

Regulatory Committee

Tuesday 25 June 2019 7.30pm*

***after the Licensing Committee**

**Committee Room
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors D Cotty (Chairman), E Gill (Vice-Chairman), T Burton, D Clarke and J Furey.

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)**.
- 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.
- 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.
- 5) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not

disturb the business of the meeting. If you wish to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

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 20 March 2019, previously circulated to all Members of the Council via email in April 2019.

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. 2019 ANNUAL REPORT ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (ENVIRONMENTAL SERVICES – Robert Smith)

Synopsis of report:

To present the 2019 Annual Report on matters relating to Hackney Carriage and Private Hire Licensing and its operation within Runnymede.

Recommendation(s):

None. This report is for information only.

1. Context of report

1.1 The Licensing Section is responsible for administering and enforcing the Hackney Carriage (HC) and Private Hire (PH) licensing regime in Runnymede. This report is to enable the Committee to be appraised of developments over the past year and gives an overview of the work undertaken by the Licensing Section.

1.2 The annual report includes statistical data from the Council's licensing records. In order to have some commonality with other reports, unless otherwise stated, the data covers the period 1 April 2018 to 31 March 2019.

2. Report

2.1 Detail is included in relation to the following items:

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

Statistics

2.2 The following table details statistical information on the number of vehicles and drivers licensed as at 31 March 2019; the previous four years have been shown for comparison.

	2014/15	2015/16	2016/17	2017/18	2018/19
Hackney Drivers	154	154	147	144	123
Hackney Carriages	140	143	130	120	104
Private Hire Drivers	89	80	81	72	61
Private Hire Vehicles	86	86	78	69	60
Private Hire Operators	23	23	22	23	21

2.3 Some Members will recall that Runnymede amended the vehicle age policy in 2014 by introducing 'no age limit' along with more stringent standards concerning the condition of the vehicle. The charts below are produced to show age and mileage statistics of taxis and private hire vehicles in Runnymede as at 31 March 2019.

Chart 1- mileage of vehicles

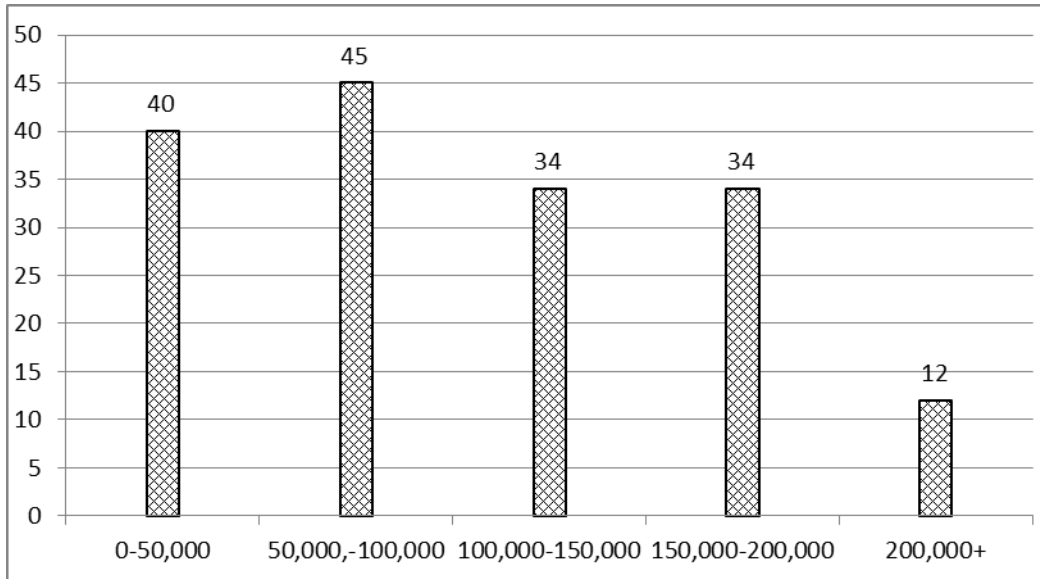


Chart 2 - vehicle ages 2001 – 2019
(year of registration is shown at the bottom and the number scale is on the left).

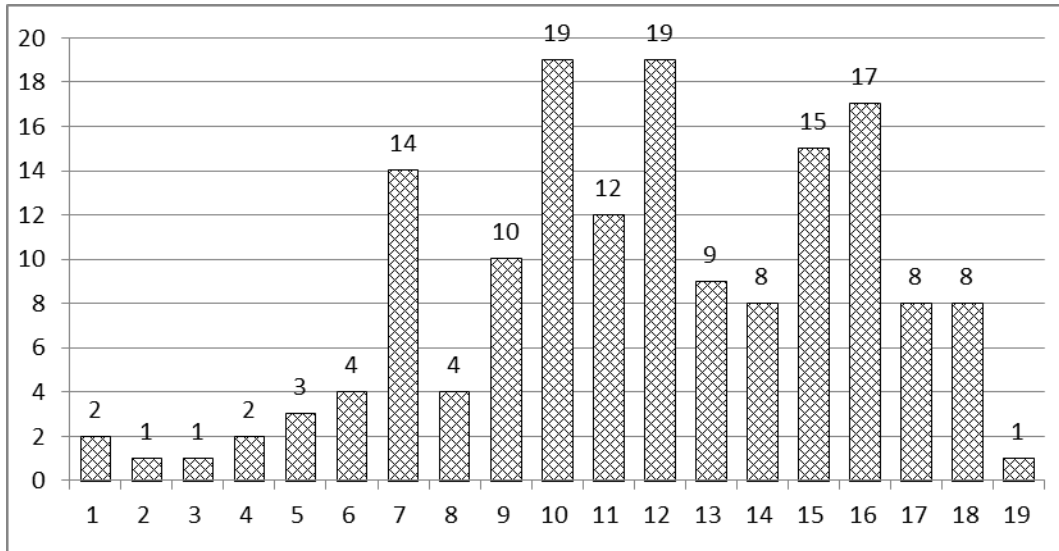
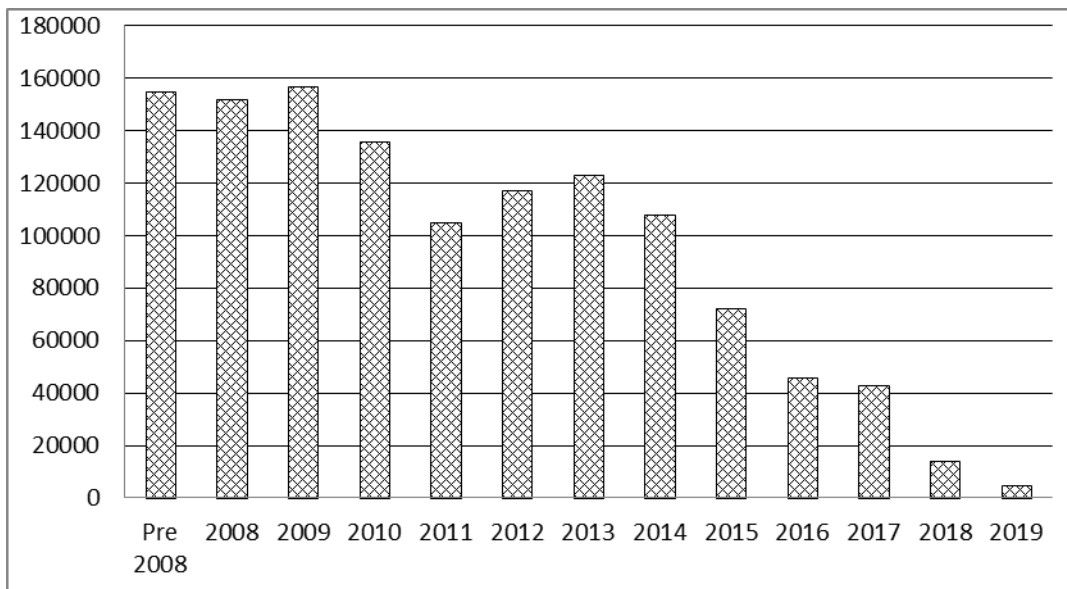
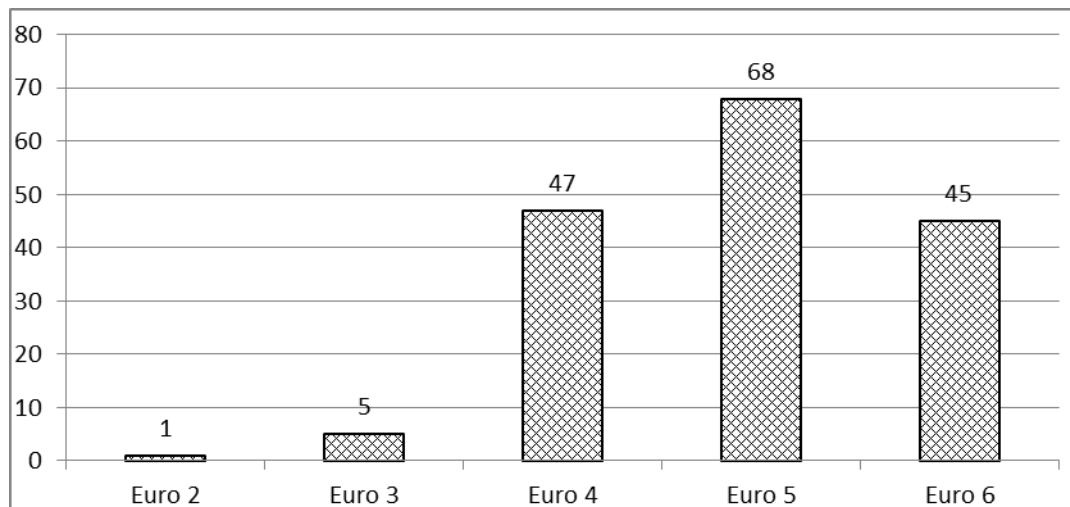


Chart 3- average mileage to age ratio



- 2.4 In light of the challenge to reduce vehicle emissions and the introduction of the Ultra-Low Emission Zone (ULEZ) in London and its proposed introduction elsewhere, chart 4, below, has been produced to demonstrate the number of HC and PH vehicles licensed in Runnymede and those meeting the various Euro engine emission standards.

Chart 4 – vehicle emission standards



Suspensions refusals and revocations

- 2.5 The Licensing Section assists drivers in keeping track of their documentation by sending them a reminder letter or email 6 to 8 weeks prior to the expiry of their medical, DBS (Disclosure and Barring Service) check, DVLA driving licence check and HC/PH drivers and vehicle licence renewals. Councils are not obliged to remind drivers of these dates but it is a routine, well-practiced procedure, which assists in the smooth running of the licensing regime. This is often followed by a phone call or text to ensure drivers are taking steps to ensure they supply documentation and applications on time.

Suspensions

- 2.6 In 2018/19, seven drivers had their licences suspended (this compares with thirteen in the previous year).
- 2.7 Two suspensions were in relation to medical conditions, which meant that the drivers no longer met the functional requirements of the DVLA Group 2 standard. One of these has subsequently allowed their licence to lapse and the other is considering whether to continue in the trade.
- 2.8 Three suspensions were the result of drivers failing to produce a medical certificate when due, two were later reinstated on receipt of a medical showing they met the Group 2 standard and one remains suspended.
- 2.9 The remaining two suspensions relate to drivers failing to have the required 3 yearly enhanced DBS check. They were aware they required a DBS check but were content to allow themselves to be suspended, as they were working in another business. They remain suspended until such time as they have a new enhanced DBS check.

Refusals

- 2.10 One new driver application was refused as they were not considered 'fit and proper' after checks revealed they had points on their driving licence for recent speeding offences and had breached licensing conditions while being licensed as a hackney carriage driver with another authority.
- 2.11 One existing driver was refused renewal of a hackney carriage driver's licence as they were not considered 'fit and proper' when Officers' enquiries revealed they had been driving with no insurance.
- 2.12 One appeal was made against this Committee's refusal to grant a private hire driver's licence in the previous year. This was heard at Guildford Magistrates Court in May 2018. The Magistrates allowed the appeal but no costs were awarded as the Court accepted that the Council had acted in a justifiable manner, in accordance with their policy, and the decision making process had not been unreasonable.
- 2.13 Vehicle licence suspensions are less common; six vehicle licences were suspended in 2018/19 compared with seven the previous year.
- 2.14 All six of these suspensions were due to vehicles failing to have their six monthly Mot test carried out on time. It is a condition that all hackney carriages and private hire vehicles have two Mots per year when the vehicles are over four years old. To assist drivers an e-mail is sent as a reminder a month before the 6 monthly Mot is due, it also brings to their attention the fact that the vehicle licence may be suspended if they do not comply with this condition. All were subsequently Mot'd and the suspensions were cancelled.
- 2.15 All driver and vehicle related suspensions and refusals were carried out using Officer's delegated authority, saving time and money.
- 2.16 Following discussions between the National Anti-Fraud Network (NAFN), groups of authorities, the Local Government Association (LGA) and Institute of Licensing (IoL), a national register of licence refusals and revocations for hackney carriage drivers and private hire drivers and operators is now available. This Committee agreed in March 2019 to Runnymede joining the register and amending our policy so as to make checks of the register an integral part of the licensing process for drivers and operators.

Knowledge test

- 2.17 All new driver applicants are required to pass the Runnymede hackney carriage or private hire knowledge test.
- 2.18 The knowledge test is carried out once a month and the fee (£65), is payable for the first test and any subsequent resits. The test is in written form and a maximum of six applicants may take the test at the same time. The tests themselves are regularly revised and alternate test papers are used so that it is not the same test every time.
- 2.19 The current test was brought into operation in January 2014. It comprises three parts, part 1- conditions and regulations which also includes a numeracy test, part 2 - locations and part 3 – a route test for hackney drivers only.
- 2.20 All those who apply to do the knowledge test receive a study guide to assist them in preparing for the locations test (part 2). This part comprises 60 questions, taken from a bank of 180 locations, which are changed for each paper; the pass mark is 45. In revising for and passing this locations test, using the study guide, we can be

confident that the driver has attained the required level of knowledge for the most commonly requested locations in Runnymede.

- 2.21 To maintain relevance, the knowledge test's content is updated at regular intervals to take into account new legislation or conditions, as well as new developments within the borough.
- 2.22 Following feedback from the trade we are currently reviewing the knowledge test to ensure it is at the right level, so as to ensure applicants have sufficient local knowledge and that it has not become a barrier to new driver applications.

Communications

- 2.23 Over the past year we have continued to communicate with the trade as much as possible. Our methods and further improvements aimed at reducing costs are described below.
- 2.24 The Council's web site has a page specifically for HC and PH news; this is regularly updated with events, latest developments and new legislation. All drivers have been made aware of the existence of this webpage and encouraged to view it.
- 2.25 Drivers have been written to and asked to supply us with their e-mail address; it is now possible to send group or individual e-mails to all but one driver and all operators. We continue to encourage drivers to supply their up to date e-mail addresses on application forms.
- 2.26 Approximately 25 reminder letters and 25 emails a month are sent to drivers with the necessary information for licence renewal, medical checks, DBS checks and vehicle Mot's etc. We also use e-mails and texts for general messages. Texting costs approximately 0.1p per text and we can send a text to individuals or groups. This is most useful for making drivers aware of urgent matters as a matter of course and can be used to send an additional reminder if necessary. The increasing use of email notification also keeps costs down which is reflected in the licensing fees.
- 2.27 Forums where drivers and operators can exchange views with the Licensing Section were re-introduced in October 2013, these are held three times a year.
- 2.28 Despite encouragement, attendance at forums is very low, however those who do attend raise some very valid points and give us some useful feedback which is always very welcome. Since the last annual report there have been 3 forums, these were in July 2018, November 2018 and March 2019, attendance figures for these were 6, 8, and 8 respectively. It is encouraging however to see that the largest private hire operator in the borough (Gemini Cars) have attended these meetings and in turn bring questions from Gemini drivers and feed information back to their drivers via their own newsletters. The next forum will be held at Chertsey Hall on Thursday 11 July 2019. Members of the Committee are also welcome to attend.

Enforcement and complaints

- 2.29 The Licensing Section has been involved in enforcement activity throughout the year. In general only minor infringements are usually identified and the activity is normally concentrated around Egham.
- 2.30 Transport for London Enforcement Officers joined us in April 2018 and March 2019 for enforcement days and these have proved to be very successful, more are planned for 2019/20. Surrey Police have been unable to provide resources to assist with enforcement operations during this year.

- 2.31 Eight complaints have been received about Runnymede drivers in the last financial year. Five were from the public and three were from other Runnymede drivers. A list of these is produced below.
- public x 3 - attitude of driver – unfounded complaint - advice given
 - public x2 - failed to collect – lack of communication between operator and customer
 - other driver x 3 - reporting breaches of licence conditions by other drivers – resolved by contacting drivers
- 2.32 Where there was a need for further investigation drivers have attended the Civic Offices to explain their action.
- 2.33 Two full investigations were carried out regarding licensing offences by drivers/operators licensed by Runnymede in the last year, as set out below:
- a) An investigation was conducted into the use of a hackney carriage while uninsured and the driver was interviewed under caution and subsequently refused renewal of their licence. This included checks of operator records to ensure they had complied with the conditions of their licence.
 - b) An investigation was conducted into the use of a private hire vehicle while the driver was unlicensed. This driver had been working with a local private hire operator taking pre booked work and checks of the operator records showed a lack of due diligence in maintaining records which resulted in them using an unlicensed driver. Both the driver and the operator were interviewed under caution, the driver was given a warning and the operator a simple caution.
- 2.34 Seven investigations were carried out in relation to private hire vehicles licensed with other authorities operating in Runnymede. The alleged offences were parking in hackney carriage ranks and plying for hire, three of these drivers were interviewed under caution. However, there was insufficient evidence to progress to any enforcement action for these matters.
- 2.35 In August 2018 drivers reported what they believed to be an unlicensed London black cab working in Runnymede. Investigations disclosed this was displaying a stolen Runnymede hackney carriage plate and the Police were informed. The driver was arrested while using this vehicle in Runnymede a few days later, and they are currently still assisting Police with enquiries.
- 2.36 Carrying out enforcement and dealing with complaints is a very time consuming activity and Members should be aware that there is no scope to recover enforcement costs through taxi licensing fees. It has to be emphasised that enforcement activity does take a considerable amount time and of course it has to be done absolutely correctly and must meet evidential standards.
- 2.37 For the Licensing Section's two part time Officers this does pose difficulty in that their time is primarily taken up by the administration and plating of vehicles. The Senior Licensing Officer has to fit any enforcement in with other duties relating to taxi licensing and the other licensing regimes. The Licensing Section must balance the other licensing priorities against enforcement activity to ensure we deliver a service to drivers and operators which does not delay their applications.

Licensing Fees and Fares

- 2.38 Fees and hackney carriage fares are reviewed annually in November of each year. Following a review in November 2018 small adjustments to some fees were approved. The fees are shown at Appendix 'A'.
- 2.39 Hackney carriage fares were last increased in June 2014, the fare card is shown at Appendix 'B'. A consultation exercise took place in summer 2018 to ascertain views regarding a change to fares. The trade's view was overwhelmingly that fares should remain as they are.
- 2.40 The fee setting process includes a comprehensive breakdown of fees for each licensing process. In setting the fees we have been transparent in our approach and made all reports and details of the fee setting process available.
- 2.41 It is essential that fee setting for taxi and private hire licensing reflects the true cost of administering/determining applications.
- 2.42 Fee setting will take place again later this year and a report will be presented to this Committee in November 2019.
- 2.43 Over the last few years there has been a reduction in the number of drivers and vehicles, which in turn reduces the income from taxi licensing fees. This may have to be taken into account in future fee setting.

New and proposed Legislation and Guidance

- 2.44 As referred to above, following discussions between the National Anti-Fraud Network (NAFN), groups of authorities, the Local Government Association (LGA) and Institute of Licensing (IoL) a national register of licence refusals and revocations for hackney carriage drivers and private hire drivers and operators is now available, to which we are subscribed.
- 2.45 The Law Commission's report to the Government published on 23 May 2014 included a draft Taxi and Private Hire Reform Bill.
- 2.46 A report by the All Party Parliamentary Group on Taxis followed the work of the Law Commission and led to recommendations for the future.
- 2.47 The Government set up a working group in 2018 to consider regulatory issues and remedies for the taxi and private hire industry, including the issues which have arisen through cross border working, and country-wide licensing reform as raised by the Law Commission's report in 2014. The group reported to Parliament in September 2018 and the Government responded in February 2019. Members of parliament have been pressing the Government to move ahead with reform and most recently on 27 March 2019 the chair of the Task and Finish Group gave evidence to The House of Commons Transport Select Committee.
- 2.48 However, there has been some progress in other areas, most noticeably the Government consulted early in 2019 on Statutory Guidance regarding the 'fit and proper' test for drivers and operators. This was reported to this Committee on 20 March 2019. Runnymede took part in the consultation and the matter is now with the Government for consideration.
- 2.49 As reported to this Committee on 5 April 2017, new legislation in the form of The Immigration Act 2016 (Right to work checks) have had an effect on taxi licensing procedures as Councils have since 1 December 2016 had a duty to undertake right to work checks on all applicants for driver and operator licences. This includes those renewing a licence since the legislation came into force. However, this is only for the first renewal an individual makes, there is no need to carry out further right to work checks for future renewals. All existing drivers will therefore have had a right

to work check by 1 December 2019. The right to work checks will always apply to new applicants.

- 2.50 Since 1 December 2016, 166 right to work checks have been carried out, these involve checking passports, residents permits, visas etc. In most cases the documentation produced is sufficient to demonstrate the applicant has the right to work. Where further enquiries needed to be made we have contacted the Home Office by secure email for verification.
- 2.51 Since 1 October 2015, drivers and operators licences must have durations of 3 and 5 yrs. respectively, unless there is what the 'Act' refers to as appropriate circumstances to allow a licence of a lesser duration. No guidance has been given to Councils as to what are 'appropriate circumstances' so it is very much a case of Officers in each Council making their own judgement.
- 2.52 In lieu of any guidance, legal experts in taxi licensing have suggested that each case should be taken on its own merits and that has been our approach in Runnymede.
- 2.53 Examples of reasons for a licence of a shorter duration include, pending retirement, ill health and financial difficulties. During this period, 1 April 2018 to 31 March 2019, 106 drivers applied for licences, 23 of these requested a 1 year licence with the majority of reasons given being financial or pending retirement. Overall, out of the 184 drivers currently licensed, 157 have a 3 year licence and 27 have a 1 year licence.

Conditions and requirements

- 2.54 Runnymede's existing hackney carriage and private hire licensing policy was adopted by the Council on 2 March 2017. To date, the policy has proved itself to be of great assistance as it has eliminated many of the grey areas around taxi and private hire licensing. This policy is valid for 3 years, i.e. until 2 March 2020 and a report detailing a revised policy will be presented to this Committee later in the year for consideration and approval for consultation. Thereafter it will be brought back to this Committee late in 2019 or early 2020 for further consideration and amendments as necessary prior to adoption.
- 2.55 In April 2018, the online training programme concerning mandatory training for drivers and operators on safeguarding and recognising child sexual exploitation was made available to the trade. This is a Surrey wide initiative supported by all Surrey Districts and Councils including Surrey County Council. It is offered as free training to existing drivers and operators and is now part of the new licence application process, new applicants must pay £18 to take the training.
- 2.56 As at 31 March 2019, 116 drivers and operators who are licensed in Runnymede had completed the training. Reminder letters and emails have been sent at periodic intervals to those who had yet to complete the training. All drivers and operators in Runnymede must pass this training course by 31 May 2019.
- 2.57 Drivers have been encouraged to subscribe to the Disclosure and Barring Service (DBS) update service (at a cost of £13 a year). This allows licensing staff to simply check the status of a driver's DBS online, with their written permission. This makes for a simpler cost saving service with little inconvenience for the driver.
- 2.58 The number of drivers who had informed us they were subscribed to this service as of April 2019 was 95 (compared to 111 in April 2018). We are still finding, as in the previous year, that, as the three yearly DBS checks become due that although drivers may have told us they have subscribed, many of them have not or they have failed to keep up their subscription, which removes them from the update service, only around 30% of those who said they subscribed to the update service actually

were. We have made the trade aware of this and would hope to see this figure improving.

- 2.59 One of the benefits enjoyed by the trade in Runnymede is that we no longer have an age limit on vehicles, this of course allows those older good condition vehicles to be licensed. However, we do expect vehicles to be in a good safe condition and have a licensing condition in place where if a vehicle has MOT advisories on any tyre, brake, steering or suspension matters that vehicle will not be licensed.
- 2.60 It is a regular occurrence to see vehicles with an MOT where one or more of the above are prevalent, there is no correlation between these and vehicle ages. It is particularly disappointing to see vehicles with Mot failure or advisory notices for tyres.
- 2.61 The condition on tinted windows where vehicles with windows which allow less than 70% of light to be transmitted will not be considered for licensing continues to cause some controversy.
- 2.62 Following a petition from the trade and consultation a report was submitted to this Committee in September 2018 for a review of this policy. The trade felt it restricted vehicle choice and caused them extra expense. The public and Police were supportive of the policy. Consequently, a small change was made to the policy to allow tinted windows in eight seater vehicles.

Hackney Carriage Ranks

- 2.63 To date, the following ranks have been appointed for hackney carriages within the Borough of Runnymede:-

Virginia Water Station Approach	2 - (adjoining Public Car Park)
Egham Railway Station	6 - Egham Station car park
Chertsey Railway Station	2 - Chertsey Station car park
Addlestone Railway Station	2 - Addlestone Station car park
Thorpe Park	3 - Car park

In addition to these ranks, designated drop of and pick up points are available at some supermarkets and the Addlestone One development.

- 2.64 Previous attempts to introduce new ranks in Egham have not been successful due to lack of support from local businesses, the public and the trade. We are aware of the need for additional ranks, particularly in Egham town centre and have proposed that new ranks be included in any development of Egham town centre.
- 2.65 The ranks at railway stations are situated on land belonging to South Western Railway (SWR) who charge for their use. The Council has a contract with SWR which allows the Council to rent the ranks at a very favourable rate. We are fortunate that the fees charged for these ranks are substantially lower than elsewhere. Only one other station in the entire SWR region has a similar arrangement.
- 2.66 At all other railway stations bar 2, SWR have contracts with individual hackney carriage proprietors and charge each of them between £600 and £1,200 per year for use of the ranks at one station.
- 2.67 SWR charges per calendar year. In 2018 Runnymede Council was charged £4,533.30 (exc Vat) in total for all ten station car park bays, this amounts to £453.30 per bay. In 2019 this increased slightly to, £4,758.33 in total for all ten station car park bays, this amounts to £475 per bay.

- 2.68 For individual hackney carriage proprietors in Runnymede this equates to approximately £36 for each vehicle per year in 2018 and £46 in 2019. This is recovered through the hackney carriage vehicle licence fee and accounts for the difference in fees between hackney carriage and private hire vehicles.
- 2.69 The hackney trade in Egham have asked for the rank layout at Egham railway station to be improved, the layout here makes manoeuvring difficult due to the small amount of space available. A site visit with all stakeholders was carried out in February 2018. Alternative layouts and funding possibilities were discussed and SWR stated they would consider this and plans were due to be prepared by the end of May 2018. Despite repeated requests for a progress report, none has been forthcoming. Funding is an issue of course and whatever plans, if any, may be suitable, funding will have to be secured.

Staffing of the Licensing Section

- 2.70 The Section's current staffing consists of one full time Senior Licensing Officer who also has responsibility for applications under the Licensing Act 2003, the Gambling Act 2005 and Scrap Metal Dealers Act 2013, two part time dedicated taxi Licensing Officers who between them work 24.5 hours a week and one full time Licensing Administrator who has responsibility for administering Taxi licensing, the Licensing Act 2003, the Gambling Act 2005 and Scrap Metal Dealers Act 2013.
- 2.71 The administrative staffing component for all licensing is one full time administration post; in comparison, 7 years ago we had two full time and one part time post. This is a key position in licensing and one that requires staff with considerable knowledge, skills and ability.
- 2.72 The Taxi Licensing Officers fill a part time post of 24.5 hours a week. As always they have been diligent and shown considerable skill in scheduling vehicle plating appointments and arranging enforcement activity. They are very aware of the need for drivers to remain on the road and go to some length to fit appointments into their short working week; this often involves working longer hours at short notice. Their sense of duty and willingness to assist cannot be underestimated or taken for granted, it is not uncommon to find them changing shifts to accommodate taxi enforcement operations or plating appointments to keep a driver on the road.

Future Developments

- 2.73 Looking ahead there may be areas which require some consideration and may be the subject of future reports. For example:-
- English language speaking assessment as part of the application process
 - Exploration of emission controls limits as a requirement for taxis and private hire vehicles
 - Cross border authorisation for Officers
 - A condition on using the DBS update service
 - Review of the knowledge test

3. Conclusions

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

(For information)

Background papers

Runnymede Hackney Carriage and Private Hire Licensing Policy

<https://www.runnymede.gov.uk/article/14534/-Hackney-Carriage-and-Private-Hire-Licensing-Policy>

Law Commission report on taxi licensing

http://www.lawcom.gov.uk/app/uploads/2015/03/lc347_taxi-and-private-hire-services.pdf

Deregulation Act 2015

<http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

Immigration Act 2016

<http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted/data.htm>

Task and Finish Group's report on taxi and private hire vehicle licensing.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745516/taxi-and-phv-working-group-report.pdf

Government's response to the Task and Finish Group's report on taxi and private hire vehicle licensing.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775983/taxi-task-and-finish-gov-reponse.pdf

Assessing fitness to drive: a guide for medical professionals DVLA Group 2 Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/670819/assessing-fitness-to-drive-a-guide-for-medical-professionals.pdf

Hackney Carriage/Private Hire fees - with effect from 1 April 2019

Vehicle applications	
Hackney Carriage Vehicle Licence	£ 271.00
Private Hire Vehicle Licence	£ 236.00
Temporary vehicle licence	
Temporary Hackney Carriage/Private Hire Vehicle Licence for 14 days (extendable to 28 days) when the licence is for a replacement vehicle provided by a specialist company while accident damage repair is being carried out on a currently licensed Hackney Carriage or Private Hire Vehicle	£ 142.00
Changes to licence	
Change of vehicle type during the licensing period (i.e. transfer to replacement vehicle for balance of licence period – existing plate must be returned)	£ 98.00
Change of vehicle licence during the licensing period (eg. from Private Hire to Hackney Carriage)	£ 103.00
Change of drivers licence during the licensing period (e.g. from Private Hire to Hackney Carriage)	£ 39.00
Drivers licence new applications - 3 year licence	
Combined Hackney Carriage / Private Hire Drivers Licence	£ 445.00
Private Hire Drivers Licence	£ 445.00
Drivers licence renewals – 3 year licence	
Combined Hackney Carriage / Private Hire Drivers Licence	£ 388.00
Private Hire Drivers Licence	£ 388.00
Private Hire Operator's Licence - 5 year Licence	
1 vehicle	£ 525.00
2-5 vehicles	£ 547.00
6-20 vehicles	£ 630.00
21-40 vehicles	£ 741.00
41-60 vehicles	£ 853.00
61-80 vehicles	£ 964.00
81-100 vehicles	£ 1075.00
Pre application and other charges	
Failure to keep inspection appointment / comply with renewal procedures	£ 50.00
Knowledge test, including re-takes.	£ 65.00
New drivers information pack	£ 25.00
Disclosure & Barring Service (DBS) fixed fee (£44) plus processing charges £18.50 Runnymede Borough Council and £9 Surrey County Council.	£ 71.50

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

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

Runnymede Borough Council, Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH
Tel: 01932 425711 Fax: 01932 838384 www.runnymede.gov.uk

Updated 21 November 2018 H:\MasterDocuments\Licensing\Taxis\FEES

TABLE OF HACKNEY CARRIAGE FARES (With effect 3 June 2014)

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

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

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

7. **REVIEW OF CHARITY COLLECTIONS POLICY 2017 – 2020 (LAW AND GOVERNANCE - Clare Pinnock)**

Synopsis of report:

To review the Council’s policy on charitable collections, as agreed by the Committee in November 2017, and to make a number of minor amendments thereto to improve its operation in practice

Recommendation(s):

that the revised Charity Collections Policy 2017 – 2020, as attached at Appendix ‘C’, be approved

1. Context of report

- 1.1 In the absence of updated statutory regulations, Officers reviewed the existing Criteria and Guidance notes to applicants for Street and House to House Collections and created a new policy which was adopted by the full Council in December 2017.
- 1.2 It was agreed that the new policy would be reviewed after it had been operating for 18 months in June 2019.
- 1.3 In conducting this review, Officers have taken into account guidance issued primarily by the Fundraising Regulator and the Charity Commission, have responded to informal feedback from the public and charities and have also taken into account the Fundraising Regulator’s Complaints Report 2017/18.
- 1.4 The Fundraising Regulator has a revised Code of Practice effective from October 2019. Any changes that materially affect our policy will be taken into account.

2. Report

- 2.1 The over-arching principle of our policy is still to promote legitimate collections and safeguard the public from excessive or inappropriate appeals.
- 2.2 The proposed revised policy is attached at Appendix ‘C’.
- 2.3 Changes and additions to the policy are set out below.

Permitted Locations

- 2.4 This has been amended to reflect the new Ward names and to include sponsored walks in the list of exempted collections. However, it is still important these and other outdoor events are conducted safely, hence the inclusion of taking advice from appropriate authorities such as the Police and Surrey Highways. Applicants are advised of this when they apply but including it in the formal policy makes it clear to everyone. It also compliments feedback in the Fundraising Regulator’s Complaints Report which highlighted the public’s concern about how outdoor fundraising events are conducted.

Application Process

- 2.5 This has been amended to say that we will not usually licence charities and those acting on their behalf who have not registered with the Fundraising Regulator.

- 2.6 The Fundraising Regulator is a nationally recognised body with whom hundreds of charities and third party fundraisers/commercial participators have registered and in doing so have committed to good fundraising practice which is set out in detail in their Code of Practice. There is therefore a degree of control which cannot be guaranteed for those who have not registered.
- 2.7 Having reviewed the Fundraising Regulator's Complaints Report for 2017/18 we have introduced a new rule to apply to all house to house collections. This is to limit the hours of operation to daylight hours with a terminal hour of 21:00 whichever is the earlier. We already apply this to direct debit appeals as residents have told us that they do not like callers to their homes after dark and it does raise concerns for our more vulnerable residents.
- 2.8 We also already advise house to house collectors of whatever type not to approach households which are clearly indicating they do not encourage cold callers. This was also an issue highlighted in the Fundraising Regulator's complaints report.
- 2.9 Members are asked to note that this Council does not have any official no cold calling zones; these are within the remit of Surrey County Council's Trading Standards Service. To date, the borough has not been requested to make an application to them for any official zones.

Supplementary Guidance for House to House Clothing Collections

- 2.10 This now includes an additional condition that we will not usually licence commercial clothing collections to take place at the same time as a Nationally Exempted clothing collection. We have found that we have had too many applications which overlap. This additional condition will avoid residents having numerous collection bags being delivered at the same time and then all the charities being disadvantaged. This is evidenced by an increased number of 'nil' returns from charities in the last 18 months.

Appeals

- 2.11 In 2018 we had cause to refuse an application for a street collection from a charity whose expenses meant that if a permit was granted they would be potentially taking between 40% to 60% from the proceeds of the collection for travel and subsistence.
- 2.12 We considered this would not adhere to the spirit of the Council's Collections Policy. Whilst travel expenses in themselves are reasonable, the amount sought and impact it would make on the amount then available for charitable activities was far too great to suggest that in this case that such costs were reasonable.
- 2.13 This was the first time we had refused an application for a street collection and in doing so we realised that the policy currently doesn't place a time limit on when a charity can appeal a decision to refuse their application. Therefore, we considered it would be sensible to place a deadline and one which mirrors that for House to House Collections. This is 14 days from the date a refusal notice is received by the applicant.

Fee Structure

- 2.14 Under current legislation there is still no provision for charging to process an application for either a House to House Collections Licence or Street Collection permit. Therefore, no changes to the existing policy are proposed.

Enforcement

- 2.15 There have been no changes to the enforcement regime or additional resources for enforcement. Therefore, no changes are proposed to the current wording in the policy.

Busking/Street Entertainment

- 2.16 There have been no changes to the licensing regime with regard to busking or street entertainment. Therefore, no changes are proposed to the current wording in the policy.

3. Policy framework implications

- 3.1 The Council's Corporate Business Plan 2016-2020 contains a corporate value of being customer focussed. The welfare of our residents, promoting authorised fundraising and facilitating well run charitable appeals meets this aim.
- 3.2 The corporate theme of Supporting Local People is relevant to regulating charitable collections.

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 better to keep the administration and paperwork in house, produced as and when necessary.
- 4.2 Advice on legal, equalities and financial matters that arise is sought from relevant Officers from time to time.

5. Legal implications

- 5.1 The Charity Collections policy has to include provisions that do not contradict relevant legislation.

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 revised policy's potential impact on anyone with a protected characteristic and an Equality Impact Assessment Screening was undertaken prior to the policy being approved in 2017. An updated EIA screening is attached at Appendix 'D' which has been reviewed by the Council's Equalities Group who provided useful feedback which has been taken into account.
- 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 revised Charity Collections Policy provides 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 revised Charity Collections Policy 2017 – 2020 is sought and the policy will be formally reviewed in 2020.

(To resolve)

Background papers

Police Factories etc Act 1916
Street Collections Regulations 1976
House to House Collections Act 1939 and Regulations 1947
Charities Act 2011
Fundraising Regulator Code of Fundraising Practice (as revised) 2016, 2019
Fundraising Regulator Complaints Report 2017/18
Charity Commission CC20 Guidance checklist June 2016
Correspondence held on Law and Governance email files



Charity Collections Policy 2017 – 2020

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

1. Introduction

- 1.1 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 2016 – 2020 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 the borough's 14 ward areas of Addlestone North and South, Chertsey Riverside and St Ann's, Egham Town, Egham Hythe, Englefield Green East and West, Lyne, Longcross and Chertsey South, , New Haw, Ottershaw, Thorpe, Virginia Water and Woodham and Row Town.
- 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 or similar gathering in the open air. For example an open air religious ceremony, fair, show or sponsored walk. Each case will however be treated on its merits.

- 3.3 The organisers of collections taking place at outdoor events must abide by reasonable advice and instructions issued by the appropriate authorities such as the Police and/or Surrey County Council Highways.
- 3.4 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.
- 3.5 Collections are not permitted on land owned by the Crown Estate (Englefield Green and Windsor Great Park), without their express authorisation and restrictions also apply to residential areas in Virginia Water as identified by the Wentworth Estate Roads Committee.
- 3.6 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.
- 4.13 The Council will not usually licence Charities and/or third party fundraisers /commercial participators operating on their behalf who are not registered with the Fundraising Regulator.
- 4.14 House to house collections can only take place during daylight hours with a terminal hour of 21:00 whichever is the earlier.

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. However, where a Nationally Exempted clothing collection is taking place, the Council will not usually licence a commercial clothing collection. Each case will be treated on its merits.

- b) commercial clothing collections must avoid overlapping with nationally exempted house to house collections, including clothing 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 submitted to the Corporate Head of Law and Governance within 14 days of the date on which notice of refusal was received by the applicant.
- 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, 4th 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

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 including commercial participators 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 after 18 months of being introduced and formally reviewed by Officers every 3 years and will be subject to a public consultation exercise of 12 weeks, when it is reviewed every three years, 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. Although it is understood that the practical provisions of the policy will indicate that the Council's public sector duty under the Equality Act has been satisfied.

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. We do take every opportunity to promote equalities; for example by prioritising local groups who may represent those with any of the protected characteristics.

Applicants who are not holders of a National Exemption Order are required to avoid clashing with those who do have an Exemption Order. This has been strengthened in the updated policy to say that we will not (usually) licence non NEO holders to carry out commercial clothing collections at the same time as NEO charities or commercial participators working on their behalf. 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 all and especially 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. An additional clause has been added to say that we will not (usually) licence those who are not registered with

the Fundraising Regulator as an extra measure of promoting best practice

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 fundraiser.

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'. Allowing children participate if they are accompanied has a positive impact on 'age'. However, no-one is barred from promoting or taking part in a charitable collection because of any protected characteristic.

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. Although it is understood that the practical provisions of the policy will indicate that the Council's public sector duty under the Equality Act has been satisfied.

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, Children's Air Ambulance etc. so these collections will also benefit people with protected characteristics – mostly age, sex and disability.

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

2017/18

Royal Marines Charity, Christian Aid, 1st Chertsey Scouts Group, Leukaemia and Myeloma Research UK, The Children's Trust, The Veteran's Charity, Battersea Dogs and Cats Home, Royal Air Forces Association, Alzheimer's Research UK, Cancer Support UK, Against Breast Cancer, Royal British Legion, Troopaid, Salvation Army, RNLI, Friends of Grange School, New Haw, Chertsey Rotary Club, Egham Rotary Club, Egham Band, Great Ormond Street Hospital, Just Helping Children, Marie Curie Cancer Care, Don Bosco Ashalayam Kolkata, Enlighten the Children,

2018/19

Christian Aid, Just Helping Children, RNLI, Battersea Dogs and Cats Home, Action Medical Research, Childlife, National Deaf Children's Society, RNIB, See Ability, Veteran's Charity, Salvation Army, Enlighten the Children, Royal Air Forces Association, Royal British Legion, Cancer Support UK, Egham Band, Chertsey Rotary Club, Egham Rotary Club, Don Bosco Ashalayam Kolkata,

In 2019 1 street collections permit has been refused to a charity representing those with protected characteristics. This was relevant to 'age' as the charity was a children's charity. This was refused because we considered that an excessive amount of expenses would be taken directly out of the proceeds of the collection for travel and subsistence and the charity would not be benefiting as much as it could. However, the refusal was for this reason not because it was a children's charity. 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 and/or our own Charity Collections Policy, 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: 13 June 2019

Sign-off by senior manager: *B.A. Fleckney*

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)