

Minor amendments made since approval of the draft policy are indicated in bold type



Runnymede Borough Council

Charities Act 2006

Draft Policy

1. Introduction.

1.1 This policy has been drafted in accordance with the provisions of the Charities Act 2006 and covers how this Council proposes to administer locally the licensing of Public Charitable Collections.

1.2 The draft policy has been endorsed by the Council's Regulatory Committee, subject to approval by Full Council in October 2007.

2. The Policy

2.1 Public Charitable Collections must be made by or on behalf of a charity that is registered with the Charity Commission for England and Wales (unless 'exempt' as defined in the Act), or by or on behalf of a charitable organisation. Both must also be directed towards a charitable purpose and for the public benefit.

2.2 A public charitable collection is an appeal made to members of the public to give money (including direct debit pledges **by face to face fundraisers**) or other property. It also covers the sale or exposure of goods for sale or supply of services. In all the above cases the appeal is also made in association with a representation that at least 50% of the proceeds of the collection or sale of goods and services will be applied to charitable, benevolent or philanthropic purposes.

2.3 Charitable purposes as defined by the Charities Act 2006 are:-

- the prevention or relief of poverty;
- 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
- the relief of those in need by reason of youth, age, ill-health, disability, disadvantage, financial hardship or other disadvantage
- any purposes recognised by virtue of section 1 of the Recreational Charities Act 1958 (including for example local community centres and amateur sports clubs)

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- any purposes that may be regarded as analogous to or within the spirit of any purposes which have been recognised under charity law.
- 2.4 Appeals made for private gain will not be permitted. This means collections that only benefit an individual as opposed to more than one person. For example it would not be permitted to hold a collection to raise money to pay for one person's operation or trip abroad, but collecting for a charity directed to this purpose for the benefit of more than one person would be.
3. Location of Public Charitable Collections
- 3.1 Public charitable collections are made in public places or by means of visits to houses or business premises or both.
- 3.2 The following locations in Runnymede are those in which it is proposed that public charitable collections will usually be permitted, subject to the agreement, where relevant, of the owners of the premises listed. This does not exclude other locations being added from time to time or in response to a specific request.
- 3.3 In addition to any highways and pedestrianised areas in the borough, residential streets and those places which, at the time of the appeal, members of the public have or are permitted access, public places are those that are not within a building or if within a building is in a public area to which the public has unrestricted access. A public place that is privately owned is also a public place for the purposes of this policy. For example railway stations, supermarket car parks and the like.
- 3.4 Car boot sales, fetes, fairs, carnivals or other similar event where any of the 'stall holders' are selling goods where the proceeds are directed to a charitable purpose or collecting money or other property will need to be licensed by the Council unless the Regulations exempt such events as local and short term collections. This is likely to cover events such as the Black Cherry Fair, Carnival Capers, Egham and Chertsey Shows and village events held on public open spaces and Council owned land.
4. Exempt locations and circumstances
- 4.1 A licence to collect will not be required in the following locations and circumstances:
- any place into which members of the public are permitted only if any payment or ticket required as a condition of access has been made or purchased. For example theatrical events held in one of the borough's public halls or schools.
  - any place into which members of the public are permitted only by virtue of permission given for the purposes of the appeal in question. For example a fundraising event held at Thorpe Park or other venue.
  - an appeal made during the course of a public meeting
  - an appeal made on land within a churchyard or adjacent to a place of public worship or on other land occupied for the purposes of a place of public worship where the land is enclosed or more than 50% enclosed whether by a wall or otherwise
  - an appeal made on land to which members of the public have access only by virtue of express or implied permission of the occupier of the land or by virtue of any enactment and the occupier is the promoter of the collection
  - Static collection tins (unattended receptacles) in shops or other premises
  - door to door collections where the promoter has obtained a Public Collections Certificate and notified this Council of their intention to hold a door to door collection, and supplied this Council with a copy of their certificate, the purpose of the appeal, the date(s) on which the collection is to take place, the locality of the collection and anything else prescribed in the Regulations.
  - local short term collections where the promoters have notified this Council of the prescribed information and this Council has not served a notice stating that the collection is not exempt

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*The Regulations will define what is meant by local short term collections and what the prescribed information will be. However, this Council is assuming for the purposes of this policy, unless otherwise instructed, that it is defined as local in character and conducted within a prescribed period of time. That period of time to be no longer than two weeks. \*\**

5. Applications for public charitable collections licences

5.1 Applications must be submitted on the prescribed form and must specify the date(s), location, type and method of the proposed collection (the date cannot span a period of more than 12 months), and be accompanied by:-

- the name and address of the promoter of the collection
- a copy of the Public Collections Certificate
- official authorisation from the charity or charitable organisation to hold the collection
- details of other applications made to other local authorities
- details of any refusals issued by other local authorities, prosecutions and unspent convictions
- details of how collectors are remunerated
- the proportion of the proceeds of the collection which will go to the charity or charitable organisation
- any other information prescribed by the Regulations.

6. How applications will be dealt with

1. All charities and other organisation where appropriate must be in possession of a Public Collection Certificate issued by the Charity Commission. Evidence of this must be provided to the Council at the time of application or notification.
2. For a public charitable collection to be authorised the organisers of the collection must where appropriate (i.e. not door to door) be in possession of a public charitable collections licence and badge of authorisation issued by this Council.
3. Each application will be assessed on its merits and date(s) allocated for the year in order to provide a balanced programme of fundraising activity in the borough which seeks to promote responsible fundraising but which does not lead to a saturation of the borough with too many collections **or too many collections of one type or for a similar charitable purpose** taking place.
4. No licensable collection will be permitted which unreasonably prejudices the activities of another collection or other event or activity. Wherever possible clashes and 'doublebooking' will not be permitted.
5. No more than 2 collections or collection periods will **usually** be permitted by an organisation in any 12 month period.
6. Collections by persons under the age of 16 will not be permitted.
7. Promoters will be required to submit within three months of the collection (or earlier by agreement) a form of return showing how much money has been raised during the collection and of that evidence of how much has been paid to the charity or charitable organisation.
8. In the case of ~~direct debit collectors~~ **face to face fundraising to obtain direct debit pledges only those organisations which are members of the PFRA and who are able to provide** evidence of how many 'sign ups' have been secured during the collection period will be **required permitted**.
9. If no return or feedback is submitted this will be taken into account when allocating future dates to that organisation.

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10. The Council will take into account relevant information provided by other local authorities, the Charity Commission and the Police in determining whether to grant an application or not.

7. Refusals, withdrawals and variations on licences

7.1 This Council can refuse a licence 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

7.2 In addition, this Council 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. For example if it transpires that the applicant has given false or misleading information or there has or is likely to be a breach of any condition of a licence that this Council has issued.

7.3 In the event that a licence is refused, withdrawn or varied this Council will inform the applicant in writing of its decision giving reasons and copying that letter to the Charity Commission.

7.4 The letter must also set out the right of appeal to the Magistrates' Court against this Council's decision. Any such appeal must be made within 14 days of the date of service on the person in question of the decision noticed. There is also a further right of appeal to the Crown Court.

8. Proposed list of Consultees on the draft policy

all recipients of a street or house to house collections permit in 2006/07 (about 50 organisations local and national)	Addlestone Community Association
Surrey Police	Black Cherry Fair
Safer Runnymede	Addlestone and District Chamber of Commerce
Chertsey Agricultural Association	Egham and District Chamber of Commerce
Local Scouting Organisations	Tesco
Schools Federation contacts for Runnymede	J.S. Sainsbury
Local Day Centres	Woolworths
Other Surrey Local Authorities	Goldings
Fire Authority	Egham Royal Show
PFRA (including Dialogue Direct)	Licensees and Pub Contacts