

Committee(s)	Dated:
Licensing	25 October 2017
Subject: Charity Collections Policy	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

This report outlines the current legislation for managing street and house to house charity collections. With regards street charity collections, the report explains how the administrative functions and decisions as to permitted exemptions, have been delegated by the City of London Commissioner of Police to the City Corporation's Licensing Team.

This report introduces a Charity Collections Policy to ensure all relevant parties are aware of the criteria to be adhered to when carrying out either a street or house to house collection.

The Policy gives greater flexibility to decision making when using non statutory criteria such as late applications and age of collectors. Previous decisions were made on custom and practice.

The work carried out by the Licensing Team is fully recharged to the City of London Police and does not therefore affect the Licensing Team's local risk budget.

Recommendation(s)

Members are asked to:

- Agree that the Policy as set out in Appendix 1 be adopted.

Main Report

Street Charity Collections:

1. The Police, Factories and (Miscellaneous Provisions) Act 1916 (the Act) permit the Common Council of the City of London to make regulations with respect to the places where, and the conditions under which, persons may be permitted to collect money for the benefit of charitable or other purposes (charity collections).

2. Such regulations were made on 22 May 1980 (the Regulations).
3. The Regulations create an offence for any charity collection to be made unless a permit has been obtained from the City of London's Police Commissioner. Or similarly, a certificate obtained from the City of London's Police Commissioner where the collection takes place between 1st to 24th December in any year and relates to the singing or playing of Christmas carols.
4. There are a number of exemptions within the Regulations that can only be made by the Commissioner of Police. The functions of the City of London Police Commissioner, as they relate to charity collections, have been delegated to the City Corporation's Licensing Team.
5. The scheme of delegation has been recently updated and signed by the City of London Police Commissioner Ian Dyson on 6 February 2017. Any decision made with regards the exemptions cannot be made by anybody with a designation lower than Licensing Manager. A copy of the delegated authority is contained within the Policy.
6. The Licensing service undertakes all administration work involved in the receipt of applications, grant of permits and certificates and post collection requirements. The administration work includes decisions to be taken by the Licensing Manager in relation to the acceptance of 'late' applications and other minor exemptions to the Regulations.
7. In 2016/17 the Licensing team granted 52 Charity Collection Permits and 12 'Carol Singing' Certificates. In April to September 2017 the Licensing team granted 25 Charity Collection Permits with a further 11 permits and 4 'Carol Singing' Certificates booked to the end of March 2018.

House to House Collections:

8. The House to House Collections Act 1939 permit either the Common Council of the City of London or, if the collection is to be made over a short period of time, the City of London Police, to issue a licence or a certificate respectively.
9. There is no definition of what is a 'Short period of time' and the Policy now 'defines' this as less than one month.
10. There are currently no licences or certificates to permit house to house collections.

Face to Face Collections:

11. The legislation concerning charity collections does not include 'face to face' collections colloquially referred to as 'chugging'. Face to face collections do not constitute an offence under either the Act or the Regulations.
12. However, the Policy does state the actions to be taken by the City Corporation when it discovers breaches of the self-regulated Code of Practice overseen by the Fundraising Regulator set up in 2015. (Further details in the Policy – Appendix 1).

The Policy:

13. No Charity Collections Policy currently exists and there have been some inconsistencies in the way that charitable fundraising applications have been administered. The Licensing Team have usually only granted charity collection permits on a Tuesday or Friday, only one permit per organisation per year, no collections other than those associated with Carol Singing in December and not more than one organisation can be granted a permit on any one particular day.
14. The above 'rules' have no statutory basis and have been developed over time. The Policy now gives the flexibility to change any of the above factors. The overriding criteria being that those persons going about their business on the City of London Streets are not perceived to be hounded by a constant stream of collections whilst at the same time, permitting the fundraising organisations and their supporters to raise funds in an ethical and secure manner.
15. As a general rule, there will be no more than two collection days per week, albeit these days may vary. A fundraising organisation can obtain more than one permit per year but, once they have been granted one permit, will not be permitted to book further collection dates more than twelve months in advance.
16. 'Carol Singing' will still be permitted only in December. However, if a fundraising organisation now wishes to obtain a collection permit in December they will be able to do so albeit, priority will be given to those organisations seeking 'Carol Singing' certificates.
17. We will also permit more than one organisation to carry out a collection on the same day if the first collection booked does not have permission to collect across the whole of the City of London. Where multiple collections are permitted on the same day, the area in which collections take place will be limited to avoid clashes.

Corporate & Strategic Implications

18. There are no corporate and strategic implications.

Financial Implications

19. There are no financial implications. There is no provision to charge a fee for the work carried out in administering the Act and the Policy does not involve the Licensing Team in any additional duties.
20. It is estimated that the cost of administering the Act is approximately £18k per year which is recharged from the City of London Police.

Appendices

1 Charity Collections Policy & Procedure

Background Papers

- None

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