

# Regulatory Committee

Tuesday 14 November 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).
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
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Filming should be limited to the formal meeting area and not extend to those in the public seating area.

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 26 September 2017, which were circulated to all Members by email in October 2017.

**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 reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

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. FEES AND CHARGES 2018/19 (RESOURCES)**

**Synopsis of report:**

**To recommend the proposed fees and charges under this Committee's remit for next financial year (2018/19).**

**Recommendation(s):**

- i) the proposed fees and charges, as set out in Appendix 'A', be approved to be effective from the dates within the appendix or as soon as practical thereafter; and**
- ii) a report be submitted to the meeting of this Committee in June 2018 reviewing the fee structure and if appropriate making recommendations for adjustments for the proposed fees and charges in 2019/20**

## 1. Context of report

1.1 The current fees and charges were agreed twelve months ago at the meeting of this Committee in November 2016.

## 2. Report

- 2.1 The Council's Constitution grants delegated authority to Officers to alter fees, charges and prices without reference to Committee in order to respond to market conditions, new needs, changes in tax rates, and so on. Nonetheless, the annual review of charges still remains an important part of the overall budget setting process and the policy framework for service provision in general.
- 2.2 This report reviews current levels of fees and charges, with a view to helping to balance next year's budget and is a key strand of the Council's Medium Term Financial Strategy of net revenue reductions.
- 2.3 The proposed fees and charges are set out at Appendix 'A' along with the dates that they will take effect.
- 2.4 Taxi Licensing Fees: - Sections 53 (2) and 70 (1) of the Local Government Miscellaneous Provisions Act 1976 (the Act) authorise the charging of fees in respect of Hackney Carriage and Private Hire Licences for drivers, vehicles and operators.
- 2.5 The 'Act' allows councils to recover the costs of issue, administration and additionally, in the case of vehicles, compliance.
- 2.6 The case of R (Hemming and others) v Westminster City Council in 2013 (a case involving the setting of licensing fees) has demonstrated the need for a proper fee setting process to be in place.
- 2.7 The judgement made it clear that local authorities may become liable for costs if it is found that procedures for setting fees have not been correctly followed and if the fees are not reasonable and proportionate to the costs of the licensing procedures.
- 2.8 The current fee setting structure for taxi and private hire licensing in Runnymede was developed in 2014. This was constructed in such a way to allow a breakdown of the costs to be seen.
- 2.9 Officers propose to review the surplus/deficit on the Taxi Licensing account in June 2018, when actual costs for the current year (2017/18) are known. If appropriate, the Committee will be asked to make recommendations at that time for adjustments to the proposed fees and charges in 2019/20, taking into account the level of any surplus or deficit. The figures held to date show:

	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>
	Actual	Actual	Estimate	Estimate
	£	£	£	£
Net deficit/surplus	10,751	(1,912)	4,771	(2,586)

## 3. Resource implications

Individual fees and charges

Gambling Licences

- 3.1 All fees and charges are set by statute and have not changed since their introduction in 2005. This means that as inflation increases the cost base, the net cost of running the services increases. The estimated deficit for 2018/19 is £6,000 compared with a deficit of £6,658 for 2016/17.

### Taxi Licences

- 3.2 The Council sets charges to recover the estimated costs of providing all chargeable licensing functions. The calculation of these fees on a cost basis was last carried out in August this year. Other fees have been adjusted to reflect costs after taking changes in procedure and administration into account.
- 3.3 The taxi licensing fee setting structure is intended to allow for a standard accountable method of calculating fees, from year one (2015/2016 onwards).
- 3.4 The construction of all taxi licensing fees has been built around 3 main elements: - administration, application processing and compliance. Each element has been assessed in terms of officer and staff time through detailed analysis and discussion with staff involved in the licensing process.
- 3.5 The costs of each of these elements are calculated using an hourly rate (constructed from salary costs and non-salary costs) for a Licensing Admin Assistant, Licensing Officer, Senior Licensing Officer and the Environmental Health and Licensing Manager. Each element is split down into a series of activities against which a time allocation is given and the appropriate proportion of the hourly rate is then applied and totalled to give an overall cost for each element.
- 3.6 In the case of administration and compliance this total cost is then split across the number of applications received (administration) and the number of vehicles licences issued (compliance).
- 3.7 Base costs are key to the method of calculation of the fees. They contain the officer on-costs and application/licence figures used for the calculations within the spreadsheet. It also contains the costs of consumables such as equipment, taxi plates and includes the cost rental for railway station ranks. The base costs are used in calculations for the 3 main elements as follows:-
- 3.7.1 Administration – this element is the time and costs allocated year on year to the maintenance of the taxi licensing regime, rather than those activities specific to the processing of an application. The costs included within this element include for example, time spent compiling reports.
- 3.7.2 Within the administration element there is provision to include Regulatory Committee costs for any hearings. In the last year we have worked towards reducing the number of hearings through the use of delegated powers. To date, there has been one such hearing in 2017/18.
- 3.7.3 Application processing – this element of the fee calculation is the time taken to process an application. From initial enquiry to the issue of the licence and is included every time an application is submitted. Each type of application has its own application processing calculation.
- 3.7.4 Compliance – this element comprises the activities allocated to dealing with complaints, proactive monitoring (including inspections) and joint operations with partner agencies. No charge is included in respect of enforcement action against unauthorised activities as the Council would seek recovery of costs through the courts.

- 3.8 Other services provided by taxi licensing allow recovery of costs, a charge has been made for these services as follows:
- 3.8.1 Knowledge test – before 2015 no charge was made for the first test and only re tests were charged. Within the fee structure we now calculate the cost of knowledge tests and make a charge for the first test.
  - 3.8.2 Disclosure and Barring Service and DVLA mandate – previously only the recharge from these agencies was payable by drivers. The DVLA mandate has been replaced in practice by an online facility to view driving licence records which now provide the same detail but with a minimal cost to the Council which is included within the driver licensing fee. DBS checks are now applied for using an online process. A charge is made for the processing of this check.
  - 3.8.3 To encourage the take up of the DBS online service the processing charge has not been applied to those who registered for the online service. This offer was initiated in April 2015. By April 2018 all drivers who were licenced as of 1 April 2015, will have had the opportunity to take advantage of this offer (50% take up) and having made this offer to drivers for the past three years the Council must now look to recharge this cost from 1 April 2018.
  - 3.8.4 Drivers information pack – previously a refundable charge was made which only covered basic costs. Within the fee structure the costs of the pack are now recovered, a charge is also made for officer time.
- 3.9 The estimated surplus for Taxi Licensing for 2018/19 is £3,000.

#### Other Licences

- 3.10 Members will be aware that in 2015 following on from the Hemmings case, a new fee setting regime was introduced by the Council's licensing department based on a detailed breakdown analysis of the actual costs incurred in administrating the taxi licensing process. The same fee setting regime has since been applied to scrap metal dealers' licences and other licences issued by Environmental Health which are considered by other Committees.

#### **4. Legal implications**

- 4.1 Where the status of a charge is marked as 'statutory' the Council is required under the law to levy a fee. Where the status is given as 'discretionary' the Council may amend the fee charged or choose to make no charge for the service.
- 4.2 All of the regimes (excluding Gambling) are covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged in relating to authorisations must be proportionate to the effective cost of the process. The proposed fees must recover the council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds. The fees as proposed should enable the Council to recover its reasonable costs.
- 4.3 If the proposed fee structure results in a surplus or loss for the financial year there should be an appropriate reduction or increase in fees as the case may be for the following financial year.

#### Taxi and Hackney Carriage Licensing Fees

- 4.4 Section 70 (3) (a) of the Act provides that any increase in fees for the grant of a vehicle licence for a private hire vehicle, hackney carriage or operator's licence must

be advertised in at least one local newspaper circulating in the district setting out the fee variation proposed and provide a period of not less than 28 days from the date of publication of the notice for objections to be made and the manner in which they are to be made. Section 70 (3) (b) provides that a copy of the notice shall also be made available for inspection at Council Offices for the same period from the date of publication of the newspaper advertisement.

- 4.5 Under the provisions of Section 70 (3) (6) of the Act, on considering objections received following a publication regarding a variation in fees, the Committee may remit in whole or part any fee chargeable in respect of that variation.
- 4.6 The following fees have been set by the Council using the relevant statutory powers within the statutes governing those licensing regimes:

**Animal License Fees:**

Animal Boarding - Animal Boarding Establishments Act 1963

Pet Shops - Pet Animals Act 1951

Dangerous Wild Animals - Dangerous Wild Animals Act 1976

Dog Breeding Establishments - Breeding of Dogs Act 1973

Riding Establishments - Riding Establishments Act 1964

**Registration Fees:**

Ear piercing, electrolysis, tattooing and acupuncture - Local Government (Miscellaneous Provisions) Act 1982

Sex Establishments - Local Government (Miscellaneous Provisions) Act 1982

**Other Licenses and Permits:**

Scrap Metal Dealers - Scrap Metal Dealers Act 2013

**5. Equality implications**

- 5.1 Where any major changes to the structure of any charging regime are proposed, an Equality Impact Assessment will have been completed by the relevant Budget Manager.
- 5.2 It is considered that there are no equality issues arising from the proposals contained in this report.

**(To resolve)**

**Background papers**

None.

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

**Synopsis of report:**

**To seek approval of the Council's updated policy on charity collections following a public consultation exercise and to recommend its approval and adoption by full Council in December 2017 including re-adoption of the model Street Collections regulations which are included in the policy.**

**Recommendation(s):**

- i) that the draft Charity Collections Policy 2017 – 2020, as attached at Appendix 'B', be approved and recommended to full Council for adoption on 7 December 2017; and**



**ii) the Council re-adopts the model Street Collections Regulations, as set out at Appendix 'B' of the policy**

**1. Context of report**

1.1 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 policy is attached at Appendix 'B'.

2.2 A summary of the changes and additions to the policy were set out in the previous report to this Committee in June 2017.

2.3 The over-arching principle is to promote legitimate collections and safeguard the public from excessive or inappropriate appeals.

2.4 Officers have taken into account the guidance issued primarily by the Fundraising Regulator, Charity Commission and the National Association of Licensing and Enforcement Officers in formulating the policy.

Consultation Feedback

2.5 In addition to enquiring what category of the charity world a respondee was representing (Charity, resident, charity regulator etc.) we asked questions in the Consultation relating to the main sections of the policy as set out below:-

- Policy Objectives
- Permitted Locations
- Application Process
- Supplementary guidance for House to House Clothing Collections
- Informal right of Appeal and Appeals Process
- Busking and Street Entertainment Code of Conduct
- General Comments

2.6 Unfortunately, despite publicising the consultation widely, including by email and/or letter to all the charities who had applied for licences and or permits in the last 7 years (a full list of consultees is included at the back of the policy), we only had 4 responses to the consultation which was on line for the full 12 weeks of the consultation. This included one charity which responded by email rather than completing the survey. They raised no objections to the proposed policy.

2.7 The 3 on-line respondees agreed with all but two of the questions asked in the consultation. One disagreed that there should be an informal right of appeal if we refused an application for a street collection.

2.8 The same respondee felt that with regard to permitted locations, para 3.2 of the policy 'might need a bit more clarity.' We believe that the respondee may be referring to the sentence about meetings taking place in the open air. This is derived from the model street collections regulations of 1976 which we cannot delete. However, we have looked at this and propose to include an example to assist applicants as set out below:-

- 2.8.1 Collections, including 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. For example an open air religious ceremony or a local fair or show.
- 2.9 This would clarify the position with regard to the Chertsey Show, Egham Royal Show and Virginia Water Carnival Capers where we expect a charity to gain the permission of those event organisers before collecting money.
- 2.10 The only other 'disagree' on the survey (again, the same respondee) was that the Code of Practice for busking and street entertainment (on page 16 of the policy) should be combined with the guidance on page 15 of the policy. We are content for them to remain separate as suggested.
- 2.11 No-one chose to make any general comments on the policy in the free text boxes.
- 2.12 A summary of the main sections of the policy follows:-

#### Application Process

- 2.13 We will continue to consider each application as it is received 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.
- 2.14 We will place greater scrutiny on people applying for the first time or who have been unable to satisfy our requirements previously.
- 2.15 Protection of the public is a priority. Therefore, we do not simply process applications. Within the confines of the Data Protection Act, 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.
- 2.16 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 in house produced badges which collectors must 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.
- 2.17 There is a pre-disposition to grant an application if we can. However, tacit approval does not apply. 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.
- 2.18 After a collection has taken place the fundraiser is required to let us know how much money they have raised or equivalent value and if any deductions have been made for expenses. This information is published on our website and provides us with a useful audit trail from application to completion.

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

- 2.19 During the course of the consultation, the Fundraising Regulator consulted on and has now issued parts of their update Code of Fundraising Practice, the most recent relating to House to House Collections and more particularly Commercial clothing collections and the fundraising preference service which has now been launched.

- 2.20 Companies and Charities have been instructed not to apply to local authorities for large blocks of collection dates which would prejudice other collections from taking place. This is often what they currently do, asking for a licence to cover a whole year so that they can come and go when they please, which is not helpful. Instead they must give definite dates of when they want to collect which is welcomed.
- 2.21 Our policy complements the Code of Fundraising Practice and we can be flexible should an application merit an extended period. For example, in relation to an emergency appeal following a natural disaster.

#### Appeals

- 2.22 There is no formal right of appeal if we refuse or revoke an application for a Street Collection. An applicant may appeal to the Corporate Head of Law and Governance if they are refused a street collections permit. Applicants have the option of the statutory route of appeal to the Secretary of State for House to House Collections.

#### Fee Structure

- 2.23 Under current legislation there is no provision for charging to process an application for either a House to House Collections Licence or Street Collection permit.

#### Enforcement

- 2.24 We propose adding paragraph 4.12 which states 'In addition to any legislative requirements, applicants must comply with relevant Codes of Practice issued by, for example, the Fundraising Regulator and the Charity Commission. We have also changed 'are expected to' to 'must comply' in paragraph 9.4.

#### Busking/Street Entertainment

- 2.25 There is no requirement to licence busking and/or street entertainment provided it is conducted in line with the Live Music Act 2012, 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 charity collections.

### **4. Resource implications**

- 4.1 All costs are met within existing resources. With no provision to charge for any part of the service it is more cost effective and efficient to keep the administration and paperwork (licences and associated materials) in house, produced as and when needed.
- 4.2 Advice on legal, equalities and financial matters that arise is sought from relevant Officers from time to time.
- 4.3 Legal Officers have confirmed that if approval is given to readopt the street collections regulations, there is no need to re-publish them in a local newspaper, which is a further cost saving of approximately £300.

## 5. **Legal implications**

- 5.1 The Charity Collections policy has to include provisions that do not contradict relevant legislation.
- 5.2 In the model regulations, it is proposed to remove Regulation 16 (2) which requires the promoter of the collection to publish the amount raised in a local newspaper. This is a costly requirement and in practice we have not required this for a number of years. Instead, it is proposed to state that details of the return for the collection stating the amount collected and any deductions made, as declared by the promoter, will be published on the Council's website. We already publish a charity diary which can be found in the 'other licences' section of the website.
- 5.3 Article 5 (4) 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. However, for the sake of completeness, the Committee is asked to recommend that the Council re-adopts the model street collection regulations, as amended.

## 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 We have considered the policy's potential impact on anyone with a protected characteristic and an Equality Impact Assessment Screening was undertaken prior to consultation. One new issue regarding awareness of safeguarding considerations arose. It is reasonable to ask applicants to pay particular attention to safeguarding and the requirements placed upon them. The EIA screening and section 9.4 of the policy have been amended accordingly. The updated EIA screening is attached at Appendix 'C'.
- 6.3 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 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 approval of the draft Charity Collections Policy 2017 – 2020 is sought, prior to adoption by the Full Council in December.
- 7.3 The policy will be formally reviewed in 2020 but we would assess how the policy is operating 18 months after adoption and bring a report back to this Committee in June 2019.

**(To recommend)**

**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  
Survey Monkey and other Consultation responses  
Live Music Act 2012

**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 14 November 2017

## Appendices

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## Fees and charges

## Gambling licences

	Charge Status	From April 2016 £	From April 2017 £	From April 2018 £	% Increase	Yield £	VAT treatment
<b>Gambling Act 2005 licences and permits</b>							
Registration of a society to promote a lottery							
- Initial application fee	Statutory	40.00	40.00	40.00	0.00%		Outside Scope
- Annual	Statutory	20.00	20.00	20.00	0.00%		Outside Scope
<b>Gaming machine permits</b>							
Clubs with 3 or more machines	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
Annual fee							
<b>Licensed premises gaming machine permit</b>							
Conversion of existing permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
New Permit	Statutory	150.00	150.00	150.00	0.00%		Outside Scope
First annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope
Annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope
Fee to vary permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
Fee for transfer	Statutory	25.00	25.00	25.00	0.00%		Outside Scope
Fee for copy of permit	Statutory	15.00	15.00	15.00	0.00%		Outside Scope
<b>Club gaming permit</b>							
Conversion of existing permit	Statutory	100.00	100.00	100.00	0.00%	2,500	Outside Scope
New Permit	Statutory	200.00	200.00	200.00	0.00%		Outside Scope
New (fast-track) clubs only	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
First annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope
Annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope
Fee to vary permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
Fee to renew	Statutory	200.00	200.00	200.00	0.00%		Outside Scope
Fee for copy of permit	Statutory	15.00	15.00	15.00	0.00%		Outside Scope
<b>Club machine permit</b>							
Conversion of existing permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
New Permit	Statutory	200.00	200.00	200.00	0.00%		Outside Scope
New (fast-track) clubs only	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
First annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope
Annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope
Fee to vary permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
Fee to renew	Statutory	200.00	200.00	200.00	0.00%		Outside Scope
Fee for copy of permit	Statutory	15.00	15.00	15.00	0.00%		Outside Scope

# Fees and charges

## Gambling licences

	Charge Status	From April 2016 £	From April 2017 £	From April 2018 £	% Increase	Yield £	VAT treatment
<u>Gaming machine permits</u>							
Prize gaming permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
Conversion of existing permit	Statutory	300.00	300.00	300.00	0.00%		Outside Scope
New Permit	Statutory	300.00	300.00	300.00	0.00%		Outside Scope
Fee to renew	Statutory	25.00	25.00	25.00	0.00%		Outside Scope
Fee to change name	Statutory	15.00	15.00	15.00	0.00%		Outside Scope
Fee for copy of permit	Statutory						Outside Scope
<u>Unlicensed family entertainment centre permit</u>							
Conversion of existing permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope
New Permit	Statutory	300.00	300.00	300.00	0.00%		Outside Scope
Fee to renew	Statutory	300.00	300.00	300.00	0.00%		Outside Scope
Fee to change name	Statutory	25.00	25.00	25.00	0.00%		Outside Scope
Fee for copy of permit	Statutory	15.00	15.00	15.00	0.00%		Outside Scope
<u>Regional Casino premises licence</u>							
Initial fee	Statutory	15,000.00	15,000.00	15,000.00	0.00%		Outside Scope
Annual fee	Statutory	15,000.00	15,000.00	15,000.00	0.00%		Outside Scope
<u>Large Casino premises licence</u>							
Initial fee	Statutory	10,000.00	10,000.00	10,000.00	0.00%		Outside Scope
Annual fee	Statutory	10,000.00	10,000.00	10,000.00	0.00%		Outside Scope
<u>Small Casino premises licence</u>							
Initial fee	Statutory	8,000.00	8,000.00	8,000.00	0.00%		Outside Scope
Annual fee	Statutory	5,000.00	5,000.00	5,000.00	0.00%		Outside Scope
Converted Casino premises licence	Statutory	3,000.00	3,000.00	3,000.00	0.00%	0	Outside Scope
<u>Bingo premises licence</u>							
Initial fee	Statutory	3,500.00	3,500.00	3,500.00	0.00%		Outside Scope
Annual fee	Statutory	1,000.00	1,000.00	1,000.00	0.00%		Outside Scope
<u>Adult gaming centre premises licence</u>							
Initial fee	Statutory	2,000.00	2,000.00	2,000.00	0.00%		Outside Scope
Annual fee	Statutory	1,000.00	1,000.00	1,000.00	0.00%		Outside Scope
<u>Betting premises (track) licence</u>							
Initial fee	Statutory	2,500.00	2,500.00	2,500.00	0.00%		Outside Scope
Annual fee	Statutory	1,000.00	1,000.00	1,000.00	0.00%		Outside Scope
<u>Betting shop premises licences</u>							
Initial fee	Statutory	3,000.00	3,000.00	3,000.00	0.00%		Outside Scope
Annual fee	Statutory	600.00	600.00	600.00	0.00%		Outside Scope
Variation to a betting (other) premises licence	Statutory	1,200.00	1,200.00	1,200.00	0.00%	7,200	Outside Scope
<u>Family entertainment centre licences</u>							
Initial fee	Statutory	2,000.00	2,000.00	2,000.00	0.00%		Outside Scope
Annual fee	Statutory	750.00	750.00	750.00	0.00%	750	Outside Scope



# Fees and charges

## Taxi licences

	Charge Status	From April 2016 £	From April 2017 £	From April 2018 £	% Increase	Yield £	VAT treatment
<b>Taxi and Hackney Carriage licensing fees (outside scope of VAT)</b>							
<b>Vehicle applications</b>							
	Hackney Carriage licence	270.00	270.00	271.00	0.37%	59,800	Outside Scope
	Private hire vehicle licence	240.00	241.00	236.00	-2.07%		Outside Scope
	Temporary Hackney Carriage/private hire vehicles for period of 14 days extendable to 28 days when the licence is for a replacement vehicle provided by a specialist company while accident damage repair is carried out on a licensed Hackney Carriage or private hire vehicle	165.00	162.00	142.00	-12.35%		Outside Scope
<b>Changes to licence</b>							
	Change of vehicle during the licensing period (i.e. transfer to replacement vehicle for balance of licence period - existing plate must be returned)	110.00	108.00	98.00	-9.26%	2,600	Outside Scope
	Change of vehicle licence type during the licensing period (e.g. from Hackney Carriage to private hire)	105.00	107.00	103.00	-3.74%		Outside Scope
	Change of drivers licence during the licensing period (e.g. From private hire to Hackney Carriage drivers licence)	45.00	44.00	39.00	-11.36%		Outside Scope
<b>Drivers licence new applications</b>							
	Combined Hackney Carriage and private hire drivers licence - one year	205.00	240.00	242.00	0.83%	3,600	Outside Scope
	Combined Hackney Carriage and private hire drivers licence - three year	420.00	443.00	445.00	0.45%		Outside Scope
	Private hire drivers licence - one year	205.00	240.00	242.00	0.83%		Outside Scope
	Private hire drivers licence - three year	420.00	443.00	445.00	0.45%		Outside Scope
<b>Drivers licence renewals</b>							
	Combined Hackney Carriage and private hire drivers licence - one year	185.00	191.00	196.00	2.62%	26,000	Outside Scope
	Combined Hackney Carriage and private hire drivers licence - three year	385.00	396.00	406.00	2.53%		Outside Scope
	Private hire drivers licence - one year	185.00	191.00	196.00	2.62%		Outside Scope
	Private hire drivers licence - three year	385.00	396.00	406.00	2.53%		Outside Scope
<b>Private hire operators licence (valid for 1 year)</b>							
	1 vehicle owner/driver	150.00	172.00	176.00	2.33%	4,000	Outside Scope
	2 - 5 vehicles	170.00	193.00	198.00	2.59%		Outside Scope
	6 - 20 vehicles	225.00	274.00	281.00	2.55%		Outside Scope
	21 - 40 vehicles	305.00	381.00	392.00	2.89%		Outside Scope
	41 - 60 vehicles	385.00	489.00	504.00	3.07%		Outside Scope
	61 - 80 vehicles	465.00	596.00	615.00	3.19%		Outside Scope
	81 - 100 vehicles	540.00	703.00	726.00	3.27%		Outside Scope
	Private hire operators licence (valid for 5 years)						
<b>Private hire operators licence (valid for 5 years)</b>							
	1 vehicle owner/driver	520.00	524.00	525.00	0.19%	4,000	Outside Scope
	2 - 5 vehicles	535.00	545.00	547.00	0.37%		Outside Scope
	6 - 20 vehicles	595.00	626.00	630.00	0.64%		Outside Scope
	21 - 40 vehicles	675.00	733.00	741.00	1.09%		Outside Scope
	41 - 60 vehicles	750.00	841.00	853.00	1.43%		Outside Scope
	61 - 80 vehicles	830.00	948.00	964.00	1.69%		Outside Scope
	81 - 100 vehicles	910.00	1,056.00	1,075.00	1.80%		Outside Scope

## Fees and charges

### Taxi licences

Charge Status	From April 2016 £	From April 2017 £	From April 2018 £	% Increase	Yield £	VAT treatment
Discretionary	50.00	50.00	50.00	0.00%	8,000	Outside Scope
Discretionary	58.00	66.00	65.00	-4.41%		Outside Scope
Discretionary	25.00	25.00	25.00	0.00%		Outside Scope
Discretionary	55.00	64.00	71.50	11.72%		Outside Scope

**Pre application and other charges**

- Failure to keep appointment / comply with renewal procedures
- Knowledge test including re-takes
- New drivers information pack
- Disclosure & Barring Service (DBS) fixed fee (£44) plus processing charges £18.50 Rummymede Borough Council and £9 Surrey County Council.

Any change of vehicle during the licensing period will be charged at the appropriate vehicle licence rate. Credit will not be given for unexpired period of vehicles or drivers licences if the licence is surrendered.

# Fees and charges

## Other licences

Charge Status	From April 2016 £	From April 2017 £	From April 2018 £	% Increase	Yield £	VAT treatment
<b>Annual animal licence fees</b>						
Animal boarding establishments	255.00	260.00	265.00	1.92%		Outside Scope
Animal boarding (home boarding)	90.00	92.00	94.00	2.17%		Outside Scope
Dog breeders	179.00	183.00	187.00	2.19%		Outside Scope
Combined animal boarding and dog breeding	306.00	312.00	318.00	1.92%	3,200	Outside Scope
Riding establishments	275.00	281.00	287.00	2.14%		Outside Scope
Riding establishments (provisional)	204.00	208.00	212.00	1.92%		Outside Scope
Dangerous wild animals	474.00	483.00	493.00	2.07%		Outside Scope
Pet Shops	255.00	260.00	265.00	1.92%		Outside Scope
<b>Vet fees</b>						
if Veterinary inspections are necessary in order to grant above licences						
Recovery of costs incurred						
<b>Registration fees</b>						
Ear piercing, electrolysis, tattooing and acupuncture						
- Practitioners	200.00	204.00	204.00	0.00%		Outside Scope
- Premises	900.00	918.00	918.00	0.00%	400	Outside Scope
Sex establishments	900.00	918.00	918.00	0.00%		Outside Scope
Sex establishments						Outside Scope
Initial fee						
Annual fee						
<b>Mobile homes site licences</b>						
Application for new site licence (includes £50.00 for single unit site) plus an additional £6.00 for each additional unit upto 101 units plus an additional £5.00 for each additional unit upto 201 units plus an additional £4.00 for each additional unit over 201						
Site inspection	400.00	400.00	300.00	-25.00%		Outside Scope
Fit and proper person test						
Application to transfer or amend a site licence						
Application for a minor amendment to a site licence	200.00	200.00	295.00	47.50%	6,400	Outside Scope
Application for a replacement copy of a site licence	25.00	25.00	25.00	0.00%		Outside Scope
Annual licence fee for a single unit site plus an additional £6.00 for each additional unit upto 101 units plus an additional £5.00 for each additional unit upto 201 units plus an additional £4.00 for each additional unit over 201	25.00	25.00	50.00	100.00%		Outside Scope
Fee for the deposit of site rules		75.00	75.00	0.00%	0	Outside Scope
<b>Other licences and permits</b>						
Scrap metal dealers site licence (3 year licence)	335.00	342.00	342.00	0.00%		Outside Scope
Scrap metal collectors licence (3 year licence)	215.00	219.00	219.00	0.00%	1,400	Outside Scope
Charity collection permits:						
House to house collections	Free	Free	Free			Outside Scope
Street collections	Free	Free	Free			Outside Scope
<b>Certificate of suitability</b>						
Film certification	330.00	337.00	337.00	0.00%	0	Outside Scope



Charity Collections Policy 2017 – 2020

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## 1. Introduction

- 1.1 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) 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 subject to approval by the Regulatory Committee.

## 2. Policy Objectives

- 2.1 The Policy is designed to ensure that:-
- Charity 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 unauthorised activity
  - 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. See Appendix 'A'.
- 2.2 The Council will not issue permits 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. 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 donated to charity. However, each case will be treated on its merits.

## 3. Permitted Locations

- 3.1 Charity 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 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. For example an open air religious ceremony, fair or show.

- 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.

#### 4. **Application Process**

- 4.1 Applications should be submitted on the forms made by Runnymede Borough Council and received at least 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 usually 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.
- 4.4 A Charity, or an organisation acting on its behalf, which does not hold a National Exemption Order issued by the Department for Culture, Media and Sport (DCMS), 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 requested on the application form.
- 4.6 The Council will comply with relevant Data Protection and Freedom of Information duties. Where it is lawful to do so, the Council will share and take into account information supplied by the applicant, or another enforcement body. The Council may be required by law to supply any information provided, to other bodies exercising functions of a public nature, for the prevention and detection of crime. 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 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 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.
- 4.12 In addition to any legislative requirements, applicants must comply with relevant Codes of Practice issued by, for example, the Fundraising Regulator and the Charity Commission.

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

- 5.1 where no National 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. Appeals**

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

7.2 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, DCMS, 4<sup>th</sup> Floor, 100 Parliament Street, London. SW1A 2BQ. 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 Model Regulations for Street Collections, as attached at Appendix 'B' 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 'C' 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 must 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, in particular section 11 of the Council's Street Collections Regulations regarding safeguarding issues.

## 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 or similar event.
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) Details of the return for the collection stating the amount collected and any deductions made will be published on the Council's website.
  - (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.

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.

Busking and Street Entertainment Guidance and Voluntary Code of Conduct

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 2011 busking and carol singing are now exempt from licensing requirements, as these activities are usually incidental to others such as shopping or in the case of carol singing undertaking a charitable collection. The Live Music 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.

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 Democratic Services 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 Borough 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. Charities are required to comply with any relevant Code of Practice issued by clauses 4.12 and 9.4 of the Policy, which includes adherence to practices in relation to safeguarding for children.

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 (up to and including 16 years of age by the end of

school year 11) 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:

17 October 2017

Sign-off by senior manager:

