

<b>Committee(s)</b>	<b>Dated:</b>
Licensing	<b>3 May 2017</b>
Port Health & Environmental Services	<b>9 May 2017</b>
<b>Subject:</b> Charity Collections Terms of Reference	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

### Summary

This report outlines the current legislation for managing charity street collections including those related to the playing or singing of Christmas carols in December.

In 2006 a report was agreed by the Port Health & Environment Services (PH&ES) Committee that matters relating to street charity collections should fall within the terms of reference of the Licensing Committee.

The report was instigated by the expected introduction of a new Charities Act which did not then happen and so reference to the Licensing Committee was not brought into effect.

The report suggests that, irrespective of new legislation, the reasoning behind the agreed recommendation in 2006 is still valid today and therefore charity street collections should fall within the terms of reference of the Licensing Committee.

### Recommendation(s)

Licensing Committee Members are asked (subject to the recommendation of the Port Health & Environmental Services Committee and the concurrence of the Court of Common Council) to:

- Agree to the terms of reference of the Licensing Committee being amended to include The Police, Factories and (Miscellaneous Provisions) Act 1916.

Port Health & Environmental Services Members are asked to:

- Make a recommendation to the Court of Common Council that, subject to the prior agreement of the Licensing Committee, The Police, Factories and (Miscellaneous Provisions) Act 1916 be included in the terms of reference of the Licensing Committee.

## **Main Report**

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 collection to be made unless a permit has been obtained from the City of London's Police Commissioner. Or similarly, a certificate from the City of London's Police Commander where the collection takes place between 1<sup>st</sup> to 24<sup>th</sup> December in any year and relates to the singing or playing of Christmas carols.
4. The functions of the City of London Police, as they relate to charity collections, have been delegated to the Markets and Consumer Protection's Licensing Team. The scheme of delegation has been recently updated and signed by the City of London Police Commissioner Ian Dyson on 6 February 2017.
5. 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.
6. In 2016/17 the Licensing team granted 52 Charity Collection Permits and 12 'Carol Singing' Certificates.
7. 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.
8. On 14 November 2006 a report was submitted to this Committee in anticipation of the then new Charities Bill becoming law. Although the Bill received Royal Assent the Charities Act 2006 remains dormant and has never commenced.
9. The Charities Act 2006 if it became law would address face to face collections and include public areas, albeit they may be private areas, within the scope of legislation concerning charity collections e.g. a station concourse.
10. In 2006 Members of the PH&ES Committee agreed that the functions carried out under the Act should be transferred to the Licensing Committee, subject to the concurrence of the Licensing Committee and the Court of Common Council. Reports were never sent to these committees presumably because the Charities Act 2006 did not become law.
11. However, the sentiments behind the 2006 report have not changed and the wishes of Members have not been brought into effect. The main sentiment being that the Licensing Committee has a dedicated role relating to licensing

issues and its Members have experience in the corporate licensing and registration process and systems.

12. Further, matters relating to charity collections rarely come before Committee and therefore those Members regularly dealing with licensing matters, albeit under different legislation, will be in the best position to deal with issues arising. Unlike issues that may arise with regards to Massage & Special Treatments and Tables & Chairs, legislation dealing with charity collections has no safety implications.

### **Corporate & Strategic Implications**

13. If PH&ES Committee, and/or Licensing Committee, disagree with their respective recommendation, the Act shall remain within the terms of reference of the PH&ES Committee.
14. If both Committees agree with their respective recommendations the Act, subject to the concurrence of the Court of Common Council, will fall within the terms of reference of the Licensing Committee.

### **Financial Implications**

15. There are no direct financial or risk implications for the Corporation's services associated with this report. There is no direct authorisation for the Corporation to charge a fee for work carried out under the Act however, the work carried out by the Licensing team is recharged to the City of London Police. In 2016/17 the sum recharged was £18,000.

### **Background Papers**

- PH&ES Committee Report – 14 November 2006

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