

## PUBLIC CHARITABLE COLLECTIONS CRITERIA AND GUIDANCE NOTES 2010

**Updates are shown in bold**

### Introduction

These Criteria and Guidance notes are made in accordance with Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, the House to House Collections Act 1939, House to House Collections Regulations 1947, **Section 251 and schedule 29 of the Local Government Act 1972**, the Charitable Collections (Transitional Provisions) Order 1974, Charities Act 1992, Charities Act 2006 (Commencement Nos. 1, 2, 3 and 4) and the Transitional Provisions and Savings Orders 2007 and 2008.

**The aim of the Criteria and Guidance notes is to ensure that each legitimate collecting individual or organisation has an equal opportunity to make public charitable collections and that the public is not subject to excessive appeals for a particular charitable purpose.**

### Charitable Purpose as defined by the Charities Act 2006

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.

### Public Benefit and Private Gain

The presumption of public benefit for charities established for the advancement of education, religion and the relief of poverty has been removed. The Council will not issue permits to an individual for private gain nor 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 comply with the definition of charitable purpose under the Charities Act 2006. **Applications to raise funds for the purpose of financing personal expeditions are not permitted, even where a proportion of the funds raised are donated to charity.**

### Permitted Locations

**Public Charitable Collections may take place in approved locations within Addlestone, Chertsey, Egham, Egham Hythe, Englefield Green, Foxhills, New Haw, Ottershaw, Thorpe, Virginia Water and Woodham.**

Collections, including appeals for direct debit pledges to a charity, cannot take place in any public place with a permit. This includes collections which are part of a procession but does not include collections taken at a meeting in the open air. 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. Collections are not permitted on land owned by the Crown, without its express authorisation.

#### Application Process

1. Applications should be received at least 4 weeks before the proposed collection, although there is discretion to waive this where appropriate, for emergency appeals or other special circumstance.
2. **Applications are considered on a first come first served basis and granted for periods not exceeding 7 days for each street collection and 12 months for each house to house collection per annum.**
3. **There is no fee for making an application and no fee payable on being granted a street collection permit or house to house collection licence.**
4. **Applicants who do not hold a Home Office Exemption Order, or an organisation acting on their behalf, must apply for a House to House Collections licence for any type of house to house fundraising activity. This includes Direct Debit and Commercial Clothing Collections and includes collections made in licensed premises, where more than one such premises is included in the appeal.**
5. Applicants must provide adequate information in order for their application to be considered properly. This includes additional information which might lawfully be requested by the Council to that given on the application form.
6. **Where it is lawful to do so, the Council will share and take into account information supplied by the applicant, or another enforcement body, and in accordance with the Data Protection Act 1998. The Council may be statutorily required to supply any information provided, to other bodies exercising functions of a public nature, for the prevention and detection of fraud. The type of information that may be taken into account includes, submission of 'nil' returns, repeated cancellation of collections without good cause, holding an unauthorised collection or otherwise breaking the Street or House to House Collections Regulations within the last 5 years.**
7. The Council will not issue permits to an individual or organisation whose collectors are paid more than it considers to be 'reasonable expenses' or who do not comply with the provisions made under the Charities Act 2006, updating the requirements of the Charities Act 1992, with regard to remuneration and solicitation statements.
8. All Collectors must wear the appropriate badge authorising the collection; issued by Runnymede Borough Council (Street Collections), or obtain the official certificate and badge(s) from Her Majesty's Stationery Office (House to House Collections).
9. Within one month of the collection a 'schedule of return' must be submitted. This is an official declaration to the Council stating how much money (or equivalent value), has been raised and how much is going to be given to the charity. Although there is no legal minimum, the percentage of the proceeds of a collection applied to expenses or remuneration of collectors should not exceed 20%.
10. The schedule of return should be countersigned as independent evidence that the amount raised is correct and has been paid over to the charity. This should be accompanied, where possible, with a paying in slip to the relevant bank for that charity.

11. Applicants are no longer required to pay for an advert stating the amount collected in the local newspapers; a letter to the Editor of the Surrey Herald thanking residents for their donations totalling £x is sufficient.
12. Individuals wishing to busk or provide street entertainment for a charitable purpose are asked to abide by Runnymede Borough Council's Busking and Street Entertainment Policy and Voluntary Code of Conduct in addition to applying for a street collection permit or house to house collection licence as appropriate.

#### **Right of Appeal**

**There is no formal right of appeal against any decision made by the Council to grant or refuse a Street Collections Permit. However, in the interests of fairness if an individual or organisation wishes to lodge a request for a decision to be reviewed then the matter should be put in writing to the Director of Administration and Leisure.**

#### **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)**

**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:**

- a) that 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) that 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) that 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) that 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) that 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) that 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

#### **Right of Appeal**

**There is a right of appeal to the Minister for the Cabinet Office, Office for Civil Society, Cabinet Office, 2nd Floor, Admiralty Arch, South Side The Mall, London SW1A 2WH. An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was given to the applicant, or the holder of a licence.**

#### **Enforcement**

**Any person who contravenes the Regulations for Street Collections, as attached at Appendix 'A' is guilty of an offence, which on conviction, is punishable by a fine not exceeding Level One on the Standard Scale (currently £200).**

**Any person who contravenes the Regulations for House to House Collections, as attached at Appendix 'B', 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.**

Busking and Street Entertainment Policy and Voluntary Code of Conduct 2010

For the purposes of this policy the following definitions apply:

*Busker or street entertainer* – An entertainer who provides impromptu performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or other acts of a similar nature in a public place

*Performance* – Musical, dramatic or other entertainment substantially involving musical, theatrical or circus performance skills

Runnymede Borough Council welcomes activities that enhance the street scene and provide good quality entertainment to the public. To avoid complaints the Council provides buskers and street entertainers (who must be over the age of 16 years unless accompanied by an adult) with a 'buskers' badge' on condition they agree to abide by a voluntary Code of Conduct which is set out below.

If busking or street entertainment is being conducted for a charitable purpose a street collections permit and/or house to house collections licence is required and performers are asked to abide by the voluntary Code of Conduct as set out below.

A suitable location must be agreed with Runnymede Borough Council in advance, having 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.

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). Any breach of these Acts and or associated legislation and regulations may result in the busker or street entertainer being 'moved on' and subject to appropriate enforcement action by the relevant authority.

Large events such as Addlestone Town Festival, Magna Carta Day and Black Cherry Fair fall under the requirements of the Licensing Act 2003 and organisers are advised to contact the Council at least 28 days before the event so that a risk assessment can be undertaken and other necessary provisions made to facilitate their event.

Voluntary Code of Conduct for Buskers and Street Entertainers

1. All performers must have a valid busker's permit issued by Runnymede Borough Council and are asked to sign an agreement to abide by this Code of Conduct.
2. Performances are permitted within the designated entertainment areas (as agreed with Runnymede Borough Council) provided that no obstruction to the highway (footpath), entrances/exits to shops and other premises or shop window displays occurs by entertainers or those gathering to watch.
3. Performances are permitted between the hours of 10 am and 6 pm with performances lasting no more than 2 hours. No return is allowed to the same place within 2 hours, unless special authorisation is given by Runnymede Borough Council. Please note that if you are asked to move on by an authorised Officer of the Council or Surrey Police you must cease your activities at once. Please note that very noisy instruments such as bagpipes or drums are not advised.
4. The use of amplifiers and loudspeakers should not be used to avoid causing a noise nuisance. Mains or generated power amplifiers are likely to present particular problems and should not be used. If music and or voices can be plainly heard at a distance of 50 metres it is too loud.
5. Performers must act safely at all times and not endanger themselves or others.
6. 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.
7. Performers must not sell their wares or pressurise/manipulate people into giving them money.
8. All litter/waste arising from the event must be removed from site and not left next to public litter bins.

## STREET COLLECTION REGULATIONS

In pursuance of Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, section 251 and schedule 29 of the Local Government Act 1972 and the Charitable Collections (Transitional Provisions) Order 1974 Runnymede Borough Council has made the following regulations with respect to Street Collections for the benefit of charitable or other purposes.

1. In these Regulations, unless the context otherwise requires -
  - "collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;
  - "promoter" means a person who causes others to act as collectors;
  - "the licensing authority" means Runnymede Borough Council;
  - "permit" means a permit for collection;
  - "contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
  - "collecting box" means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Runnymede Borough unless a promoter shall have obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated in the permit and in the area specified in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such localities, streets or public places or such parts thereof as it thinks fit.
6.
  - (1) No person may assist or take part in any collection without the written authority of a promoter. The licensing authority may require a copy of such permission.
  - (2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable, or member of the public.
7. No collection shall be made in any part of the carriageway of any street which has a footway. Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8.
  - (1) No collection shall be made in a manner likely to inconvenience or annoy any person.
  - (2) The licensing authority may limit the frequency of collections by an organisation within its area if it considers that the number of collections proposed by that organisation is likely to inconvenience or annoy any person.
  - (3) The licensing authority may prevent two or more organisations collecting in the same locality and on the same day if it considers that it is likely to inconvenience or annoy any person.

Provided that the licensing authority may, if it thinks fit, allow two or more organisations to collect in the same location and on the same day if such collections have been authorised to be held in connection with a procession or similar event.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting -
  - (a) a collector shall remain stationary; and
  - (b) a collector or two collectors together shall not be nearer to another collector than 25 metres

- (c) a collector shall not obstruct the flow of pedestrian or other traffic by display or distribution of information about their charity or organisation.

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that the licensing authority may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.
12. (1) Every collector shall carry a collecting box, and shall wear an official badge of authorisation, where such a badge has been issued by the licensing authority.
- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- (3) All money received by a collector from contributors shall immediately be placed in a collecting box.
- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to the promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit, nor any collecting box which is not duly numbered.
14. (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
- (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector, except for reasonable travelling expenses if applicable. The amount paid shall be included on the statement of return to the licensing authority.
- (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority -
- (a) a statement in the form set out in the schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such a collection and certified by that person and either a qualified accountant or an independent responsible person acceptable to the licensing authority;
- (b) a list of the collectors;
- (c) a list of the amounts contained in each collecting box;

and shall if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall also, within the same period, at the expense of the person and after the certificate under paragraph (1) (a) above has been given, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of expenses and payments incurred in connection with such collection. Provided that the licensing authority may if it thinks fit, waive the requirements of the sub-paragraph in respect of a collection in which the total amount collected does not exceed £150.
- (3) The licensing authority may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purpose of this Regulation "a qualified accountant" means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;  
The Institute of Chartered Accountants of Scotland;  
The Association of Certified Accountants;  
The Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply -
- (a) in respect of a collection taken at a meeting in the open air; or
  - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
18. If a collection is held by an organisation and the regulations contravened, the licensing authority may if it thinks fit, revoke any permits already granted for future collections by that organisation and refuse permission for future collections to be held within their area by that organisation or the individuals concerned.

These Regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State and all other Street Collection Regulations having effect in the Borough of Runnymede are hereby repealed with effect from the date on which these Regulations came into force.

GIVEN under the Common Seal of the

Runnymede Borough Council

date to be inserted

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DIRECTOR OF ADMINISTRATION AND LEISURE

The **Minister for Civil Society** this day confirmed the foregoing Regulations and directed that the same should be published by the insertion of an announcement in two successive issues of two newspapers circulating in the Runnymede Borough stating that such Regulations have been made and confirmed and that copies can be obtained on application to Runnymede Borough Council, Committee Section, Department of Administration and Leisure, Runnymede Civic Centre, Station Road, Addlestone, Surrey KT15 2AH.

**Minister for Civil Society**  
Cabinet Office  
2nd Floor, Admiralty Arch  
South Side The Mall  
London SW1A 2WH