



Regulatory Committee

Tuesday, 7 November 2023 at 7.30 pm

Council Chamber - Civic Centre

Members of the Committee

Councillors: J Wilson (Chairman), M Harnden (Vice-Chairman), D Clarke and R Davies

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

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 **Democratic Services, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: Democratic.Services@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
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The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

List of matters for consideration

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Part I

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

1. **Notification of Changes to Committee Membership**
2. **Minutes** 4 - 7

To confirm and sign as a correct record the Minutes of the meeting held on 20 June 2023 (Appendix 'A').
3. **Apologies for Absence**
4. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.
5. **Fees and Charges 2024/2025** 8 - 17
6. **Charity Collections Policy 2023 - 2028** 18 - 33
7. **SO42 - Urgent Action** 34 - 37

A copy of proforma number 1026 detailing action taken after consultation with the Chairman and Vice-Chairman of the Committee under Standing Order 42 is attached at Appendix 'A' for the Committee's information.
8. **Exclusion of Press and Public**

Part II

There are no exempt or confidential items on the agenda.

Runnymede Borough Council

Regulatory Committee

Tuesday, 20 June 2023 at 8.00 pm

Members of the Committee present: Councillors J Wilson (Chairman), M Harnden (Vice-Chairman), D Clarke and R Davies.

Members of the Committee absent: None

In attendance: Councillor T Burton.

1 Minutes

The Minutes of the meeting held on 15 March 2023 were confirmed and signed as a correct record.

2 Declarations of Interest

There were no declarations of interest.

3 2023 Annual report on Hackney Carriage and Private Hire Licensing

The Committee noted matters relating to Hackney Carriage and Private Hire Licensing for 2022/2023.

Members reviewed the statistics held by the Licensing Team on the number of licensed drivers (92) and vehicles (82) and details of the vehicles themselves in terms of age, mileage and ULEZ rating. It was very much hoped that the number of licensed drivers would start to recover post pandemic.

Officers reported that in 2022/2023, no drivers had been suspended or had their licences revoked. The Team took a pro-active approach to assist drivers with keeping their paperwork up to date to prevent any delays in the process.

With regard to engagement with the trade, Officers advised that the taxi forums were generally not well attended. Nevertheless it was a useful opportunity to meet the drivers and operators informally on a fairly regular basis.

The Committee noted that 7 complaints about drivers had been received; these had all been resolved through issuing a warning or provided with some advice.

Officers would submit a report reviewing fees and charges to the meeting in November 2023 and conduct another survey with the trade with regard to Hackney Carriage fares. The last survey had attracted only three responses which was not considered representative enough to proceed with a formal review.

Members were pleased that the Council subscribed to the national register of taxi licence revocations and refusals; NR3, as approved by the Secretary of State and maintained by the National Anti-Fraud Network. This gave re-assurance that drivers were 'fit and proper' and identified those whom other authorities may have concluded were not.

The Committee noted the legislation that had come into force during 2022, including the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 and the Taxis and Private

hire Vehicles (Safeguarding and Road Safety) Act 2022. Officers were asked to confirm how many drivers had completed the disability awareness training.

Officers were asked to clarify the requirements for drivers with regard to seatbelts. It was confirmed that Hackney Carriage drivers did not have to wear a seatbelt, and private hire drivers only when they were not carrying a passenger.

Officers also clarified the position with regard to the display of badges by app based firms. Whilst details could be obtained via a public website, it was agreed that they were not particularly visible in the actual vehicles.

Officers confirmed that updated best practice Guidance from the Department for Transport was still awaited. Officers also highlighted the Government's Levelling Up White Paper dated 2 February 2022, which announced the Government's plans to explore transferring control of taxi licences away from local authorities to combined and upper tier authorities, although it was thought that this would not happen in the short term. Officers would keep the Committee informed.

The report was duly noted.

4 **Taxi Driver Medicals Consultation**

Following a period of public consultation, the Committee's approval was sought to amend the Council's policy with regard to the medical assessments undergone by hackney carriage and private hire drivers.

Officers advised that it was timely to review the current policy to bring it into line with the draft best practice guidance which recommended adoption of the DVLA Group 2 frequency for medicals. This would reduce the cost to drivers, by approximately £100 to £150 per medical, which would be less frequently required. It also reduced the amount of Officer time needed sending reminders to drivers and then checking the medicals when received. Officers were also aware of the difficulty drivers were experiencing getting appointments and Officers had also concluded that there was no evidence to suggest that going above the DVLA requirements was justified.

Officers reported that although all the other licensing authorities in Surrey also used the Group 2 standards, they varied with regard to the frequency and age requirements.

The Committee was satisfied that the response rate to the survey was such that a change to the policy was positive and would benefit the drivers.

An Equality Impact Screening Assessment had been undertaken and considered by the Council's Equalities Group. This demonstrated compliance with the Council's Public Sector Equality Duty.

Members agree to adopt the following change to the policy:

"A Group 2 medical assessment will be required at the following frequencies:

(i) on submission of a new hackney carriage or private hire driver licence application (Thereafter drivers renewing a licence up to the age of 45 must, as part of the renewal application, declare any change in their medical condition and provide evidence of such to the Council)

(ii) At age 45 and thereafter every five years until the age of 65

(iii) At age 65 and thereafter on an annual basis

(iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's licensing section whilst the grant of a licence is in force"

RESOLVED that –

The proposed amendments to Runnymede's Hackney Carriage and Private Hire Licensing policy with regard to the assessment of a person's medical fitness to drive hackney carriage and private hire vehicles be approved

5 **Review of Public Charitable Collections Policy Consultation**

The Committee was asked to review some minor amendments to the Council's Charity Collections Policy prior to its issue for public consultation, in line with the requirements set out on the Council's Constitution.

Officers advised that the policy provided guidance on what activities the Council licensed, from street collections of cash, or sale of goods for charity, and door to door collections of cash, clothing and direct debit appeals.

Members noted that the nature of charity collections had changed over the years. It used to be mostly street collections but now there was far more on-line fundraising and commercial participators giving a proportion of the proceeds raised to registered charities. This latter process involved looking more closely at the companies who applied for a licence and only licensing those companies and organisations Officers considered were giving a significant proportion of the proceeds to the charity.

Officers reported that applications from individuals raising money on behalf of a charity were now few and far between.

Members agreed that the formal policy, introduced in 2017, had served the Council well and only needed a few amendments.

Firstly, it was proposed that the policy would run for 5 years instead of 3, in line with other licensing related policies. Officers had shortened the policy by removing the appendices and making these links to the relevant regulations and incorporating other text such as the definition of charitable purposes into the main document.

A reference to the Council's Safety Advisory Group had been added so that outdoor events were covered; and to highlight partnership working with the County Council's Highways department and Surrey Police when there were applications to hold events such as 'pram races' to ensure the safety of all involved.

The Committee agreed with the approach in the application process that tacit approval did not apply. It was noted that some Councils that took applications through the .gov.uk website allowed for charities to go ahead if they hadn't received a licence within a specified time. However, Members and Officers considered that every fundraising activity that needed a licence should be licensed.

Members noted that all licensed collections were listed on the Council's website charity diary.

With regard to commercial clothing collections it was proposed that a new clause be added

to require applicants to provide evidence of holding a waste carrier's licence or certificate or relevant exemption. The Committee agreed this was likely to provide more assurance that applicants were fit and proper in terms of the way they ran their businesses.

In terms of consultation, it was agreed that a period of 12 weeks was sufficient. Officers would publicise the survey with the assistance of the Web and Communications teams. Members noted the list of formal consultees but anyone would be able to access the survey and respond.

Officers would report back post consultation in November with the aim of issuing the updated policy mid November to run until November 2028.

The Committee was pleased to approve the draft policy for consultation with one amendment to add 'door to door' after the reference to 'House to House' to clarify that these licences applied to residential and business premises.

RESOLVED that –

- i) the consultation exercise on the revised public charitable collections policy, as amended, be approved to run for 12 weeks; and**
- ii) the results of the consultation to be submitted to this Committee for further discussion in November 2023, prior to approving the final version of the policy, to be effective from 13 November 2023 to 12 November 2028**

6 Exclusion of Press and Public

There were no confidential or exempt items on the agenda.

(The meeting ended at 8.40 pm.)

Chairman

Report title	Fees and Charges 2024/2025
Report author	Jill Stockdale / Helen Clark
Department	Financial Services / Environmental
Exempt	No

Purpose of report:

To Resolve

Synopsis of report:

To set out the context and rationale for changes to fees and charges for the next financial year for the services managed by this committee and to recommend that the proposed fees and charges are adopted as set out.

Recommendation(s):

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

1. Context and background of report

- 1.1 The annual review of charges is an important part of the overall budget setting process and the policy framework for service provision in general.
- 1.2 Whilst the Council's Constitution places initial fee setting with each service committee, it also provides delegated authority to Officers to alter fees, charges and prices without reference to a Committee, in order to respond to market conditions, new needs, changes in tax rates, and so on.

2. Report and, where applicable, options considered and recommended

Methodology

- 2.1 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

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 5% for discretionary locally set charges should be aimed for as the financial plans of the Council assume at least an inflationary increase.

- 2.2 This report reviews current levels of fees and charges, with a view to helping to balance next year's budget and is a key strand of the Council's Medium Term Financial Strategy.
- 2.3 The fees and charges proposed by service managers for next year are set out at Appendix 'A'. The appendix includes a Yield column showing the next year's budget for each charge/group of charges, so that Members can estimate the financial implications of any price rises.

Gambling

- 2.4 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 service increases. The estimated deficit for 2024/25 is £11,000.

Taxi and Hackney Carriage Licensing Fees

- 2.5 Section 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.
- 2.6 The 'Act' allows councils to recover the costs of issue, administration and additionally, in the case of drivers, compliance.
- 2.7 The case of R (Hemmings 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. 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 properly followed and if the fees are not reasonable and proportionate to the costs of the licensing procedures.
- 2.8 The current fee setting structure for taxi and private hire licensing in Runnymede was developed in 2014. This was constructed in such a way to allow a breakdown of the costs to be seen.
- 2.9 The estimated deficit for Taxi Licensing for 2024/25 is £95,000. However, £10,100 of this deficit are non-rechargeable costs.

Other fees and charges

- 2.10 The attached fees and charges recommend the following new charges. It is requested that we reduce the registration fees that we charge for ear piercing, electrolysis, tattooing and acupuncture practitioners from £234 to £165, this is a reduction of 29.49%. Over the past few years, we have continued to raise the price based on inflationary increases but it has become more difficult to justify the current fee level based on allowable/reasonable costs.

- 2.11 It has been suggested that we create a new discretionary charge of £118 under mobile homes for a fit and proper person test application for the same relevant person and site owner,
- 2.12 The second change relates to Pavement licence charges. These are new statutory charges, due to be introduced after 1 October 2024.

The estimated deficit for other licensing for 2024/25 £14,000.

3. Policy framework implications

- 3.1 There are no policy framework implications.

4 Resource implications/Value for Money

- 4.1 At the start of the 2023/24 financial year, the Council had an ongoing budget deficit estimated to be £5.2m by the end of 2026/27 that needed to be addressed. This included an assumption that fees and charges would increase by 2% each year. The setting of fees and charges is an important tool in helping to address this situation and maximising income from services should be a priority.
- 4.2 In setting fees and charges there is a fine balance to be struck between trying to recover the cost of running services and not alienating our customers by making the charges unaffordable. In undertaking their reviews managers must balance these risks whilst at the same time trying to generate additional income to contribute towards the Council's ongoing budget deficit. Consideration should also be given to the cost of pay-to-use services, so that those choosing not to avail themselves of those services, are not carrying the burden, through taxation, of subsidised services for others.
- 4.3 Once agreed, the fees and charges will be included as part of the 2024-25 budget and the effects of any increases/reductions in the charges will be incorporated into the figures for the appropriate service areas.

5. Legal implications

- 5.1 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.

6. Equality implications

- 6.1 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.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 The annual setting of existing fees and charges has no environmental, sustainability or biodiversity implications. Any change to a structure or the inclusion of new charges that have any such implications will be set out in a separate report to Committee.

8. Timetable for Implementation

8.1 The proposed fees and charges will not take effect until 1 April 2024 or as soon as practical thereafter unless a different date is set out in the Appendix.

9. Background papers

None

10. Appendices

Appendix 'A' Proposed Fees & Charges for 2024/25

Fees and charges

Gambling licences

	Charge Status	From April 2023 £	From April 2024 £	% 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						}		
Conversion of existing permit	Statutory	100.00	100.00	0.00%			1,830	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 2023 £	From April 2024 £	% 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%	} included above	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%	} included above	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%	} included above	Outside Scope	
Annual fee	Statutory	5,000.00	5,000.00	0.00%		0 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%	} included above	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%	} included above	Outside Scope	
Annual fee	Statutory	1,000.00	1,000.00	0.00%		Outside Scope	

Fees and charges

Gambling licences

	Charge Status	From April 2023 £	From April 2024 £	% Increase		Yield £	VAT treatment
<u>Betting premises (track) licence</u>							
Initial fee	Statutory	2,500.00	2,500.00	0.00%	}	Included above	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%	}	6,000	Outside Scope
Annual fee	Statutory	600.00	600.00	0.00%			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%	}	750	Outside Scope
Annual fee	Statutory	750.00	750.00	0.00%			Outside Scope

Fees and charges

Taxi licences

	Charge Status	From April 2023 £	From April 2024 £	% Increase	Yield £	VAT treatment
Taxi and Hackney Carriage licensing fees (outside scope of VAT)						
<u>Vehicle applications</u>						
Hackney Carriage licence	Discretionary	339.00	356.00	5.01%	} 15,000	Outside Scope
Private hire vehicle licence	Discretionary	196.00	209.00	6.63%		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	92.00	96.00	4.35%		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	67.00	70.00	4.48%	} 900	Outside Scope
Change of vehicle licence type during the licensing period (e.g. from Hackney Carriage to private hire)	Discretionary	67.00	70.00	4.48%		Outside Scope
Change of drivers licence during the licensing period (e.g. From private hire to Hackney Carriage drivers licence)	Discretionary	34.00	36.00	5.88%		Outside Scope
<u>Drivers licence new applications</u>						
Combined Hackney Carriage and private hire drivers licence - one year	Discretionary	238.00	249.00	4.62%	} 900	Outside Scope
Combined Hackney Carriage and private hire drivers licence - three year	Discretionary	468.00	482.00	2.99%		Outside Scope
Private hire drivers licence - one year	Discretionary	238.00	249.00	4.62%		Outside Scope
Private hire drivers licence - three year	Discretionary	468.00	482.00	2.99%		Outside Scope
<u>Drivers licence renewals</u>						
Combined Hackney Carriage and private hire drivers licence - one year	Discretionary	178.00	186.00	4.49%	} 12,100	Outside Scope
Combined Hackney Carriage and private hire drivers licence - three year	Discretionary	411.00	421.00	2.43%		Outside Scope
Private hire drivers licence - one year	Discretionary	178.00	186.00	4.49%		Outside Scope
Private hire drivers licence - three year	Discretionary	411.00	421.00	2.43%		Outside Scope

Fees and charges

Taxi licences

	Charge Status	From April 2023 £	From April 2024 £	% Increase	Yield £	VAT treatment
<u>Private hire operators licence (valid for 1 year)</u>						
1 vehicle owner/driver	Discretionary	202.00	210.00	3.96%	3,300	Outside Scope
2 - 5 vehicles	Discretionary	207.00	216.00	4.35%		Outside Scope
6 - 20 vehicles	Discretionary	233.00	243.00	4.29%		Outside Scope
21 - 40 vehicles	Discretionary	268.00	280.00	4.48%		Outside Scope
41 - 60 vehicles	Discretionary	302.00	317.00	4.97%		Outside Scope
61 - 80 vehicles	Discretionary	336.00	354.00	5.36%		Outside Scope
81 - 100 vehicles	Discretionary	371.00	391.00	5.39%		Outside Scope
<u>Private hire operators licence (valid for 5 years)</u>						
1 vehicle owner/driver	Discretionary	640.00	662.00	3.44%	980	Outside Scope
2 - 5 vehicles	Discretionary	646.00	667.00	3.25%		Outside Scope
6 - 20 vehicles	Discretionary	671.00	695.00	3.58%		Outside Scope
21 - 40 vehicles	Discretionary	706.00	732.00	3.68%		Outside Scope
41 - 60 vehicles	Discretionary	740.00	769.00	3.92%		Outside Scope
61 - 80 vehicles	Discretionary	775.00	806.00	4.00%		Outside Scope
81 - 100 vehicles	Discretionary	809.00	842.00	4.08%		Outside Scope
<u>Pre application and other charges</u>						
Failure to keep appointment / comply with renewal procedures	Discretionary	50.00	57.00	14.00%	980	Outside Scope
Knowledge test including re-takes for Hackney Carriage Drivers	Discretionary	54.00	57.00	5.56%		Outside Scope
Knowledge test to go from being a Private Hire Driver to a Hackney Carriage Driver	Discretionary	54.00	57.00	5.56%		Outside Scope
Knowledge test including re-takes for Private Hire Drivers and Private Hire Operators	Discretionary	54.00	57.00	5.56%		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	65.00	66.00	1.54%		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 2023 £	From April 2024 £	% Increase	Yield £	VAT treatment
Registration fees						
Ear piercing, electrolysis, tattooing and acupuncture						
- Practitioners	Discretionary	234.00	165.00	-29.49%	} 430	Outside Scope
- Premises	Discretionary	234.00	258.00	10.26%		Outside Scope
Sex establishments Initial fee	Discretionary	1,050.00	1,120.00	6.67%		Outside Scope
Sex establishments Annual fee	Discretionary	1,050.00	1,120.00	6.67%		Outside Scope
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	621.00	107.00%	} 7,800	Outside Scope
Site inspection	Discretionary	50.00	50.00	0.00%		Outside Scope
Fit and proper person test	Discretionary	160.00	160.00	0.00%		Outside Scope
Application for fit and proper person licence	Discretionary	372.00	405.00	8.87%		Outside Scope
Additional FPPT application for same relevant Person and site owner	Discretionary		118.00			Outside Scope
Application to transfer or amend a site licence	Discretionary	295.00	370.00	25.42%		Outside Scope
Application for a minor amendment to a site licence	Discretionary	135.00	171.00	26.67%		Outside Scope
Additional conditions (with minor amendment application)	Discretionary	28.00	29.50	5.36%		Outside Scope
Application for a replacement copy of a site licence	Discretionary	25.00	37.00	48.00%		Outside Scope
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	55.00	10.00%		Outside Scope
Fee for the deposit of site rules	Discretionary	75.00	171.00	128.00%		Outside Scope
Other licences and permits						
Scrap metal dealers site licence (3 year licence)	Discretionary	394.00	420.00	6.60%	} 400	Outside Scope
Scrap metal collectors licence (3 year licence)	Discretionary	254.00	270.00	6.30%		Outside Scope
Charity collection permits:						
House to house collections	Statutory	Free	Free	0.00%		Outside Scope
Street collections	Statutory	Free	free	0.00%		Outside Scope
Certificate of suitability						
Film certification	Discretionary	394.00	436.12	10.69%	0	Outside Scope
Pavement Licence						
Application for new temporary pavement licence (until 1st October 24)	Statutory	100.00	100.00	0.00%	} 600	Outside Scope
Application for new pavement licence (From the 1st October 24)	Statutory		500.00			Outside Scope
Application for renewal of the pavement licence (From the 1st October 24)	Statutory		350.00			Outside Scope

Report title	Charity Collections Policy 2023 - 2028
Report author	Clare Pinnock, Democratic Services Officer
Department	Law and Governance
Exempt	No

Purpose of report:
To Resolve

Synopsis of report:
To approve the updated Charity Collections Policy following public consultation. The new policy would be operational from 13 November 2023 – 12 November 2028.

Recommendation that:
The Charity Collections Policy 2023 – 2028 be approved

1. Context and background of report

- 1.1 The Council’s administration of public charitable collections is a statutory function carried out under delegated authority by Officers in Democratic Services in Law and Governance.
- 1.2 The Council first adopted a formal Public Charitable Collections Policy in 2017. It has been renewed once in 2020.
- 1.3 The Committee is referred to the previous reports to this Committee in November 2017, June and November 2020 and June 2023.

2. Report and, where applicable, options considered and recommended

- 2.1 The Charity Collections Policy is kept under review so as to respond to legislative change and local circumstances.
- 2.2 The policy was subject to a public consultation exercise which took place between June and September 2023. Unfortunately, there were just three responses to the public consultation, despite extensive publicity and circulation to all the statutory and non-statutory consultees listed at the end of the policy.
- 2.3 The three responses came from one charity, one commercial participator and one ‘other’. The Responses, based on the 8-question survey, were all agreed that:
 - the policy objectives were suitable and sufficient
 - the permitted locations were clear
 - the application process was straightforward and reasonable
 - the supplementary guidance for house to house collections and direct debit appeals were transparent and consistent

- that the informal appeals process for street collections was reasonable
- to retain the guidance for busking and street entertainment

One respondent used the free text box for comments to add:

“The document is clear in setting out the specific requirements, whilst written in a manner that is readily understandable for members of the public. Sections 3.1 to 3.6 and 10.1 to 10.10 are particularly helpful and ensure the reader is fully aware of what is being stated - thus removing all ambiguity. Finally, it's not overly complicated - vis a vis some other Borough Council policy's I've read - hence I'm supportive of the new draft.”

- 2.4 Unfortunately, when the document was sent to the Charity Commission their response was that they were 'unable to provide any comment'.

Proposed amendments

- 2.5 Officers propose some minor amendments to the policy to make it a little more concise and to reflect some best practice in other local authorities. These are the same amendments presented to the Committee in June this year.
- 2.6 The substantive change is to the requirement for commercial clothing collectors to hold a waste carrier licence/certificate or relevant exemption. This complements the 'fit and proper' test under the 1947 Regulations, which pre-date such licences.
- 2.7 The other changes remove Appendices and make them links to other documents to make them more e-friendly. However, those Appendices also appear on the website and can be made readily available.
- 2.8 Attached at Appendix 'A' is the proposed policy. Officers have shortened the name of the policy to 'Charity Collections Policy'.

3. Policy framework implications

- 3.1 The charity collections policy includes provision for applicants to support the relevant parts of the Council's Corporate Business Plan. For example, Health and Wellbeing, Empowering Communities and supporting local events and organisations.

4 Resource implications/Value for Money (where applicable)

- 4.1 The administration of charitable collections is carried out within existing resources. There are no additional resourcing implications arising from the review.

5. Legal implications

- 5.1 Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916 (the 1916 Act). The 1916 Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted. The Council has made regulations, which require the promoter to obtain a permit from the Council before the collection can take place.
- 5.2 House to House collections are regulated by the House to House Collections Act 1939 (the 1939 Act) and the House to House Collections Regulations 1947 (as amended). The 1939 Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on

application unless one of the grounds set out in the 1939 Act for refusing the licence apply.

- 5.3 There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision making.
- 5.4 In the Policy we have changed the reference to 'model' street collections regulations and consolidated the references to other relevant legislation.
- 5.5 The licensing of charity collections is a statutory function. No charges can or are made to applicants.

6. Equality implications

- 6.1 The Council has a 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) 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 should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.
- 6.3 The Equality Screening Assessment has been reviewed, updated and considered by the Council's Equalities Group. It is attached at Appendix 'B'.
- 6.4 One of the policy's objectives is to have regard to the Council's Public Sector Equality Duty under the Equality Act 2010 and to prioritise collections that promote equality and diversity.
- 6.5 Officers consider that the policy and how it is applied have a positive impact on Equalities and demonstrate this Council's compliance with our public sector equality duty.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 One of the objectives of the charitable collections policy is facilitating collections that advance environmental protection or improvement.
- 7.2 The addition in the policy of the reference the Council's Safety Advisory Group ensures outdoor events that contain charitable collections are taken into account in terms of health and safety.

8. Timetable for Implementation

- 8.1 The policy, if approved will be implement after the 'call in' period (13 November 2023).

9. Conclusions

9.1 The updated policy will assist applicants and the public

10. Background papers

Public Consultation papers held on Law and Governance files

11. Appendices

Appendix A – Charity Collections Policy 2023-2028

Appendix B – Equality Impact Screening Assessment

Charity Collections Policy 2023 - 2028

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. List of Consultees

1. Introduction

1.1 This policy is made in accordance with:

- The Police, Factories, etc. (Miscellaneous Provisions) Act 1916, Section 5
- Runnymede Street Collections Regulations 1981
- The House to House Collections Act 1939
- The Charities Act 1992
- The Charities Act 2006 as amended and including subordinate legislation
- <https://www.runnymede.gov.uk/general-licenses/charity-collections>

1.2 This policy will be reviewed every 5 years and/or to reflect significant changes in relevant legislation or other relevant policy and practice of the Council. Any significant amendments are subject to approval by the Regulatory Committee, unless delegated to an appropriate Officer

1.3 This policy was last reviewed in 2023, and subject to consultation will be in force until November 2028.

2. Policy Objectives

2.1 The Policy is designed to ensure that public charity collections are treated fairly and consistently, are 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 should not be exposed to an excessive number of appeals or unauthorised activity (collection fatigue). Applications should support relevant objectives of the Council's Corporate Business Plan 2022 – 2026.

2.2 The Council must have due regard to its Public Sector Equality duty under the Equality Act 2010, section 149 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. Therefore, 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 and gender reassignment.

2.3 Collections must be for the public benefit and line with a charitable purpose as defined by the Charities Act 2011 (Section 3). These are:

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.
- 2.4 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.

3. **Permitted Locations**

- 3.1 Charity Collections may take place in approved locations within the borough's 14 wards: Addlestone North, Addlestone South, Chertsey Riverside, Chertsey St Ann's, Egham Town, Egham Hythe, Englefield Green East, Englefield Green 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 (door to door) collections licence 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 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, Surrey County Council Highways, and the Council's Safety Advisory Group.
- 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 'no cold calling', 'door step trading' or similar advisory notices are displayed.

4. **Application Process**

- 4.1 Tacit approval does not apply. 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. Application forms must be signed by the applicant (electronic signatures will usually be accepted). A valid licence must be in place prior to any licensable activity. 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.
- 4.2 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.
- 4.3 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 appeals 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.
- 4.4 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. Applicants are advised to read the Council's Privacy Notice before completing an application form.
- 4.5 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.
- 4.6 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 Street Collections Regulations, there should be no payment made out of the proceeds of any collection to any collector or promoter of a collection.

- 4.7 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).
- 4.8 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.
- 4.9 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.
- 4.10 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 or twitter account and/or shared with the Council.
- 4.11 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.
- 4.12 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.
- 4.13 House to House collections can only take place during daylight hours with a terminal hour of 21:00 whichever is the earlier.
- 4.14 Evidence of public liability insurance cover of £5m may be required.

5. **Supplementary guidance for House to House clothing collections and direct debit appeals**

- 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.
- f) Commercial clothing collections must supply evidence that they hold a waste carrier's licence/certificate or exemption

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 Parliamentary Secretary (Minister for Civil Society). 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 Street Collections Regulations, 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, 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 Street Collections Regulations regarding safeguarding issues.
- 9.5 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 directed to the supplementary guidance below: 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.
- 10.2 Under the provisions of the Live Music Act 2011 busking and carol singing are 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.

- 10.3 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.
- 10.4 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.
- 10.5 Large events such as 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 provisions can be made to facilitate their event such as giving a Temporary Event Notice if required.
- 10.6 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.
- 10.7 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.
- 10.8 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.

- 10.9 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.
- 10.10 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.

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. List of Consultees

All charities and third party fundraisers granted a licence from 2020 – 2023
Charity Commission
Neighbourhood Watch bodies in Runnymede
Local Residents' Associations
Fundraising Regulator
Other Licensing Authorities in Surrey and other relevant areas
All Runnymede Borough Councillors
Trading Standards and Consumer Protection
Surrey Police – Neighbourhood Inspector Runnymede
Surrey County Council Highways
RBC Community Safety
RBC Environmental Health
RBC Legal Services
Egham and Chertsey Chambers of Commerce
Citizens Advice Runnymede and Spelthorne
Voluntary Support North Surrey (VSNS)
Runnymede Access Liaison Group

EQUALITY SCREENING

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Charity Collections Policy 2023 - 2028	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 be clear and transparent to the public, charities and applicants, giving guidance on how charity collections of all types are considered, licensed and enforced.

The policy is intended to promote legitimate fundraising by and on behalf of charities.

The Policy is intended to protect residents from experiencing 'donor fatigue' or inappropriate fundraising techniques such as 'chugging' by placing a limit on the number and type of collections taking place in the borough at any one time

The policy affects everyone who promotes charity collections and those who donate to them

B. Is this policy, function or activity relevant to equality? Does the policy, function or activity 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 on the basis of adverse impacts or unlawful discrimination.

The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

The policy is relevant to Equalities in that one of its objectives is to prioritise charity collections which promote the protected characteristics as defined by the Equality Act 2010

The policy is governed by the definition of charitable purpose as set out in the Charities Act 2011 Section 3 which includes purposes covered by the Equality Act 2010.

The following charity collections have taken place in the borough from 2020 which specifically benefit people with protected characteristics:

World Cancer Care

Great Ormond Street Hospital

Sue Ryder

Against Breast Cancer

Bliss/Kids

Marie Curie

Barnardo's

Hebrews Café Loaves and Fishes Project

Christian Aid

Royal British Legion

Help for Heroes

Egham Band

Royal Holloway Brass Band

Runnymede Muslim Society – for disaster appeals, Turkey, Syria and Libya

Alzheimer's Research UK

Ukraine Appeal

British Red Cross

If the policy, function or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion? Alternatively, if there it is considered that there is an impact on any Protected Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. 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 in a positive way. Therefore it is not considered that a full impact is necessary. The charitable purposes set out in the Charities Act 2011 Section 3 specifically refer to the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony, equality and diversity.

Collections for private gain are not permitted as the appeal has to be for public benefit as set out in the Charities Act 2011. This could cover individuals raising money for an operation or treatment of a medical condition; thus engaging the protected characteristics of age and disability. To mitigate; each case would be treated on a case by case basis

Children aged under 16 years are not permitted to conduct street collections as set out in the Street Collections Regulations based on the statutory model regulations. This engages the protected characteristic of age. However, this measure is in place to protect children and is compatible with one of the Licensing Objectives to protect children from harm. To mitigate children aged under 16 can participate if accompanied by an adult and not actually collecting money themselves. Feedback from relevant charities such as Egham Band have supported this mitigation.

Collections from door to door are not allowed after daylight hours. This is specifically included to protect vulnerable residents and positively engages the protected characteristics mainly of age and disability. Feedback from residents has supported this.

No street collections have been refused to organisations representing people with protected characteristics. Any House to House Collections licenses not granted have been done so in accordance with the House to House Collections Regulations, not for any reasons that engage protected characteristics.

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

Date completed: 19 October 2023

Sign-off by senior manager:

MARIO LEO
CHL & G

Standing Order 42

Consultation with Appropriate Chairman and Vice-Chairman for Urgent Action to be Taken Under Standing Order 42

To (Chair & Vice Chair):	Chairman – Cllr J Wilson and Vice- Chairman – Cllr Margaret Harnden
Relevant Committee:	Regulatory Committee
Date:	14 July 2023
Report Author:	Robert Smith Senior Licensing Officer
Report Title:	<u>Taxi Driver Disability Awareness Training</u>
SO42 Proforma Number:	1026

- | | |
|----|---|
| 1. | <p>Synopsis of report</p> <p>That the Committee consider a further period of time to allow drivers and operators to complete mandatory Disability Awareness Training</p> |
| 2. | <p>Reasons why this matter cannot wait for a Committee Decision.</p> <p>The relevant period of time would have passed by if we waited till the next Committee.</p> |
| 3. | <p>Recommendation(s)</p> <p>That Councillors approve an extended period of time to complete the training and support for drivers who wish to complete the training but lack suitable literacy or IT skills.</p> |
| 4. | <p>Context of report</p> <p>This report relates to the decision made by the Committee on 4 January 2023 making Disability Awareness Training a mandatory requirement for taxi drivers and operators. This was in response to the new legal responsibilities and duties imposed on taxi drivers and operators by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.</p> |

5. Report and, where applicable, options considered

New applicants for a taxi driver or operator's licence in Runnymede must carry out Disability Awareness Training as part of the application process and for existing taxi drivers and operators an online course costing around £40 must be completed.

It was decided at the Committee meeting of 4 January 2023 that they should be allowed until 15 July 2023 to get the training done, this was considered a sufficient period of time.

All drivers and operators were advised of the requirement initially and they have been subsequently reminded of the requirement.

Runnymede Borough Council licence 89 taxi drivers and 22 operators, 23 drivers and 5 operators have still to complete this training, although 2 drivers and 2 operators have training booked in the coming days. Of those who have not done the training, 7 do not have a vehicle licenced and are not working as drivers, it is unlikely they will complete the training.

The Council could consider taking action against those who have not done the training in the form of suspending their drivers or operator's licence. However, it would be seen as perhaps being overzealous and a warning and extension of time would in all probability allow most to get it done.

To allow a greater number of drivers and operators to complete the training, the Senior Licensing Officer proposes that a further 6 weeks be offered to complete the training, i.e., it must be completed by 26 August 2023.

Due the number of drivers and operators still to complete the training, a large number of suspensions may have a marked effect on the provision of taxis for the public in the borough and Surrey County Council school run contracts which may cause a significant impact to residents and businesses. This is particularly true of those with disabilities.

We are keen to avoid suspending licences wherever possible but there does have to be a cut of point.

Officers had considered a change of policy to allow drivers/operators to continue until they renew their licenses, however they must have carried out the training as a condition of renewal. The problem with this approach is that we have drivers who have 2 or even 3 years to run on their licence (longer for some operators), which is a considerable time to be working without this knowledge and that puts both drivers/operators and the public at a disadvantage.

Should this extension be agreed the licensing team would closely monitor the progress and encourage drivers and operators in the strongest possible terms to complete it. During this extended period officers would work with them to ensure they completed the course as soon as possible. This would include providing facilities and assistance at the Civic Offices should that be required, for example for those small number of drivers with dyslexia or limited access to IT or limited IT experience.

At the end of this extended period officers would be confident that only very few active drivers would still not have completed the training. We would be in position where we could consider suspension of a licence, being confident that we had allowed extra time, offered assistance and given due warning of suspension. In any appeal by a suspended driver this would be looked upon favourably.

6. Policy framework implications

Runnymede's Hackney Carriage and Private Hire Licensing Policy states at Part 5.73d All new and existing drivers and operators must carry out a disability awareness training course by a provider approved by the Council and provide the Council with proof of training. For those existing licence holders this must be completed by 15 July 2023, a licence may be refused, suspended, or revoked if this training is not carried out. For new driver and operator applicants this must be carried out before a licence is granted. A licence will not be granted if applicants have not carried out this training.

Should this extended period of time be approved the above date would be amended to 9 September 2023. (was 26 August 2023)

Financial and Resource implications (where practicable)

There are no financial implications.

8. Legal implications

In relation to hackney carriage and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 legislated for the addition duties for taxi drivers and operators. These being:

1. To carry the passenger.
2. If the passenger is in or has with them a wheelchair, to carry the wheelchair.
3. If the passenger has with them any mobility aids, to carry the mobility aids.
4. To take such steps, are reasonable to ensure that the passenger is carried in safety and reasonable comfort.
5. To give the passenger such mobility assistance* as is reasonably required.
6. Not to make, or to propose to make, any additional charge for complying with these duties.
7. Where the vehicle has been booked by or for a disabled person or by another person who wishes to be accompanied by a disabled person and the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.
8. Operators of private hire vehicles who fail or refuse to accept a booking requested by or on behalf of a disabled person, when the reason is that the passenger has a disability or to prevent the driver subject to a relevant duty commit an offence under the revised legislation

9. Equality implications

Due the number of drivers and operators still to complete the Disability Awareness training , it may have a marked effect on the provision of taxis for the public in the borough which may cause significant impact to service users.

10. Other implications (Environmental/Biodiversity/Sustainability must be addressed)

Nil

11. Background papers

Hackney Carriage and Private Hire Licensing Policy 2020 to 2023

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

Statutory Guidance – Access to taxis and private hire vehicles for disabled users

[Access to taxis and private hire vehicles for disabled users - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/access-to-taxis-and-private-hire-vehicles-for-disabled-users)

Equality Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

[Councillor Handbook](#)

[Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

<https://www.legislation.gov.uk/ukpga/2022/29/enacted>

12. **Chief Officer(s) Decision**

Signature of authorised officer

I have been consulted and am in agreement with the above

Signature(s) and position(s) of
other relevant Chief Officer, Corporate Heads or authorised representatives

..... [Redacted] [Redacted]

NB: this must include the Assistant Chief Executive or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.

13. **Chief Executive's Decision**

Signature of Chief Executive ...

[Redacted]

I have been consulted and am in agreement with the above

14. **Chairman and Vice-Chairman Comments**

I concur in the Chief Officer's decision

Signed

[Redacted]

Date

18-7-23 amended date 19-7-23

Signed

[Redacted]

Date

19/7/23

I have the following further comments:

The completed copy is to be returned by the Councillors to the Corporate Head of Law and Governance (Democratic Services) who will send a copy to the Chief Officer and report to the relevant Committee for information.