

Runnymede Borough Council  
Response to the Home Office Consultation Paper  
'Public Collections'

**1. Is the proposal for a new integrated licensing scheme in principle a good one?**

*Yes. This will simplify the licensing process, promote consistency and acknowledge the forms of fundraising which are currently not covered by existing legislation.*

**2. Should a licence be needed to carry out face to face fundraising?**

*Yes.*

**3. What would be the main consequences of licensing face-to-face fundraising for local authorities and fundraising organisations?**

*Although it would result in more work for both parties, this would be outweighed by the benefits of providing local authorities with a means of regulating and controlling such activity. It would also assist the fundraising organisations in ensuring accountability and public confidence in their activities.*

**4. Should the definition of 'public place' include private property to which the public has unrestricted access (for example, supermarket forecourts)?**

*Yes. This will reduce 'double booking' by supermarkets and local authorities, give greater safeguards against unauthorised collections taking place and eliminate the 'grey area' of where and where not to licence.*

**5. Should some types of property and types of collection be explicitly excluded? If so, are the right exceptions proposed (for example, collections in shops)?**

*Yes. The proposal to exclude church and school premises and events primarily aimed at raising money for charitable purposes are sensible. It would be the responsibility of the event organiser to 'vet' the fundraisers. Collections in shops should not be exempt.*

**6. Should small local collections be exempt?**

*Yes.*

**7. How should a small local collection be defined?**

*As set out in the Consultation Paper.*

**8. Is the proposal for 'lead authorities' (to assess the eligibility of collections where the proposed activity spans a number of local authority areas) a good one? What would the impact be for district councils?**

**9. What are the advantages of the 'lead authority' proposal?**

**10. What are the disadvantages of the 'lead authority' proposal?**

*The answer to all of these questions is largely dependent on how 'lead authorities' are to be defined and appointed. This Council is totally opposed to the proposal that a charity or fundraising organisation should have a choice about nominating the authority which it wishes to assess its eligibility.*

*However, there is merit in exploring the idea that the lead authority is the one in which the Head Office of the organisation or charity is situated. Although this would have resource implications for local authorities it would assist in their retaining some local control through local knowledge and would spread the workload between local authorities. In order for the 'lead authority' concept to work, it would have to be adequately resourced, perhaps through some ring fenced funding from central Government.*

*The question of accountability needs to be addressed. Who would be responsible in the situation where a 'lead authority' deemed an organisation eligible which it is later discovered to be operating in a way which contravenes the regulations? Also, who would be in the position to check that each lead authority was acting consistently and fairly?*

*It has been suggested that the Charity Commission be appointed by the Government as the central body to assess the eligibility of the charity or fundraising organisation. It could be argued that this is the only way to achieve absolute consistency. However, in order to do this properly, the Charity Commission must be given greater resources and enforcement powers, including that of the prosecution of bodies found to be operating illegally or in contravention of new regulations or guidance.*

*In addition, the scope of the Charity Commission would have to be extended to cover fund raising organisations which are not charities such as Amnesty International and similar bodies.*

**11. Is the proposal to differentiate between administrative arrangements for the collection of goods a sensible one?**

*Yes. The collection of goods for charity shops is sufficiently different in nature to allow for different administrative arrangements. However, there need to be safeguards in place to protect the legitimate charity shops from the commercial companies who also collect goods but are not strictly charitable in nature or operation.*

**12. Is there any reason why the appeal process should not be the same for both types of collection?**

*No, although giving the organisers of street collections the same right of appeal as those for house to house collections does have resource implications for local authorities and the Magistrates' Court if a significant number of charities decide to appeal against refusals.*

**13. Are there any arguments for not making the Magistrates' Court the avenue of appeal?**

*No, as long as they are sufficiently resourced and willing to assume this duty.*

**14. Should responsibility for licensing public collections in London be transferred from the police to local authorities?**

*Yes.*

**15. Do you consider that any offences should be added to or removed from the list above?**

Penalties for non-compliance.

*The list is sensible. However, it would be prudent to consider the inclusion of offences relating to crimes against children and sexual offences, given that traditional collectors and face to face fund raisers have direct contact with the public, sometimes in their homes.*

**16. Cost of administering the licensing scheme:**

**a) What information do charities and local authorities have which they could without disproportionate effort make available to us?**

**b) What are the costs of administering the present system?**

*As a sub 85,000 authority the costs are approximately £4,800 per annum. For a larger authority the costs would be much higher.*

**c) What additional costs/savings are envisaged under the proposed system? Estimates of the financial costs/savings would be welcomed.**

*It would be difficult to predict any cost savings, the new system will be more expensive to administer given the predicted increase in applications likely to be received.*

**17. Does it remain the general view that no charges should be levied for a licence?**

*It would be unfair to make a charge for licences to charitable organisations. However, professional and commercial fund raising organisations and those companies which collect household goods to sell on should have to pay for licences.*

*The Professional Fundraising Regulatory Association (PFRA) has argued that to make a charge for licences would be a 'stealth tax' on charities. This Council believes that the professional fund raising organisations who collect direct debit commitments on behalf of charities already 'tax' charities by charging them a flat rate fee for each new donor signed up.*

**18. How should philanthropic and benevolent best be defined (for example, by analogy with local authority rating decisions)?**

*A sensible definition would be an organisation which has concern for and promotes the welfare, education and general well being of mankind and the natural world, and which does not operate primarily for the purposes of private gain.*

**19. Are collections where there is a significant element of private benefit (for example, sponsorship for challenge events) philanthropic or benevolent.**

*There is an element of benefit for the charity, but not enough for the activity to be considered philanthropic or benevolent.*

**20. What factors should local authorities consider when assessing the capacity of a local area to accommodate collecting activity?**

*Mainly the demographic features of the area; including the size and age of the local population, housing density and number and nature of town centres and residential areas. The frequency and nature of collections also have an effect on the capacity to accommodate collections.*

**21. What factors should local authorities take into account when allocating collection slots (for example, the quality of different sites)?**

*The presence of supermarkets or other 'focal point' shops in an area, and the total number of shops. For example, a small shopping parade in a rural village or a residential area with a high number of sheltered housing properties would be inappropriate for allocating to direct debit collectors.*

*The nature of the shops in question. For example, it might be considered unwise to allocate an animal rights group a pitch outside the local butchers, or collectors on behalf of the Cancer Research Campaign outside the charity shop of another Cancer related charity.*

*It would be inappropriate, as it is now, for different charities to collect at the same time or in conjunction with an event which has been organised by another organisation which has a charitable element. For example, where there is an annual local gala or Fair taking place which allows participants to fund raise, it would not be sensible for a local authority to licence another collection which might clash with it.*

**22. Are the checks on eligibility suggested the right ones?**

*In addition to the list of suggested checks, it is considered appropriate to add a question to the applicant regarding whether he or she has been refused licences in the past, and if so to give details.*

**23. How might liaison arrangements between local authorities, the police and the Charity Commission be improved?**

*A number of local authorities provide their local police with a list of licences which they have issued so that the Police are aware of the authorised collections taking place. This could be made a requirement in the future to strengthen links between the two bodies. In addition, where there is CCTV in operation, local authorities could, subject to proper consultation and resources being made available, also inform and involve them in monitoring collecting activity.*

A number of Counties have licensing forums. Surrey for example has a very good team consisting of representatives from all the Surrey local authorities which also includes Customs and Excise, the police and the Charity Commission. Such forums could be made obligatory in the future with formal links to each other for a nationwide network.

24. **What factors should local authorities take into account when assessing whether a collection is likely to be a public nuisance?**

*The frequency of collections taking place, the number of collectors involved and the nature of the collection itself.*

25. **Should all collection organisers be required to submit estimates before and/or returns after the collection detailing the costs of and proceeds from an activity?**

*It would be an unnecessary extra layer of administration to require an estimate of proceeds beforehand. However, in order to ensure accountability and for local authorities to monitor organisations adequately, the requirement to submit a returns form after the collection has taken place should remain.*

26. **Should collection organisers who are employees, trustees or regular volunteers for a registered charity be exempt from the requirement to submit returns on their collecting activity?**

*No, all organisations should be treated in the same way to promote transparency and equity.*

27. **Is the information which it is proposed organisers should submit sufficiently comprehensive?**

*The list is fully comprehensive and should ensure that collections are organised, checked and conducted properly. The lead authorities, whoever, they might be will need to be sufficiently resourced in order to implement these requirements in a robust manner.*

*With regard to the failure to comply with the conditions of the scheme, it is suggested that an organisation or individual collector should not have any further applications considered until a year had elapsed. This Council believes that this should be extended to three years in order to deter bogus collectors and encourage others to act responsibly.*

28. **This paper proposes that the collection organiser and another responsible person or two other responsible people should be present at the opening of collection boxes? How should 'another responsible person' be defined in this context?**

*The paper suggests that a responsible person be defined as one who is 'not connected with the cause on whose behalf funds are being raised'. This seems to be a reasonable definition. Ideally, there should be present the organiser of the collection and one other independent responsible person.*

29. **Collection organisers should have basic safeguards in place to secure the proceeds of collections? Are other safeguards, in addition to those suggested needed?**

*The basic safeguards are largely in line with the current system and are welcomed.*

*With regard to the wearing of badges, an organisation should also be required to obtain uniquely designed local authority specific badges from the local authority in whose area they are collecting. It is becoming increasingly accepted that such badges are an immediate indication to the public that a collection has been authorised.*

30. **The organisers of public collections might require all their collectors to sign an undertaking that they do not have a relevant unspent conviction. Is this requirement sufficient to ensure that collectors are 'fit and proper'?**

*Yes.*

31. **Should the minimum age of street and house to house collectors be set at 14 (or lower), provided that the collectors up to the age of 16 are accompanied by an adult or should the minimum age for all collectors be set at 16 (or higher)?**

*There is a difficulty here in maintaining a balance between encouraging 'junior citizens' to take part in community activities and ensuring their personal safety. It would be very unwise to allow children to collect from house to house unaccompanied unless they were part of a bigger group including adults, as carol singers organised by the local churches do.*

*The unaccompanied minimum age for public collections should be set at 16, subject to them being authorised by the charity concerned. Those aged under 16 must be accompanied by an adult if collecting from house to house.*

32. **Are the record keeping requirements suggested sufficient/reasonable?**

*The suggested requirements are reasonable and should not cause any difficulty for legitimate organisations to comply with.*

33. **Should local authorities be able to suspend licences while they investigate any concerns about collecting activity?**

*Yes, but only in consultation with the Charity Commission so that their guidance may be sought, and a local authority is not acting in isolation.*

34. **If you have other comments to make in response to the consultation please use this space.**

*Many local authorities object in principle to the concept of face to face fundraising where people are invited to give their bank details to a collector on the street or their doorstep. That collector is often paid on a commission basis, and the charity pays a flat rate or other fee to the fundraising company for each new donor signed up. The current requirement for face to face fundraisers to make such a disclosure should be re-enforced. Local authorities should be able to prevent this type of collection taking place if they can demonstrate sound reasons for doing so.*

*There is some credence in maintaining the system of the Home Office Exemption Orders for house to house collections as the present system seems to work fairly well in most cases. However, this Council would contest that Exemption Orders extend to the activities of a third party.*

#### **Partial Regulatory Impact Assessment**

*One system for all will hopefully remove the inconsistencies between local authorities in implementation of the regime. One set of rules will benefit all parties. However, a number of authorities will argue vigorously for their own local conventions regarding 'local' collections having precedence over national organisations and a significant number of local authorities having an aversion to face to face fundraising.*

*The incidence of bogus street collection activity varies between local authority areas. In Runnymede, the figure is relatively low. In the past, on average, 10 occurrences were reported per year. These mainly occurred at Supermarkets which currently are a 'grey area' in terms of legislative cover. Since the introduction of greater liaison between the Council and local supermarkets the reported figure has fallen to approximately 5 per year.*

*It is questioned whether licences should be allowed to run for a year to eighteen months. This Council considers that the licence period should be considerably shorter.*

*As already stated it is difficult for local authorities to quantify the true costs of the new scheme, both in terms of administration and/or projected savings and additional costs. Without more details of how the 'lead authority' will be defined and implemented the costs thereto cannot be commented upon. The offences and related penalties would have to be revisited once the lead authority concept had been resolved.*

*One of the stated aims of the proposals is to 'increase public trust and confidence in public charitable collections'. In order for this to be achieved it would be inappropriate for an increased*

*emphasis being placed on self regulation and a new voluntary code of practice. The onus for responsible fundraising activity should be placed on the fundraising bodies, adhering to a unified system administered by the local authorities and enforced through statutory regulations.*

*Runnymede Borough Council  
as approved by the Licensing Committee at their meeting on 27 November 2003.*