any supporting evidence.

**We would suggest that the wording is expanded to include 'no unsolicited mail', 'no unlicensed collections' and 'no doorstep trading'. However, feedback received from our residents and Ward Councillors indicates that whatever sticker is used they are more often than not ignored by the fundraiser/commercial participator. There should be a greater onus placed on them to comply with the wishes of residents. The point has also been made that displaying these stickers makes some residents feel more vulnerable because they can attract attention to the fact that a vulnerable person might be living at that address.**

**i) “Reasonable efforts in monitoring compliance”**

**G1.** Does the addition of the proposed guidance provide sufficient clarity on the meaning of “reasonable efforts” to ensure the ongoing compliance of third parties?

Yes / No

If no, please explain why giving your reasons with any supporting evidence

**ii) “Fundraising agreements”**

**G2.** Do you agree that further detail suggested needs to be included in the Code in order adequately to reflect the requirements of the Charities Act 2016 in respect of third party contracts?

Yes /no

If yes, does the additional detail proposed provide sufficient clarity on what is required of charities and third parties?

Yes /no

If no, please comment on how the wording could be made clearer.

We would like to hear your views on the following:

**H1.** How easy is the Code to understand? In

your answer, please consider:

a) the clarity of language used



- b) the layout / order of the Code
- c) how effective the Code is in highlighting existing legal requirements
- d) the accessibility of the Code for different audiences

**The Code is a very detailed and comprehensive document and would probably benefit from having an index and summary at the beginning of each section to encourage adherence to the requirements and best practice guidance.**

**H2.** In what areas, if any, do you feel the Code could generally be improved?

**We feel that updated statutory regulation is needed to properly restore confidence in fundraising. The Charity Commission, Trading Standards and other enforcement bodies should be better resourced to protect legitimate charities and the public and enforce where fundraising practices are not working**

**H3.** Are there any issues not covered either by the existing Code or this consultation that you think should be considered for inclusion in the Code or Guidance? (if yes, please explain why in your answer)

**Not at this time.**

**H4.** Are there any areas in the Code that you would like to see removed or amended which are not mentioned in this consultation and why? (if yes, please explain why in your answer)

**In section 3.2.1 we would like to see an amendment to promote consistency with Safeguarding best practice over the definition of a child so that the consent of a parent or guardian is required in respect of information disclosure pertaining to a child under the age of 16. The threshold of 16 years of age is also used in the Street Collections Regulations.**

### Hackney Carriage/Private Hire fees - with effect from 2 April 2017

<b>Vehicle applications</b>	
Hackney Carriage Vehicle Licence	£ 270.00
Private Hire Vehicle Licence	£ 241.00
<b>Temporary vehicle licence</b>	
Temporary Hackney Carriage/Private Hire Vehicle Licence for 14 days (extendable to 28 days) when the licence is for a replacement vehicle provided by a specialist company while accident damage repair is being carried out on a currently licensed Hackney Carriage or Private Hire Vehicle	£ 162.00
<b>Changes to licence</b>	
Change of vehicle type during the licensing period (i.e. transfer to replacement vehicle for balance of licence period – existing plate must be returned)	£ 108.00
Change of vehicle licence during the licensing period (eg. from Private Hire to Hackney Carriage)	£ 107.00
Change of drivers licence during the licensing period (e.g. from Private Hire to Hackney Carriage)	£ 44.00
<b>Drivers licence new applications - 3 year licence</b>	
Combined Hackney Carriage / Private Hire Drivers Licence	£ 443.00
Private Hire Drivers Licence	£ 443.00
<b>Drivers licence renewals – 3 year licence</b>	
Combined Hackney Carriage / Private Hire Drivers Licence	£ 396.00
Private Hire Drivers Licence	£ 396.00
<b>Private Hire Operator's Licence - 5 year Licence</b>	
1 vehicle	£ 524.00
2-5 vehicles	£ 545.00
6-20 vehicles	£ 626.00
21-40 vehicles	£ 733.00
41-60 vehicles	£ 841.00
61-80 vehicles	£ 948.00
81-100 vehicles	£ 1056.00
<b>Pre application and other charges</b>	
Failure to keep inspection appointment / comply with renewal procedures	£ 50.00
DVLA Disclosure fixed fee (£5) and processing charge (where applicable)	£ 15.00
Knowledge test, including re-takes.	£ 68.00
New drivers information pack	£ 25.00
Disclosure & Barring Service (DBS) fixed fee (£44) ) plus processing charges £11 Runnymede Borough Council and £9 Surrey County Council. (Runnymede Borough Councils processing charge of £11 will not be charged for those who register with the DBS update service)	£ 64.00

**Any change of vehicle during the licensing period will be charged at the appropriate vehicle licence rate.**

**Credit will not be given for any unexpired period of vehicle or drivers licences if the licence is surrendered.**

Runnymede Borough Council, Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH  
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**TABLE OF HACKNEY CARRIAGE FARES**

With effect from 3 June 2014

**Important note : The tariff in place at the time the hiring commences shall be the tariff for the whole of the hiring; taximeters are not to be calibrated to change rate mid-hire.**

<b>Rate 1</b>	<b><u>Daytime Rate</u></b> - hiring between 6 am & 10 pm (except where rates 2, 3, or 4 apply)
1 <sup>st</sup> mile set charge <b>£3.80</b> 2 <sup>nd</sup> mile <b>£2.70</b> pro rata <b>Then £2.20 per mile</b> (20p increments)	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 119m (130yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 146m (159yds) or part thereof.
<b>Waiting Time 20p</b>	For each period of <b>35.3</b> seconds or part thereof
<b>Rate 2</b>	<b><u>Sunday &amp; Late Evening</u></b> - hiring on Sundays or between 10 pm and midnight from Mondays to Saturdays inclusive (except where rates 3 or 4 apply)
1.25 x Rate 1  Set charge <b>min. £4.75</b> 2 <sup>nd</sup> mile <b>£3.37</b> pro rata <b>Then £2.75 per mile</b> (20p increments)	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 95m (103yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 117m (127yds) or part thereof.
<b>Waiting Time 20p</b>	For each period of <b>28.2</b> seconds or part thereof
<b>Rate 3</b>	<b><u>Night &amp; Holiday</u></b> - hiring between midnight and 6 am and Bank Holidays.
1.5 x Rate 1 Set charge <b>min. £5.70</b>  2 <sup>nd</sup> mile <b>£4.05</b> pro rata <b>Then £3.30 per mile</b> (20p increments)	Also between 6 pm and midnight on Christmas Eve and New Years Eve (except where rate 4 applies). If the distance exceeds 1609m but not 3217m, for each subsequent 79m (86yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 98m (107yds) or part thereof.
<b>Waiting Time 20p</b>	For each period of <b>23.5</b> seconds or part thereof
<b>Rate 4</b>	<b><u>Double Time Rate</u></b> – hiring on Christmas Day, Boxing Day & New Years Day (double rate 1) from:- Midnight on 24 Dec to midnight on 26 Dec and Midnight on 31 Dec to midnight on 1 <sup>st</sup> Jan.
2 x Rate 1 Set charge <b>min. £7.60</b> 2 <sup>nd</sup> mile <b>£5.40</b> pro rata <b>Then £4.40 per mile</b> (40p increments)	If the distance exceeds 1609m but not 3217m, for each subsequent 119m (130yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 146m (159yds) or part thereof.
<b>Waiting Time 40p</b>	For each period of <b>35.3</b> seconds or part thereof
<b>Supplementary Charges</b>	
30p	For each person in excess of two
30p	For each package, or article of luggage conveyed outside the passenger compartment.
30p	For each animal
Free of Charge	For each assistance dog (e.g. guide dogs & hearing dogs)
£50.00	Discretionary Soiling Charge

**Important :** If the journey takes the cab outside the Borough of Runnymede, the driver MUST still charge in accordance with the above scales unless he or she has agreed otherwise with the hirer before the journey has started.



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~~Street and House to House Charity Collections Policy 2017 –~~  
~~2020 Criteria~~  
~~and Guidance notes 2015~~

## Contents

1. Introduction
2. Policy Objectives
3. Permitted locations
4. Application Process
5. Supplementary guidance for House to House Clothing Collections
6. Grounds for refusal of a House to House Collections Licence
7. Appeals
8. Fee Structure
9. Enforcement
10. Busking/Street Entertainment
11. Appendices
12. List of Consultees

## 1. Introduction

1.1 ~~These criteria and guidance notes are~~ This policy is made in accordance with Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, the House to House Collections Act 1939, House to House Collections Regulations 1947, Section 251 and schedule 29 of the Local Government Act 1972, the Charitable Collections (Transitional Provisions) Order 1974, Charities Act 1992, 2006 (Commencement Nos. 1, 2, 3 and 4) ~~and~~ the Transitional Provisions and Savings Orders 2007 and 2008 and Charities Act 2011.

1.2 This policy will be reviewed every 3 years by Officers and/or to reflect significant changes in relevant legislation or other relevant policy and practice of the Council. Any significant amendments would be approved by the Regulatory Committee.

## 2. Policy Objectives

2.1 ~~The aim of the Criteria and Guidance notes Policy is~~ designed to ensure that each legitimate

- charitable collections are treated in a fair and consistent way to be well run and regulated
- each application is considered on its merits for people to have the opportunity to raise money for good causes
- the public is not exposed to an excessive number of appeals or any unauthorised activity
- ~~collecting individual or organisation has an equal opportunity to make public charitable collections~~
- ~~and that the public is not subject to excessive appeals for a particular charitable purpose.~~
- 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 line with a charitable purpose as defined by the Charities Act 2011~~06~~ See Appendix 'A'.

2.2 The Council will not issue permits to an individual ~~for private gain nor to an individual~~ or organisation whose aims do not appear to be charitable or of a closely allied nature or if the collection does not appear to comply with the definition of charitable purpose under the Charities Act 2011~~06~~. Applications to raise funds for the purpose of financing or sponsorship for personal expeditions are not usually permitted, even where a proportion of the funds raised ~~is are~~ donated to charity. However, each case will be treated on its merits.

## 3. Permitted Locations

3.1 ~~Public~~ Charitable Collections may take place in approved locations within Addlestone, Chertsey, Egham, Egham Hythe, Englefield Green, Foxhills, New Haw, Ottershaw, Thorpe, Virginia Water and Woodham.

3.2 ~~Collections, including a~~ Appeals for cash and/or direct debit pledges to a charity, cannot take place in any public place without a street collection permit or house to house collections licence. This includes collections which are part of a procession but does not include collections taken at a meeting in the open air.

3.3 Collections on private land require the prior permission of the relevant land owner. A public place can include private land where the public generally has unrestricted access such as a supermarket car park or similar.

3.4 Collections are not permitted on land owned by the Crown Estate (Englefield Green and Windsor Great Park), without its express authorisation and restrictions also apply to residential areas in Virginia Water as identified by the Wentworth Estate Roads Committee.

3.5 Applicants and collectors are required to comply where 'no cold calling', 'door step trading' or similar advisory notices are displayed at a residential address or commercial property.

~~The number of collections taking place by any one charity or organisation may be limited to avoid clashes. Normally only two collection days will be granted per annum to any one charity or organisation.~~

#### 4. Application Process

4.1 Applications should be submitted on the forms made by Runnymede Borough Council and received at least 4 weeks-28 days before the proposed collection, although there is discretion to waive this where appropriate, for emergency appeals or other special circumstances. Tacit approval does not apply. Application forms must be signed by the applicant, electronic signatures will not be accepted. A valid licence must be in place prior to any licensable activity.

4.2 Each application will be considered on its merits. However, the number and location of collections may be limited to avoid clashes and/or an excessive number of appeals.

4.3 Applications can be made at any time during the year and date(s) may be booked in advance. However a permit or licence will not be issued earlier than 6 months before the first collection date.

~~4.2 All applications are considered on their individual merits using guidance issued by the National Association of Licensing Enforcement Officers or other relevant body as appropriate.~~

~~4.3 There is no fee for making an application and no fee payable on being granted a street collection permit or house to house collection licence.~~

4.4 Applicants-Charities which who do not hold a Home Office-National Exemption Order issued by the Department for Culture Media and Sport (DCMS), or an organisation acting on their behalf, must apply for a House to House Collections licence for any type of house to house fundraising activity. This includes Direct Debit and Commercial Clothing Collections and also collections made in licensed or other business premises, where more than one such premises is included in the appeal.

4.5 Applicants must provide adequate information in order for their application to be considered properly. This includes additional information which might lawfully be requested by the Council to that given-requested on the application form.

4.6 The Council will comply with relevant Data Protection and Freedom of Information duties. ~~where~~ where it is lawful to do so, the Council will share and take into account information supplied by the applicant, or another enforcement body, and in accordance with the Data Protection Act 1998. ~~The Council may be~~ statutorily required by law to supply any information provided, to other bodies exercising functions of a public nature, for the prevention and detection of crime/fraud. The type of information that may be taken into account includes, submission of 'nil' returns, repeated cancellation of collections without good cause, holding an unauthorised

collection or otherwise breaking the Street or House to House Collections Regulations within the last 5 years.

- 4.7- The Council will not issue permits to an individual or organisation whose collectors are paid more than it considers to be 'reasonable expenses' or who do not comply with the provisions made under the Charities Act 2006, updating the requirements of the Charities Act 1992, with regard to remuneration and solicitation statements. In accordance with the model Street Collections Regulations there should be no payment made out of the proceeds of any collection to any collector or promoter of a collection.
- 4.8- All Collectors must wear ~~an the~~ appropriate badge authorising the collection; issued by Runnymede Borough Council (Street Collections), or obtain the official badge(s) from The Stationery Office (House to House Collections).
- 4.9- Within one month of the collection a 'schedule of return' must be submitted. This is an official declaration to the Council stating how much money (or equivalent value), has been ~~collected raised~~ and how much is going to be given to the charity.
- 4.10- The schedule of return should be countersigned as independent evidence that the amount raised is correct and has been paid over to the charity. This should be accompanied, where possible, with a paying in slip to the relevant bank for that charity, or other evidence of receipt by the charity-
- 4.11- Applicants are no longer required to pay for an advert stating the amount collected in the local newspapers; a letter to the Editor of the Surrey Advertiser (for example) thanking residents for their donations totalling £x is sufficient.

## 5. Supplementary guidance for House to House clothing collections,

5.1 where no National ~~E~~ exemption Order is held by the charity, supplementary guidance is set out below.

- a) to avoid too many collections of a similar nature taking place at the same time the Council will allow one licensed commercial clothing collection per month in any one calendar year anywhere in the borough.
- b) commercial clothing collections must avoid overlapping with nationally exempted house to house collections and dates will be allocated equitably at the discretion of the officer considering applications, although priority will be given to local charities
- c) a named contact within the benefiting charity will be required to submit a statement of due diligence and confirm awareness of legal requirements, and evidence that the collection will raise the maximum possible benefit to be applied for charitable purposes
- d) if the proportion of the proceeds allocated to the charitable purpose is clear, the Council must be satisfied that the amount given to the charitable purpose is adequate in relation to the proceeds received. The following formula may be applied: profits applied for charitable purpose = revenue generated (through sales of clothing) – total costs incurred through collections
- e) Commercial participators are required to communicate their name and company status on both sides of the charity appeal bag. If the bag features a charity's name, it must not be given greater prominence than the name of the company undertaking the collection



**6. Grounds for the refusal or revocation of a House to House Collections Licence**  
(derived from relevant sections of the House to House Collections Act 1939 and House to House Collections Regulations 1947 (as amended)).

- 6.1** A Licensing Authority may refuse to grant a House to House Collection licence, or, where such a licence has been granted, may revoke it, if it appears to the authority that:
- a) the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)
  - b) remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person
  - c) the grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection
  - d) the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the UK of certain offences relating to dishonesty, fraud or theft
  - e) the applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper or to secure compliance with the regulations including those set by the regulating bodies for such collections or to prevent the prescribed badges or certificates being obtained by unauthorised persons
  - f) the applicant has refused or neglected to furnish the authority with such information they may reasonably require for the purpose of informing themselves as to any of the matters relating to the application

**7. ~~Right of Appeal Street Collections~~Appeals**

**7.1** There is no formal right of appeal against any decision made by the Council to grant or refuse a Street Collections Permit. However, ~~in the interests of fairness~~ if an individual or organisation/~~charity~~ wishes to lodge a request for a decision to be reviewed then ~~an appeal~~ should be put in writing to the Corporate Head of Law and Governance.

**7.2** ~~An appeal against the grant of an application for a street collections permit may be heard by the Council's Regulatory Committee if appropriate and/or requested by the applicant using the Council's complaints procedure.~~

**Right of Appeal House to House collections**

**7.3** ~~In respect of the refusal or revocation of a House to House Collections Licence~~ There is a right of appeal to the Minister for Civil Society, ~~Department for Culture, Media and Sport, 4<sup>th</sup> Floor, 100 Parliament Street, London, SW1A 2BQ. Cabinet Office, 70 Whitehall, London, SW1A 2AS.~~ An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was received by the applicant, or the holder of a licence.

**8. Fee Structure**

**8.1** ~~There is no provision for the Council to charge a fee for making an application and no fee payable on being granted a street collection permit or house to house collection licence.~~

**9. Enforcement**

9.1 Any person who contravenes the Regulations for Street Collections, as attached at Appendix 'BA' to this policy is guilty of an offence, which on conviction, is punishable by a fine not exceeding Level One on the Standard Scale (currently £200).

9.2 Any person who contravenes the Regulations for House to House Collections, as attached at Appendix 'CB' to this policy, whether in their capacity as promoter or collector, is committing a criminal offence. Offences are punishable by penalties ranging from a maximum fine of £200 up to six months imprisonment and a fine of up to £1,000.

9.3 If anyone collecting on behalf of a charity does not give a police officer their name, address and signature when asked to, they could be fined up to £200.

9.4 Charities and third party fundraisers acting on their behalf are expected to also comply with the Fundraising Regulator Code of Fundraising Practice and guidance issued by other compliance related bodies such as the Charity Commission, Committee of Advertising Practice, Advertising Standards Authority and Trading Standards

## **10. Busking/Street Entertainment**

10.1 Individuals wishing to busk or provide street entertainment for a charitable purpose are asked to abide by Runnymede Borough Council's Busking and Street Entertainment Policy and Voluntary Code of Conduct, as set out at Appendix 'D' to this policy, in addition to applying for a street collection permit or house to house collection licence as appropriate. Any appropriate Licensing requirements must also be met.

Charitable Purpose for the public benefit as defined by the Charities Act 2011

1. The prevention or relief of poverty.
2. The advancement of:
  - education
  - religion
  - health or the saving of lives
  - citizenship or community development
  - the arts, culture, heritage or science
  - amateur sport,
  - human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
  - environmental protection or improvement
  - animal welfare
3. The relief of those in need by reason of youth, age, ill-health, disability, disadvantage, financial hardship or other disadvantage.
4. The promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services.
5. Other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

## STREET COLLECTION REGULATIONS

In pursuance of Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, section 251 and schedule 29 of the Local Government Act 1972, the Charitable Collections (Transitional Provisions) Order 1974 and the Charities Act 2006, Runnymede Borough Council has made the following regulations with respect to Street Collections for the benefit of charitable or other purposes.

1. In these Regulations, unless the context otherwise requires -
  - "collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;
  - "promoter" means a person who causes others to act as collectors;
  - "the licensing authority" means Runnymede Borough Council;
  - "permit" means a permit for collection;
  - "contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
  - "collecting box" means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Runnymede Borough unless a promoter shall have obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated in the permit and in the area specified in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such localities, streets or public places or such parts thereof as it thinks fit.
6.
  - (1) No person may assist or take part in any collection without the written authority of a promoter. The licensing authority may require a copy of such permission.
  - (2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable, or member of the public.
7. No collection shall be made in any part of the carriageway of any street which has a footway. Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8.
  - (1) No collection shall be made in a manner likely to inconvenience or annoy any person.
  - (2) The licensing authority may limit the frequency of collections by an organisation within its area if it considers that the number of collections proposed by that organisation is likely to inconvenience or annoy any person.
  - (3) The licensing authority may prevent two or more organisations collecting in the same locality and on the same day if it considers that it is likely to inconvenience or annoy any person.

Provided that the licensing authority may, if it thinks fit, allow two or more organisations to collect in the same location and on the same day if such collections have been authorised to be held in connection with a procession or similar event.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting -
  - (a) a collector shall remain stationary; and
  - (b) a collector or two collectors together shall not be nearer to another collector than 25 metres

- (c) a collector shall not obstruct the flow of pedestrian or other traffic by display or distribution of information about their charity or organisation.

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that the licensing authority may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.
12. (1) Every collector shall carry a collecting box, and shall wear an official badge of authorisation, where such a badge has been issued by the licensing authority.
- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- (3) All money received by a collector from contributors shall immediately be placed in a collecting box.
- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to the promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit, nor any collecting box which is not duly numbered.
14. (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
- (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector
- (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority -
- (a) a statement in the form set out in the schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such a collection and certified by that person and either a qualified accountant or an independent responsible person acceptable to the licensing authority;
- (b) a list of the collectors;
- (c) a list of the amounts contained in each collecting box;

and shall if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall also, within the same period, at the expense of the person and after the certificate under paragraph (1) (a) above has been given, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of expenses and payments incurred in connection with such collection. Provided that the licensing authority may if it thinks fit, waive the requirements of the sub-paragraph in respect of a collection in which the total amount collected does not exceed £150.
- (3) The licensing authority may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purpose of this Regulation "a qualified accountant" means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;  
The Institute of Chartered Accountants of Scotland;  
The Association of Certified Accountants;  
The Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply -
- (a) in respect of a collection taken at a meeting in the open air; or
  - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
18. If a collection is held by an organisation and the regulations contravened, the licensing authority may if it thinks fit, revoke any permits already granted for future collections by that organisation and refuse permission for future collections to be held within their area by that organisation or the individuals concerned.

~~These Regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Minister for Civil Society and all other Street Collection Regulations having effect in the Borough of Runnymede are hereby repealed with effect from the date on which these Regulations came into force.~~

~~GIVEN under the Common Seal of the~~

~~Runnymede Borough Council~~

~~this \_\_\_\_\_ day of~~

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~~CORPORATE HEAD OF LAW AND GOVERNANCE~~

~~The Minister for Civil Society this day confirmed the foregoing Regulations and directed that the same should be published by the insertion of an announcement in two successive issues of two newspapers circulating in the Runnymede Borough stating that such Regulations have been made and confirmed and that copies can be obtained on application to Runnymede Borough Council, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH.~~

~~Minister for Civil Society  
The Cabinet Office  
70 Whitehall  
London  
SW1A 2AS~~

# HOUSE TO HOUSE COLLECTIONS ACT 1939

## House to House Collections Regulations 1947 (as amended)

The above Act and the Regulations made there under contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE PURPOSES, and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.

1. Except in the cases specified in Paragraphs 3 and 4:-  
*No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.*
2. Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.  
  
There is a right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.
3. Where the Secretary of State is satisfied that a *person pursues a charitable purpose throughout the whole, or a substantial part, of England and Wales, and is desirous of promoting collections for that purpose*, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
4. *If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period*, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a *Certificate* in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see Paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions –
  - a) Every promoter of a collection must exercise all due diligence to secure that persons authorised to act as collectors are fit and proper persons; and to secure compliance by collectors with the Regulations.
  - b) *No promoter of a collection shall permit any person to act as a collector unless he has issued to that person –*
    - i) *a prescribed Certificate of Authority;* (ii) *a prescribed Badge;* and (iii) if money is to be collected, a *Collecting Box* marked, or a *Receipt Book* (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
  - c) In the case of a collection in respect of which a Licence has been granted, *every prescribed Certificate of Authority shall be given on a form obtained from The Stationery Office, and every prescribed Badge shall be so obtained.*
  - d) No person *under the age of 16 years*, shall act or be authorised to act as a collector of money.
  - e) No collector shall importune any person to the annoyance of such person or remain in, or at the door of, any house if requested to leave by any occupant thereof.
  - f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

### DEFINITIONS

6. '*Charitable Purpose*' means any charitable, benevolent, or philanthropic purpose.  
  
'*Collection*' means an appeal to the public, made by means of visits from house to house to give, *whether for consideration or not, money or other property;* and '*Collector*' means a person who makes the appeal in the course of such visits.  
  
'*Collection costs*' includes cost of purchasing bags/leaflets, distribution costs, vehicle costs including fuel, hire, insurance and other costs, collection staff and other associated staff salaries, warehouse/storage costs and any other tangible cost that can be attributed to the door to door collection.  
  
'*House*' includes a place of business.

'Proceeds' means, in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal.

'Promoter' means a person who causes others to act as collectors for the purposes of the collection.

[Appendix 'D'](#)

### **Busking and Street Entertainment Guidance and Voluntary Code of Conduct 2013**

Runnymede Borough Council welcomes activities that enhance the street scene and provide good quality entertainment to the public. Under the provisions of the Live Music Act busking and carol singing is now exempt from licensing requirements, as it is usually incidental to other activities such as shopping or in the case of carol singing undertaking a charitable collection. The Live Music Act took effect from 1 October 2012. The Act removed the licensing requirements for live music in the following circumstances:

1. Where amplified live music is provided between 08:00 and 23:00 hours for audiences of no more than 200 people, in premises authorised under the Licensing Act 2003 to sell alcohol for consumption on the premises;
2. Where amplified live music is provided between 08:00 and 23:00 hours for audiences of no more than 200 people, in workplaces\* which are not licensed under the Licensing Act 2003 (or which are licensed only for the provision of late night refreshment);
3. Where unamplified music is provided between 08:00 and 23:00 hours in any venue; and
4. Where Morris Dancing is taking place the exemption has been extended so that all accompanying music, whether live, recorded, amplified or unamplified is exempt from licensing requirements.

\* a workplace includes the street, pub beer garden (if not included in a premises licence) and other outside non-domestic areas where people work.

To avoid complaints the Council asks buskers to abide by a Code of Conduct which is set out below. If busking or street entertainment is being conducted for a charitable purpose a street collection permit and/or house to house collections licence may also be required. Organisers are advised to contact the Council's Committee Section at least 28 days in advance of the event so that the necessary licences can be applied for and issued.

When choosing a suitable location there must be due regard for the need to avoid causing any obstruction or annoyance to residents, retailers, local businesses and the general public, in consultation with Surrey Police and Surrey Highway Authority. Buskers are advised to contact local businesses near to the proposed 'pitch' to check they are content for busking near their premises.

Large events such as Addlestone Town Festival, Magna Carta Day and Black Cherry Fair, theatrical performances and similar will usually fall under the requirements of the Licensing Act 2003 as 'regulated entertainment' and organisers are advised to contact the Council's Licensing Section at least 28 days before the event so that a risk assessment can be undertaken and other necessary provisions made to facilitate their event such as giving a Temporary Event Notice if required.

### **Code of Conduct for Buskers and Street Entertainers**

1. Performances must not cause an obstruction to the highway (footpath), entrances/exits to shops and other premises or shop window displays occurs by entertainers or those gathering to watch. Performers must act safely at all times and not endanger themselves or others.
2. Performances in town centres are permitted between the hours of 08:00 and 23:00 hours. All de-regulated live music performances must cease at 11pm.
3. The use of amplifiers and loudspeakers is not advised so as to avoid causing a noise nuisance. Mains or generated power amplifiers are likely to present particular problems and should not be used. If music and or voices can be plainly heard at a distance of 50 metres it is too loud.
5. Performers must not dress or act in way that is likely to offend others or amounts to anti-social behaviour – likely to cause harassment, alarm or distress to members of the public or local traders. This includes performing whilst under the influence of alcohol, solvents or drugs.



6. The sale of CDs or other items is prohibited in accordance with relevant Street Trading legislation. Buskers must not cause an obstruction under the Highways Act 1980, nor cause a noise nuisance under the Environmental Protection Act 1990 (as amended by the Noise and Statutory Nuisance Act 1993). All litter/waste arising from the event must be removed from site. Any breach of these Acts and or associated legislation and regulations including the Live Music Act where appropriate, may result in the busker or street entertainer being 'moved on' and subject to appropriate enforcement action by the relevant authority.

## 12. List of Consultees

All charities and third party fundraisers granted a licence from 2012 – 2017  
Charity Commission  
Neighbourhood Watch bodies in Runnymede  
Local Residents' Associations  
Fundraising Regulator  
Other Licensing Authorities in Surrey and members of the Charity Collections Forum for Surrey and neighbouring districts  
All Runnymede Councillors  
Trading Standards and Consumer Protection  
Surrey Police – Neighbourhood Inspector Runnymede  
RBC Community Safety  
RBC Environmental Health  
RBC Legal Services  
Egham and Chertsey Chambers of Commerce  
Runnymede and Spelthorne CAB

## EQUALITY SCREENING

Equality impact assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Charity Collections Policy 2017 - 2020	Clare Pinnock

**A. What is the aim of this policy, function or activity?** Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

The policy is designed to

- facilitate legitimate fundraising by charities and third parties acting on their behalf
- protect residents from an excessive number of appeals and/or inappropriate fundraising techniques
- provide clear guidance to applicants and the public on how charity collections are considered, licensed and enforced

The policy will be reviewed by Officers every 3 years and will be subject to a public consultation exercise of 12 weeks to ensure it works as intended. If equalities related issues are raised these will be considered and reported to the Committee.

**B. Is this policy/function/activity relevant to equality?** Consider the following protected characteristics: race, disability, gender, gender reassignment, pregnancy/maternity, religion/belief, sexual orientation, marriage/civil partnership and age. Does the policy relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential for adverse impacts or unlawful discrimination.

The policy is aimed to promote legitimate charitable collections whose charitable purposes are for the public benefit and in accordance with the definition of 'charitable purpose' as set out in the Charities Act 2011 (below):

1. The prevention or relief of poverty.
2. The advancement of:
  - education
  - religion
  - health or the saving of lives
  - citizenship or community development
  - the arts, culture, heritage or science
  - amateur sport,
  - human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
  - environmental protection or improvement

- animal welfare

3. The relief of those in need by reason of youth, age, ill-health, disability, disadvantage, financial hardship or other disadvantage.
4. The promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services.
5. Other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

Charitable appeals may cover persons with any of the protected characteristics and thus promote those characteristics by licensing collections from which they will benefit. For example, a local Sixth Form College would be relevant to 'age', as would a collection by Age UK. A collection by Christian Aid would be relevant to religious belief. However, the primary test is whether a charity meets the definition of charitable purpose rather than whether it promotes a particular protected characteristic. That said, Equality and Diversity is a specific charitable purpose so it could be argued that our Charity Collections Policy is by design aligned to the promotion of protected characteristics.

The policy does not provide for licensing appeals for 'private gain'. This could for example, exclude someone trying to raise money for an individual to pay for an operation. Therefore, someone with a protected characteristic might be affected. However, the Charities Act 2011 requires an appeal to be for public benefit so this authority does not have the power to act outside of the Act. Each application would be treated on its merits so that individual circumstances could be taken into account.

Applications are taken on a first come first served basis and priority is given to local collections and those long established national collections such as the Royal British Legion, Marie Curie Cancer Care, Royal Air Forces Association.

Applicants who are not holders of a National Exemption Order are required to avoid clashing with those who do have an Exemption Order. This may be beneficial to those charities whose purpose is relevant to someone with a protected characteristic but equally not beneficial to a charity without an Exemption Order with the same charitable purpose.

The policy seeks to protect vulnerable residents from being subject to excessive appeals. They might also have one or more of the protected characteristics and will therefore benefit from its provisions.

The Policy requires charities to comply with the Fundraising Regulator Code of Fundraising Practice. This contains several measures to protect the vulnerable. For example, adherence to the Fundraising Regulator Guidance about no cold calling, solicitation statements and not pressurising people (particularly those deemed as vulnerable), to donate when it is clear that they do not wish to engage with a fund raiser.

In accordance with the Street Collections Regulations, Street Collections are not allowed to take place by unaccompanied children (under 16 years old) which is relevant to 'age'. However, no-one is barred from promoting or taking part in a charitable collection because of any of the other protected characteristics.

If the policy, function or activity is considered to be relevant to equality then a full equality impact assessment must be carried out and [C] below need not be completed.

**C. If it is not considered to be relevant to equality, what are the reasons for this conclusion?**

What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

The policy is relevant to equalities and may have an impact on people with protected characteristics. However, the effect is considered to be positive, therefore a full impact assessment is not thought to be necessary at this time. This assertion is based on the Charitable Purposes set out on the Charities Act 2011 which specifically refer to the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity.

A breakdown of Street and House to House Collections Licences issued in the last 3 years is given below. It can be demonstrated that it is very likely that people with protected characteristics would benefit. It should also be borne in mind that many charities have a National Exemption Order so do not need to be licensed. For example, Age UK, NSPCC, Asthma UK, Barnardo's, etc. so these collections will also benefit people with protected characteristics – mostly age, sex and disability.

**2014/15**

Transmission UK, Englefield Green Village Residents' Association, Battersea Dogs and Cats Home, Against Breast Cancer, Marie Curie, GOSH, Bangalore (Salesian School), Wimbledon Greyhound Welfare, Breast Cancer Campaign, Camps International, Worldwide Cancer Research, RNLI, Christian Aid, Guide Dogs for the Blind, Greater London Fund for the Blind, RAFA, Royal British Legion

**2015/16**

Action on Hearing Loss, National Deaf Children's Society, Action for Blind People, Christian Aid, Help One Child, Guide Dogs for the Blind, Greater London fund for the Blind, Leukaemia Care, Walking with the Wounded, RAFA, Royal British Legion, Dig Deep Africa, Eating Stones Project

**2016/17**

RAFA, Royal British Legion, Veteran's Charity, Future Sense, Egham Band, Rotary Club of Chertsey, Egham Rotary Club, Cancer Research UK, Marie Curie, GOSH, Salesian School, RNLI, Troop Aid, Blind Veteran's UK, Salvation Army, Woking and Sam Beare Hospice

No street collections permits have been refused to charities representing those with protected characteristics. Any House to House Collections Licences that have been refused have been for a reason as permitted under the House to House Collections Regulations 1947, not for any reasons pertaining to a protected characteristic.

This screening assessment must be referred to the Equality Group for challenge before sign-off.

Date completed: 07/06/17

Sign-off by senior manager:

