

Runnymede Borough Council

REGULATORY COMMITTEE

14 November 2017 at 7.41pm

Members of the Committee present: Councillors Mrs J Gracey (Chairman), D W Parr (Vice-Chairman) Mrs D V Clarke, Mrs M T Harnden and P S Sohi.

Members of the Committee absent: None.

349 FIRE PRECAUTIONS

The Committee noted the Fire Precautions.

350 MINUTES

The Minutes of the meeting of the Committee held on 26 September 2017 were confirmed and signed as a correct record.

351 FEES AND CHARGES 2018/19

The Committee's approval was sought for the proposed fees and charges relating to taxi licensing, services under the Gambling Act and all other Regulatory related fees and charges within Environmental Health, for 2018/19.

Members recalled the case of R (Hemming and others) v Westminster Council, which demonstrated the need for local authorities to have a proper and transparent fee setting process. In doing so, it was accepted under the Local Government (Miscellaneous Provisions) Act 1976 that fees should cover reasonable costs of administration and issuing licences and in the case of vehicles, compliance.

The Committee was advised that since the new fee setting process had been introduced in 2015, Officers had been carefully monitoring and documenting the budgetary variations. Members noted the following surpluses and deficits accordingly. There was an estimated surplus of £2,586 for 2018/19, compared with an estimated deficit of £4,771 for 2017/18 and an actual surplus of £1,912 in 2016/17.

Members were advised that some of the fees had increased and others reduced. For example, a Hackney Carriage vehicle licence had increased by £1 to £271 whereas a private hire vehicle licence would cost £236 instead of £241. Owing to more streamlined administration, the cost of making changes to all licences had reduced by between 3.74% and 11.36%. However, new drivers' licences had increased by £2 and driver licence renewals by £5 and £10. This was owing to the new Immigration checks. However, once these had been completed the cost would then be removed from fees for existing drivers. Private Hire Operators' licences had also increased.

The Committee noted the advertising requirements for taxi related fees and charges and that if any objections were received they would be brought back for consideration at the next meeting of the Committee in January 2018.

Officers confirmed that following recent discussions with South Western Railways, the new franchise holder, there were no plans to change the existing agreement for rental of taxi ranks at the railway stations in the borough.

The Committee viewed some detailed graphs to illustrate the costs of the service since 2006. Officers agreed to make these available to the Committee on request.

Officers advised that in June 2018, the Committee would receive a report reviewing the detailed fee setting process, taking into account the deficit/surplus on the taxi licensing budget at that time. This would inform the proposals for fees and charges for 2019/20.

Members noted that the fees and charges for Gambling related matters were set by statute and like those under the Licensing Act had not changed since their introduction. A deficit of £6,000 was estimated for 2018/19. This was a slight reduction on the actual deficit of £6,658 for 2016/17, owing to a reduction in staffing in the business centre.

The Committee noted a list of other licences that fell within its remit and the associated fees and charges that had been set using the relevant statutory powers.

**RESOLVED that –**

- i) the proposed fees and charges 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**

352 CHARITY COLLECTIONS POLICY 2017 – 2020

The Committee was asked to recommend adoption of the Council's new Charity Collections Policy and re-adoption of updated model Street Collections regulations, following a public consultation exercise.

The Committee was advised that the draft Charity Collections Policy had now been consulted on. Minor amendments had been made to the policy and the accompanying Equalities Impact Assessment to reinforce a charity's obligations with regard to safeguarding and to clarify the exemption of events like Black Cherry Fair and Egham Royal Show, taking place in the open air, to be licensed, which the Committee welcomed.

Officers summarised the main areas of the policy. These were the policy objectives, permitted locations for collecting donations, the application process, including supplementary guidance for clothing collections, grounds for refusal of a House to House Collections Licence and the appeals mechanism.

Members were reminded that there was no provision for charging within charity collections legislation and that the service was delivered within existing resources.

Officers confirmed that the policy had been drawn up with the protection of the public as a priority within the framework of the Council's Corporate Business Plan and the maintenance of a balanced diary of charity collections taking place during the year.

Officers had made one amendment to the model Street Collections Regulations. This was the replacement of section 16 (2) which required the collection's promoter to publish, at their own expense, a notice stating how much money had been raised in a collection. Instead, to reduce the burden on charities, 16 (2) stated that details of the return for the collection stating the amount collected and any deductions made would be published on the Council's website. Officers confirmed this had been the practice for some time.

It was confirmed that because Runnymede was not a new authority there was no need for the Secretary of State to sign the Regulations, nor for them to be advertised, thus making a modest saving of approximately £300.

The Committee was pleased to recommend to full Council approval of the policy and to re-adopt the model Street Collections Regulations, as amended, noting that Officers would review informally after 18 months of operation and formally in 2020, in line with other relevant Council policies.

**RECOMMEND that –**

- i) the draft Charity Collections Policy 2017 – 2020, as attached at Appendix ‘A’, 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**

**UPDATE ON FUTURE REPORTS**

Before the close of the meeting, Officers advised that a forthcoming report on a County wide policy for training on Safeguarding and combatting Child Sex Exploitation for taxi drivers and operators would be brought to the Committee in March 2018 instead of the planned date in January. Members agreed this would provide more time for the consultation responses to be considered, given that the consultation was finishing in early December 2017. To date there had been approximately 300 responses, 20 of which related to Runnymede.

Chairman

(The meeting ended at 8.03pm)



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 model 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