

Regulatory Committee

**Tuesday 10 November 2020 at 7.30pm
after the Licensing Committee**

**This meeting will be held remotely via MS
Teams with audio access to the public for the
Part I items via registered dial-in only**

Members of the Committee

Councillors D Cotty (Chairman), T Burton, D Clarke, J Furey and M Harnden.

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

Members of the public are only permitted to hear the debate on the items listed in Part I of this Agenda, which contains matters in respect of which reports have been made available for public inspection. You will not be able to hear the debate for the items in Part II of this Agenda, which contains matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection. If you wish to hear the debate for the Part I items on this Agenda by audio via MS Teams you must register by 10.00 am on the day of the meeting

with the Democratic Services Team by emailing your name and contact number to be used to dial-in to democratic.services@runnymede.gov.uk

5) Audio-Recording of Meeting

As this meeting will be held remotely via MS Teams, you may only record the audio of this meeting. The Council will not be recording any remote meetings.

LIST OF MATTERS FOR CONSIDERATION

PART I

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

	<u>PAGE</u>
1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	4
2. ELECTION OF VICE-CHAIRMAN	4
3. MINUTES	4
4. APOLOGIES FOR ABSENCE	4
5. DECLARATIONS OF INTEREST	4
6. REGULATORY FEES AND CHARGES 2021/2022	4
7. CHARITY COLLECTIONS POLICY 2020 – 2023	13
8. EXCLUSION OF PRESS AND PUBLIC	31

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. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

To note that Councillor M Harnden has replaced Councillor E Gill on this Committee.

2. ELECTION OF VICE-CHAIRMAN

3. MINUTES

To confirm and sign as a correct record, the Minutes of the meeting held on 23 June 2020 which were circulated by email to all Members in October 2020.

It is a requirement of the Council's Constitution that the minutes of the Committee are signed at the next available meeting. However, as the meeting is being held remotely, the Chairman will ask the Members of the Committee if they approve the Minutes which will then be signed when this is physically possible.

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 email it to the Democratic Services Officer by 5pm on the day of the meeting.

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 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. Membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon should be regarded as a disclosable pecuniary interest, as should an appointment to an outside body by the Council as a trustee.

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 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 to prejudice the Member's judgement of the public interest.

6. REGULATORY FEES AND CHARGES 2021/2022 (FINANCIAL SERVICES, Eduan Pardo)

Synopsis of report:

To recommend the proposed fees and charges under this Committee's remit for the next financial year 2021/2022.

Recommendation that:

the proposed fees and charges as set out in Appendix 'A' be approved to be effective from the dates within the appendix or as soon as practical thereafter.

1. Context of report

- 1.1 The Council's Constitution gives delegated authority to Officers to alter fees, charges and prices without reference to Committee in order to respond to market conditions, new needs, changes in tax rates, and so on. Nonetheless, the annual review of charges still remains an important part of the overall budget setting process and the policy framework for service provision in general.
- 1.2 As part of the budget setting process, Service Managers are requested to review their charges each year. Members have previously agreed that Officers put forward recommended increases based on:
- Current market conditions
 - Local competition
 - The likely yield of any fee increase
 - On-going savings targets and revenue reduction programmes
- 1.3 Members have accepted that in some service areas it may not be possible to significantly increase fees, and in others it may be necessary to decrease them to stimulate demand. However, an average of 2% for discretionary locally set charges should be aimed for as the financial plans of the council assume at least an inflationary increase.
- 1.4 This report reviews current levels of fees and charges, with a view to helping to balance next year's budget and is a key strand of the Council's Medium Term Financial Strategy of net revenue reductions.

2. **Report**

- 2.1 The current fees and charges, those not set by statute, were agreed by this Committee at its meeting in November 2019.
- 2.2 The fees and charges proposed by Service Managers for next year are set out at Appendix 'A' along with the dates that they will take effect. The appendix includes a Yield column showing the current year's budget for each charges/group of charges, so that Members can estimate the financial implications of any price rises.

Taxi and Hackney Carriage Licensing Fees

- 2.3 Sections 53 (2) and 70 (1) of the Local Government Miscellaneous Provisions Act 1976 (the Act) authorise the charging of fees in respect of Hackney Carriage and Private Hire Licences for drivers, vehicles and operators.
- 2.4 The 'Act' allows councils to recover the costs of issue, administration and additionally, in the case of vehicles, compliance.
- 2.5 The case of R (Hemming and others) v Westminster City Council in 2013 (a case involving the setting of licensing fees) has demonstrated the need for a proper fee setting process to be in place.
- 2.6 The judgement made it clear that local authorities may become liable for costs if it is found that procedures for setting fees have not been correctly followed and if the fees are not reasonable and proportionate to the costs of the licensing procedures.
- 2.7 The current fee setting structure for taxi and private hire licensing in Runnymede was developed in 2014. This was constructed in such a way to allow a breakdown of the costs to be seen.
- 2.8 The estimated deficit for Taxi Licensing for 2021/22 is £74 000. However, £10,000 of this deficit are non-rechargeable costs.

Other fees and charges

2.9 Gambling Licence fees and charges are set by statute and have not changed since their introduction in 2005. This means that as inflation increases the cost base, the net cost of running the services increases. The estimated deficit for 2021/2022 is £9 000.

3. Legal implications

3.1 Where the status of a charge is marked as 'statutory' the Council is required under the law to levy a fee. Where the status is given as 'discretionary' the Council may amend the fee charged or choose to make no charge for the service.

3.2 All of the regimes (excluding Gambling) are covered by the European Union Services Directive (Directive 2006/123/EC). Members are invited to note that section 2 of the yet to be implemented European Union (Withdrawal) Act 2018 has the effect of saving a selected list of EU-derived domestic legislation, of which the Provision of Services Regulations 2009 (which give effect to the said Directive) are included. This ensures that as it has effect in domestic law immediately before exit day, it continues to have effect in domestic law on and after exit day.

3.3 Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged in relating to authorisations must be proportionate to the effective cost of the process.

3.4 The proposed fees must recover the council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds. The fees as proposed should enable the Council to recover its reasonable costs.

3.5 If the proposed fee structure results in a surplus or loss for the financial year there should be an appropriate reduction or increase in fees as the case may be for the following financial year.

Taxi and Hackney Carriage Licensing Fees

3.6 Section 70 (3) (a) of the Act provides that any increase in fees for the grant of a vehicle licence for a private hire vehicle, hackney carriage or operator's licence must be advertised in at least one local newspaper circulating in the district setting out the fee variation proposed and provide a period of not less than 28 days from the date of publication of the notice for objections to be made and the manner in which they are to be made. Section 70 (3) (b) provides that a copy of the notice shall also be made available for inspection at Council Offices for the same period from the date of publication of the newspaper advertisement.

3.7 Under the provisions of Section 70 (3) (6) of the Act, on considering objections received following a publication regarding a variation in fees, the Committee may remit in whole or part any fee chargeable in respect of that variation.

3.8 The following fees have been set by the Council using the relevant statutory powers within the statutes governing those licensing regimes:

- Registration Fees:
- Ear piercing, electrolysis, tattooing and acupuncture - Local Government (Miscellaneous Provisions) Act 1982
- Sex Establishments - Local Government (Miscellaneous Provisions) Act 1982
- Other Licenses and Permits:
- Scrap Metal Dealers - Scrap Metal Dealers Act 2013

4. **Equality implications**

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

(To resolve)

Background papers

None stated.

Fees and charges

Gambling licences

	Charge Status	From April 2020 £	From April 2021 £	% Increase	Yield £	VAT treatment
<u>Gambling Act 2005 licences and permits</u>						
Registration of a society to promote a lottery						
- Initial application fee	Statutory	40.00	40.00	0.00%	}	Outside Scope
- Annual	Statutory	20.00	20.00	0.00%		Outside Scope
<u>Gaming machine permits</u>						
Clubs with 3 or more machines Annual fee	Statutory	100.00	100.00	0.00%	}	Outside Scope
Licensed premises gaming machine permit						
Conversion of existing permit	Statutory	100.00	100.00	0.00%		Outside Scope
New Permit	Statutory	150.00	150.00	0.00%		Outside Scope
First annual fee	Statutory	50.00	50.00	0.00%		Outside Scope
Annual fee	Statutory	50.00	50.00	0.00%		Outside Scope
Fee to vary permit	Statutory	100.00	100.00	0.00%		Outside Scope
Fee for transfer	Statutory	25.00	25.00	0.00%		Outside Scope
Fee for copy of permit	Statutory	15.00	15.00	0.00%		Outside Scope
Club gaming permit						2,000
Conversion of existing permit	Statutory	100.00	100.00	0.00%		Outside Scope
New Permit	Statutory	200.00	200.00	0.00%		Outside Scope
New (fast-track) clubs only	Statutory	100.00	100.00	0.00%		Outside Scope
First annual fee	Statutory	50.00	50.00	0.00%		Outside Scope
Annual fee	Statutory	50.00	50.00	0.00%		Outside Scope
Fee to vary permit	Statutory	100.00	100.00	0.00%		Outside Scope
Fee to renew	Statutory	200.00	200.00	0.00%		Outside Scope
Fee for copy of permit	Statutory	15.00	15.00	0.00%		Outside Scope
Club machine permit						
Conversion of existing permit	Statutory	100.00	100.00	0.00%		Outside Scope
New Permit	Statutory	200.00	200.00	0.00%	Outside Scope	
New (fast-track) clubs only	Statutory	100.00	100.00	0.00%	Outside Scope	
First annual fee	Statutory	50.00	50.00	0.00%	Outside Scope	
Annual fee	Statutory	50.00	50.00	0.00%	Outside Scope	
Fee to vary permit	Statutory	100.00	100.00	0.00%	Outside Scope	
Fee to renew	Statutory	200.00	200.00	0.00%	Outside Scope	
Fee for copy of permit	Statutory	15.00	15.00	0.00%	Outside Scope	

Fees and charges

Gambling licences

	Charge Status	From April 2020 £	From April 2021 £	% Increase	Yield £	VAT treatment	
<u>Gaming machine permits</u>							
Prize gaming permit							
Conversion of existing permit	Statutory	100.00	100.00	0.00%	included above	Outside Scope	
New Permit	Statutory	300.00	300.00	0.00%		Outside Scope	
Fee to renew	Statutory	300.00	300.00	0.00%		Outside Scope	
Fee to change name	Statutory	25.00	25.00	0.00%		Outside Scope	
Fee for copy of permit	Statutory	15.00	15.00	0.00%		Outside Scope	
Unlicensed family entertainment centre permit							
Conversion of existing permit	Statutory	100.00	100.00	0.00%		Outside Scope	
New Permit	Statutory	300.00	300.00	0.00%		Outside Scope	
Fee to renew	Statutory	300.00	300.00	0.00%		Outside Scope	
Fee to change name	Statutory	25.00	25.00	0.00%		Outside Scope	
Fee for copy of permit	Statutory	15.00	15.00	0.00%	Outside Scope		
<u>Regional Casino premises licence</u>							
Initial fee	Statutory	15,000.00	15,000.00	0.00%	}	Outside Scope	
Annual fee	Statutory	15,000.00	15,000.00	0.00%		Outside Scope	
<u>Large Casino premises licence</u>							
Initial fee	Statutory	10,000.00	10,000.00	0.00%	}	Outside Scope	
Annual fee	Statutory	10,000.00	10,000.00	0.00%		Outside Scope	
<u>Small Casino premises licence</u>							
Initial fee	Statutory	8,000.00	8,000.00	0.00%	}	Outside Scope	
Annual fee	Statutory	5,000.00	5,000.00	0.00%		Outside Scope	
Converted Casino premises licence	Annual fee	Statutory	3,000.00	3,000.00	0.00%	0	Outside Scope
<u>Bingo premises licence</u>							
Initial fee	Statutory	3,500.00	3,500.00	0.00%	}	Outside Scope	
Annual fee	Statutory	1,000.00	1,000.00	0.00%		Outside Scope	
<u>Adult gaming centre premises licence</u>							
Initial fee	Statutory	2,000.00	2,000.00	0.00%	}	Outside Scope	
Annual fee	Statutory	1,000.00	1,000.00	0.00%		Outside Scope	
<u>Betting premises (track) licence</u>							
Initial fee	Statutory	2,500.00	2,500.00	0.00%	}	Outside Scope	
Annual fee	Statutory	1,000.00	1,000.00	0.00%		Outside Scope	
<u>Betting shop premises licences</u>							
Initial fee	Statutory	3,000.00	3,000.00	0.00%	}	Outside Scope	
Annual fee	Statutory	600.00	600.00	0.00%		7,200	Outside Scope
Variation to a betting (other) premises licence	Statutory	1,200.00	1,200.00	0.00%		Outside Scope	
<u>Family entertainment centre licences</u>							
Initial fee	Statutory	2,000.00	2,000.00	0.00%	}	Outside Scope	
Annual fee	Statutory	750.00	750.00	0.00%		750	Outside Scope

Fees and charges

Taxi licences

	Charge Status	From April 2020 £	From April 2021 £	% Increase	Yield £	VAT treatment
<u>Taxi and Hackney Carriage licensing fees (outside scope of VAT)</u>						
<u>Vehicle applications</u>						
Hackney Carriage licence	Discretionary	271.00	271.00	0.00%	} 28,000	Outside Scope
Private hire vehicle licence	Discretionary	236.00	236.00	0.00%		Outside Scope
Temporary Hackney Carriage/private hire vehicles for period of 14 days extendable to 28 days when the licence is for a replacement vehicle provided by a specialist company while accident damage repair is carried out on a licensed Hackney Carriage or private hire vehicle	Discretionary	142.00	142.00	0.00%		Outside Scope
<u>Changes to licence</u>						
Change of vehicle during the licensing period (i.e. transfer to replacement vehicle for balance of licence period - existing plate must be returned)	Discretionary	98.00	98.00	0.00%	} 2,600	Outside Scope
Change of vehicle licence type during the licensing period (e.g. from Hackney Carriage to private hire)	Discretionary	103.00	103.00	0.00%		Outside Scope
Change of drivers licence during the licensing period (e.g. From private hire to Hackney Carriage drivers licence)	Discretionary	39.00	39.00	0.00%		Outside Scope
<u>Drivers licence new applications</u>						
Combined Hackney Carriage and private hire drivers licence - one year	Discretionary	242.00	242.00	0.00%	} 2,000	Outside Scope
Combined Hackney Carriage and private hire drivers licence - three year	Discretionary	445.00	445.00	0.00%		Outside Scope
Private hire drivers licence - one year	Discretionary	242.00	242.00	0.00%		Outside Scope
Private hire drivers licence - three year	Discretionary	445.00	445.00	0.00%		Outside Scope
<u>Drivers licence renewals</u>						
Combined Hackney Carriage and private hire drivers licence - one year	Discretionary	178.00	178.00	0.00%	} 22,000	Outside Scope
Combined Hackney Carriage and private hire drivers licence - three year	Discretionary	388.00	388.00	0.00%		Outside Scope
Private hire drivers licence - one year	Discretionary	178.00	178.00	0.00%		Outside Scope
Private hire drivers licence - three year	Discretionary	388.00	388.00	0.00%		Outside Scope
<u>Private hire operators licence (valid for 1 year)</u>						
1 vehicle owner/driver	Discretionary	176.00	176.00	0.00%	} 3,000	Outside Scope
2 - 5 vehicles	Discretionary	198.00	198.00	0.00%		Outside Scope
6 - 20 vehicles	Discretionary	281.00	281.00	0.00%		Outside Scope
21 - 40 vehicles	Discretionary	392.00	392.00	0.00%		Outside Scope
41 - 60 vehicles	Discretionary	504.00	504.00	0.00%		Outside Scope
61 - 80 vehicles	Discretionary	615.00	615.00	0.00%		Outside Scope
81 - 100 vehicles	Discretionary	726.00	726.00	0.00%		Outside Scope
<u>Private hire operators licence (valid for 5 years)</u>						
1 vehicle owner/driver	Discretionary	525.00	525.00	0.00%	} 3,000	Outside Scope
2 - 5 vehicles	Discretionary	547.00	547.00	0.00%		Outside Scope
6 - 20 vehicles	Discretionary	630.00	630.00	0.00%		Outside Scope
21 - 40 vehicles	Discretionary	741.00	741.00	0.00%		Outside Scope
41 - 60 vehicles	Discretionary	853.00	853.00	0.00%		Outside Scope
61 - 80 vehicles	Discretionary	964.00	964.00	0.00%		Outside Scope
81 - 100 vehicles	Discretionary	1,075.00	1,075.00	0.00%		Outside Scope

Fees and charges

Taxi licences

	Charge Status	From April 2020 £	From April 2021 £	% Increase	Yield £	VAT treatment
<u>Pre application and other charges</u>						
Failure to keep appointment / comply with renewal procedures	Discretionary	50.00	50.00	0.00%	4,500	Outside Scope
Knowledge test including re-takes	Discretionary	0.00	0.00			Outside Scope
Knowledge test including re-takes for Hackney Carriage Drivers	Discretionary	72.00	72.00	0.00%		Outside Scope
Knowledge test including re-takes for Private Hire Drivers and Private Hire Operators	Discretionary	55.00	55.00	0.00%		Outside Scope
New drivers information pack	Discretionary	25.00	25.00	0.00%		Outside Scope
Disclosure & Barring Service (DBS) fixed fee (£40) plus processing charges £18.50 Runnymede Borough Council and £9 Surrey County Council.	Discretionary	67.50	67.50	0.00%		Outside Scope

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

Fees and charges

Other licences

	Charge Status	From April 2020 £	From April 2021 £	% Increase	Yield £	VAT treatment	
Registration fees							
Ear piercing, electrolysis, tattooing and acupuncture							
- Practitioners	Discretionary	209.00	213.00	1.91%	1,800	Outside Scope	
- Premises	Discretionary	209.00	213.00	1.91%			
Sex establishments Initial fee	Discretionary	936.00	954.00	1.92%			
Sex establishments Annual fee	Discretionary	936.00	954.00	1.92%			
Mobile homes site licences							
Application for new site licence (includes £50.00 for single unit site) plus an additional £6.00 for each additional unit up to 101 units plus an additional £5.00 for each additional unit up to 201 units plus an additional £4.00 for each additional unit over 201	Discretionary	300.00	300.00	0.00%	6,500	Outside Scope	
Site inspection	Discretionary	50.00	50.00	0.00%			
Fit and proper person test	Discretionary	102.00	102.00	0.00%			
Application to transfer or amend a site licence	Discretionary	295.00	295.00	0.00%			
Application for a minor amendment to a site licence	Discretionary	200.00	200.00	0.00%			
Application for a replacement copy of a site licence	Discretionary	25.00	25.00	0.00%			
Annual licence fee for a single unit site plus an additional £6.00 for each additional unit up to 101 units plus an additional £5.00 for each additional unit up to 201 units plus an additional £4.00 for each additional unit over 201	Discretionary	50.00	50.00	0.00%			
Fee for the deposit of site rules	Discretionary	75.00	75.00	0.00%		0	Outside Scope
Other licences and permits							
Scrap metal dealers site licence (3 year licence)	Discretionary	356.00	363.00	1.97%		600	Outside Scope
Scrap metal collectors licence (3 year licence)	Discretionary	227.00	231.00	1.76%			
Charity collection permits:							
House to house collections	Statutory	Free	Free			Outside Scope	
Street collections	Statutory	Free	Free			Outside Scope	
Certificate of suitability							
Film certification	Discretionary	351.00	358.00	1.99%	0	Outside Scope	
Pavement Licence							
Application for new temporary pavement licence	Statutory	0.00	100.00	0.00%	200	Outside Scope	

7. **CHARITY COLLECTIONS POLICY 2020 - 2023 (LAW AND GOVERNANCE - Clare Pinnock)**

Synopsis of report:

To report back on the public consultation regarding the review of the Council's policy on charitable collections, and to make a number of minor amendments thereto to improve its operation in practice.

Recommendation that:

the revised Charity Collections Policy 2020 – 2023, as attached at Appendix 'B', be approved, to be effective from 16 November 2020 to 15 November 2023.

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 full Council in December 2017.
- 1.2 The new policy was reviewed after it had been operating for 18 months in June 2019, and is now presented for renewal for the period 2020 – 2023.
- 1.3 In conducting this review, Officers have taken into account guidance issued primarily by the Fundraising Regulator and the Charity Commission, and have responded to informal feedback from other local authorities we consulted, the public and charities gathered during the consultation period and have also taken into account the Fundraising Regulator's Complaints Report 2018/2019, being the most recent available.
- 1.4 Members are advised that since the last meeting, charitable activities have now resumed but the situation is changing all the time and we may go back into 'lockdown'. This policy is written on the basis of when charities and third party fundraisers were operating pre-covid. However, there is supplementary guidance sitting alongside the policy to respond to such emergency situations.

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 'B'. When the draft was considered in June 2020 it was presented with track changes. This time the policy is a clean version with the changes in bold text; when published this will be changed to normal text.
- 2.3 The main changes and additions to the policy were set out in the report to this Committee in June 2020. These can be summarised as:
 - making the section on equalities more robust
 - clarifying where collections cannot take place
 - strengthening the onus on collectors to abide by 'no cold calling' instructions
 - to support the transformation agenda by accepting 'real' electronic signatures, but not those generated using a handwriting font
 - some administrative updates regarding Data Protection and record keeping
 - allowing use of social media by a charity to report on collection outcomes

- 2.4 Three new issues have been considered since the last meeting of this Committee. Firstly, the addition of direct debit appeals referred to in the supplementary guidance at section 5 of the policy. Increasingly, residents have not responded well to direct debit appeals and do not like the approaches to hand over bank details to what is effectively a stranger. Whilst we cannot 'ban' these activities in house to house collections, particularly if the charity holds a National Exemption Order, we do consider it is reasonable to limit these appeals in the same way as commercial clothing collections so that there are not too many such appeals taking place at any one time in the borough. It remains the case that we do not allow direct debit appeals in our town and village centres.
- 2.5 The second issue was touched on in section 1 above regarding supplementary guidance during Covid. When 'lockdown' was lifted we resumed licensing charitable activities; there was some pressure to do this from the charities, particularly the commercial clothing collection companies whose contact with people making donations is far less than for a traditional collector on the street. After consideration by the Senior Leadership Team and the Council's Covid panel, we drew up the following statement and require the promoters of charitable appeals to sign and return it to confirm they have read and understood the statement before resuming any form of charitable activity.

"COVID-19 additional information and guidance - Street and House to House Collections

We have now lifted the restrictions on charitable collections and any licences that were granted pre-lockdown are reactivated and we are now taking new applications. However, please be aware that due to COVID-19 and social distancing guidelines:

- we can usually only issue permits for up to 4 collectors at a time
- you must take extra measures to ensure the safety of yourselves and those around you
- it is your responsibility to comply with guidance issued by central Government, please note that whilst we are happy to receive a copy of any risk assessments with your application we are not able to sanction them as being 'covid compliant'
- non-compliance with social distancing guidelines is enforceable by the HSE Please follow the current coronavirus guidance around collecting issued by central Government and/or Public Health England. You may find the guidance issued by the Fundraising Regulator and/or Institute of Fundraising of assistance."

- 2.6 The above statement is stand alone, and we hope only a temporary requirement but is considered necessary and reasonable in the circumstances and will be updated as and when current guidance changes. On our website we indicate which charities and third party fundraisers have returned their statement and which haven't and so far we have not had anyone respond other than positively.
- 2.7 The last issue arising was whether the authority should conduct 'right to work' and DBS checks for applicants as we do in the Licensing regime. None of the local authorities that responded to the consultation do this and Officers consider that any obligation for such checks falls on the charity or other relevant party where an employer/employee relationship exists to meet the 'fit and proper' test.
- 2.8 The Committee is advised that the electronic survey was only completed by 2 people, one was a member of the public and the other a charity. The only point of disagreement with the policy was by the charity that responded saying they didn't think we should only accept genuine electronic signatures. However, we are not going to relax that requirement because we need to be sure that a real person is

applying and more importantly making a genuine and accountable declaration regarding the information provided.

2.9 The survey questions and the responses were:

Q1

To allow us to understand where our responses have come from please answer this question before you continue. Are you:

a charity/member of the public

Q2

Are the policy objectives (page 3) suitable and sufficient to cover how charity collections should be treated?

Agree/Agree

Q3

Are the permitted locations (page 4) clear

Agree/Agree

Q4

Is the application process (page 4) straightforward and reasonable?

Neither agree nor disagree/Agree

Q5

Do you agree that we should only accept genuine electronic signatures from applicants?

Disagree/Agree

Q6

Is the supplementary guidance for commercial clothing collections (page 6) transparent and consistent?

Neither agree nor disagree/Agree

Q7

Do you have any other comments or suggestions?

Respondent skipped this question/Respondent skipped this question

2.10 The low participation was disappointing as the survey was publicised widely on our website, social media and to the charities we had licensed (or not) in the last 5 years. Had there been major changes proposed to the policy the lack of responses would have been a concern. However, in the circumstances we consider it is reasonable to proceed with the implementation of the updated policy, subject to this Committee's approval.

3. Policy framework implications

3.1 The Council's draft Corporate Business Plan 2020-2023 contains a corporate value of being customer focussed. The welfare of our residents, promoting authorised fundraising and facilitating well run charitable appeals meets this aim.

3.2 The corporate theme of Supporting Local People is relevant to regulating charitable collections.

3.3 The Council's move to a new style website is facilitated by accepting applications electronically. However, the process cannot be automated as there is a need to consider all applications on their merits, including compliance with the policy and making value judgements and assessments which include providing a balanced programme of charitable activities.

3.4 It is also a priority that we are alert to the importance of protecting the public from unauthorised or 'bogus' collections, as well as not licensing collections where we consider the remuneration is excessive compared with what the charity is getting from the proceeds of the collection.

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. Advice on legal, equalities and financial matters that arise is sought from relevant Officers from time to time.

5. **Legal implications**

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

5.2 Under the Council's Scheme of Delegation, the Charity Collections policy can be adopted by this Committee without referring it to full Council.

5.3 As explained in section 2.7 we did consider the issue of whether the authority should conduct 'right to work' and DBS checks for applicants. This Council's position is that any obligation for such checks falls on the charity or other relevant party where an employer/employee relationship exists. There is no legal requirement to do these checks under the relevant charity related 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 was submitted to this Committee in June and reviewed by the Council's Equalities Group.

6.3 The new paragraph in the policy objectives makes our commitment to Equalities more visible.

7. **Conclusions**

7.1 The revised Charity Collections Policy 2020 – 2023 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 2020 – 2023 is sought, to be effective from 16 November 2020 – 15 November 2023.

(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 2018/2019
Charity Commission CC20 Guidance checklist June 2016
Correspondence held on Law and Governance email files
Survey Monkey Consultation results



Charity Collections Policy 2020 – 2023

Contents

1. Introduction
2. Policy Objectives
3. Permitted locations
4. Application Process
5. Supplementary guidance for House to House Clothing Collections **and Direct Debit appeals**
6. Grounds for refusal of a House to House Collections Licence
7. Appeals
8. Fee Structure
9. Enforcement
10. Busking/Street Entertainment
11. **Record Keeping**
12. Appendices
13. 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 fairly and consistently 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 2020 – 2023 are supported
- 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 conduct 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.

2.3 **Priority may be given to charitable appeals which promote one or more of the protected characteristics as defined by the Equality Act 2010. These are:**

- **age**
- **disability**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation**
- **gender reassignment**

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 and appeals for donations of unwanted household items for example clothing, cannot take place in any public place without a street collection permit or house to house collections licence, as applicable, unless the charity holds a National Exemption Order. 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 and Hamm Court Estate on the banks of the River Thames between Chertsey and Weybridge**
- 3.6 All applicants and collectors are required to comply where official and unofficial '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, **genuine electronic signatures (i.e. not created using a handwriting type font) will 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, type of appeal 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 stated on the application form. **This includes confirmation of compliance with the Council's 'Covid Guidance' statement**. Applicants are advised to read the Council's Privacy Notice before completing an 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, the submission of a number 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 7 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 display 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 not 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, **or a posting on social media, preferably on the Council's own official Facebook page and/or shared with the Council.**
- 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 and direct debit appeals (house to house only permitted)**
- 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 usually allow one licensed commercial clothing collection **and one direct debit appeal per month** in any one calendar year anywhere in the borough.
 - b) commercial clothing collections and direct debit appeals must avoid overlapping with nationally exempted house to house collections including clothing collections **and direct debit appeals** and dates will be allocated equitably at our discretion, 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, **revoke** 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.
- 9.5 **During the Covid Pandemic or other similar emergency, all fundraising activities must comply with relevant supplementary guidance that may be issued from time to time, including the suspension and/or restriction of collections and appeals.**
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.
11. **Record Keeping**
- 11.1 **In line with the Council's Record Retention Policy, records of completed collections and other related correspondence, both electronic and on paper, will be kept for a period 7 years and then securely destroyed unless there is a reasonable reason to retain the record, for example, the detection or prevention of crime.**
12. Appendices

Appendix 'A'

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.

Appendix 'B'

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.

Appendix 'D'

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.

13. **List of Consultees**

All charities and third party fundraisers granted a licence from 2015 – 2020
Charity Commission
Neighbourhood Watch bodies in Runnymede
Local Residents' Associations
Fundraising Regulator
Other Licensing Authorities in Surrey and members of the Charity 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
Citizens Advice Runnymede and Spelthorne

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)