



RUNNYMEDE BOROUGH COUNCIL

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To all consultees on Runnymede Borough Council's Draft Policy for the Charities Act 2006

Dear Consultee

Draft Policy for the Charities Act 2006 – Public Consultation Exercise

The Charities Act 2006 which received Royal Assent in November 2006 will introduce a new integrated licensing scheme to be applied to public collections for charitable purposes. However, the Regulations pertaining to how we deal with charitable collections have not yet been issued so the Council is running under the existing system of administration for street and house to house collections until the Regulations appear.

Officers have drawn up the attached draft policy based on what is expected to happen under the new regime and invite your comments thereon.

The key elements of the Act and draft Policy are set out below:

1. Under the Act the administration of street and house to house collections will be combined under the banner of Public Charitable Collections and one licence, where applicable, will be issued by the Council instead of two.
2. Public Charitable Collections will also cover appeals made by professional face to face fundraising companies and charities for direct debit pledges and clothing collections carried out by charities or their representatives and companies who are not charities.
3. Public Charitable Collections must be directed towards a charitable purpose, as defined by the Act, and for the public benefit. Therefore collections made for private gain are not permitted and this Council's draft policy states this explicitly.
4. The definition of Public Charitable Collections and where and how they may be conducted, including exemptions are set out in the draft policy.
5. In order to carry out a public charitable collection the promoter must obtain from the Charity Commission a public collections certificate. There will be a prescribed form of application (not yet issued) and the certificates themselves will last no longer than five years.
6. For collections in a public place the promoter will also need to obtain a licence from the local authority. For door to door collections the promoter will need a public

collections certificate but does not need a licence. However, they will still need to notify the local authority of their intention to collect and will have to provide other particulars as set out in the policy. This is what is required now of holders of the current Exemption Orders made under the House to House Collections Act 1939.

7. In respect of local short term collections (yet to be defined but exempt from being licensed under the Act), the Council will need to determine on a case by case basis whether a collection is indeed 'local' and whether the collection is likely to take place within the prescribed period of time. Officers recommend that the Council gives delegated authority to the Director of Administration and Leisure to determine such matters when the guidance and regulations have been issued and the policy amended accordingly.
8. Where this Council determines that a collection is not a 'local short term' collection a notice will be served on the promoter of the collection and copied to the Charity Commission.
9. The policy must be fair and consistent. It is proposed therefore that public charitable collections of whatever type be treated equitably, offering no particular advantage to any one organisation or type of collection.
10. There will be a prescribed form (not yet issued) for making applications to the local authority for street collections licences only (i.e. no licence is required for door to door collections.) These will replace the two forms currently used for street and house to house collections. It is proposed that the promoter be required to provide the information set out in the draft policy and any other information prescribed in the Regulations.
11. At the moment Officers accept applications at any time and issue permits for street and house to house collections 6 months in advance of the date of the collection. Each month therefore a number of permits are issued. Generally speaking applications are booked on a first come first served basis and in order not to make the system burdensome applications are not processed in advance for collections that are due to take place more than 6 months from the date of application. It is proposed that although applications will be accepted for periods more than 12 months away, they will not be allocated more than 12 months in advance so that the needs of the different types of collection can be taken into account and a balanced programme of collections and types of collection can be made.
12. To aid the administrative process, if an application is made or notification given of a collection due to take place within two weeks of the date of application it should not be accepted unless the promoter is able to provide a reasonable explanation for the late submission or a different notification period has been agreed.
13. The policy needs to be flexible in order to take into account the well established practice of nationally and locally based organised collections. Therefore, it is recommended that in cases of regular annual collections these take precedence when allocating dates.
14. In respect of the face to face collection companies it has been discussed whether the Public Fundraising Regulatory Association (PFRA) assumes responsibility for the allocation of dates from the local authority. However, this is not practical and it is proposed that the Council retains control of the diary of collections dates but liaises with the PFRA over which companies will be allowed to visit the borough and when.

15. Under the Act applications can be refused by a local authority if it appears that the collection would cause undue inconvenience to members of the public by reason of:-
- the day of the week or the date on which
 - the time at which
 - the frequency with which or
 - the locality or localities in which it is proposed the collection will take place
 - the collection is intended to be held on a day on which another collection in a public place is already authorised or on the day falling immediately before or immediately after the day when it is proposed to collect

In addition a local authority will be able to withdraw or vary a licence that has been issued or attach a condition to a licence, or alter a condition already attached if there has been a change in circumstances which prevailed at the time the licence was issued.

16. The Council's Director of Administration and Leisure is authorised to refuse applications on the above mentioned grounds and to withdraw or vary a licence treating each case on its merits. The policy states that any decision of this nature will be copied to the Charity Commission and reported to the Regulatory Committee for information.
17. Under the Act there will be a right of appeal to the Magistrates' Court if a local authority refuses to issue a licence, attaches conditions to the licence, withdraws or varies an existing licence or issues a notice stating that the collection is not exempt. Any such appeal must be made within 14 days of the date of service on the person in question of the decision notice. There is also a further right of appeal to the Crown Court. However, where a local authority has taken action in respect of a licence, the licence continues to have effect unaltered until the time for bringing an appeal has expired or if an appeal is lodged until the appeal has been determined.
18. An important part of the collection process is accounting for the proceeds of the collection after it has taken place. It is proposed therefore that all promoters be required to submit some form of return within three months of the collection, and in the case of face to face collectors evidence of how many 'sign ups' have been secured during the collection period.

Please submit any comments by letter or e-mail on the Draft Policy by Monday 5 November 2007 to Miss C Pinnock, at the address given at the top of this letter.

A copy of the draft policy is enclosed and is also available on the Licensing Section of the Council's website: www.runnymede.gov.uk.

If you require a copy of the policy or this letter in large print or other form please feel free to contact me by phone, fax or e-mail.

Yours sincerely

Miss C. Pinnock
Committee Administrator