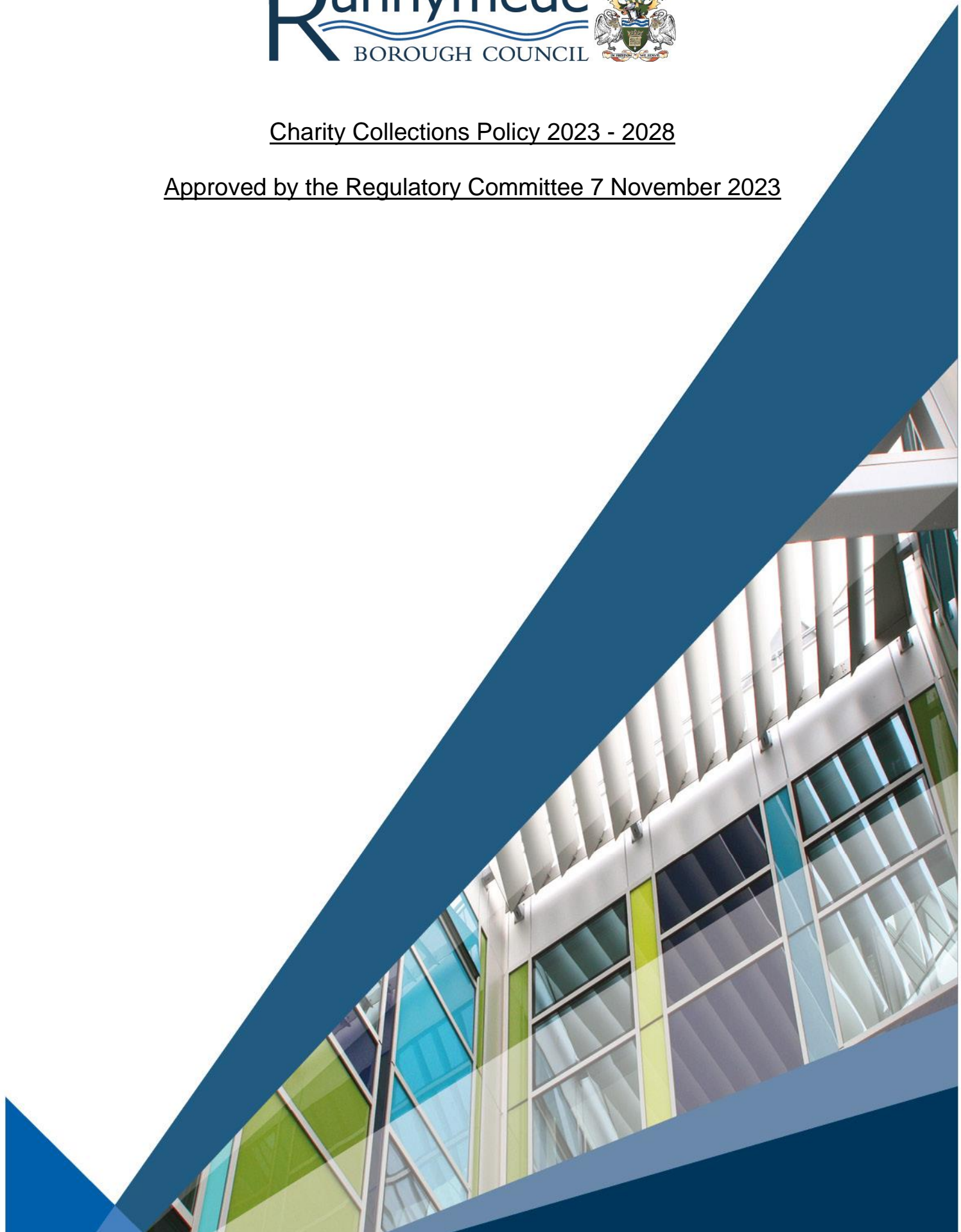




Charity Collections Policy 2023 - 2028

Approved by the Regulatory Committee 7 November 2023



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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