CHARITIES ACT 2006 POLICY

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. 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.

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

- the prevention or relief of poverty;
- the advancement of education;
- the advancement of religion;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation;
- the advancement of environmental protection or improvement;
- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- the advancement of animal welfare;
- the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;
- any other purposes within subsection (4).

3. 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.

LOCATION OF PUBLIC CHARITABLE COLLECTIONS

4. Public charitable collections are made in public places or by means of visits to houses or business premises or both.

5. The following public locations in Fareham 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 as
agreed by the Director of Regulatory Services in consultation with the Chairman of the Licensing and Regulatory Affairs Committee.

- The West Street Pedestrianised area, Fareham
- The West Street Pedestrianised area, Portchester
- The Green, Stubbington
- Middle Road, Park Gate
- Portchester Shopping Centre
- Locksheath District Centre
- (The Square, Titchfield)

6. 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 to, public places are those that are not within a building or, if within a building, are 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, shopping centres, supermarkets and supermarket car parks and the like.

7. Car boot sales, fetes, fairs, carnivals or other similar events where any of the stallholders 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 Portchester Fayre, The (Titchfield Carnival) Stubbington Fayre and the Strawberry Fayre, Warsash and also village events held on public open spaces and Council owned land.

EXEMPT LOCATIONS AND CIRCUMSTANCES

8. A permit 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.
- 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.

9. 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 28 days.

APPLICATIONS FOR PUBLIC CHARITABLE COLLECTIONS PERMITS

10. The Regulation of Charitable Collections is a free service but Applications must be submitted on the prescribed form at least 28 days before the proposed collection 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)
- 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.

PROCEDURES FOR APPLICATIONS FOR CHARITABLE COLLECTIONS

11. 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.

12. For a public charitable collection to be authorised the organisers of the collection must where appropriate be in possession of a public charitable collections certificate issued by the Charity Commission.

13. Each application will be assessed on its merits and a date allocated for the year. In order to promote responsible fundraising, only one collection a day will be permitted in each of the areas listed in S3 of the Act. This will prevent saturation of the Borough with too many collections taking place. Fareham Borough Council may, in granting a permit, limit the collection to such street or public places as it thinks fit.
14. Any national collections held on more than two consecutive years e.g. Save the Children, Comic Relief, Sports Relief, The Poppy Collections will be permitted to have multiple collections across the Borough for a week prior to their main event.

15. In the event of a collection in aid of a national or international catastrophe e.g. the Asian Tsunami, then all booked collections will be required to share their spaces with additional collectors.

16. No licensable collection will be permitted which unreasonably prejudices the activities of another collection or other event or activity. Wherever possible clashes and ‘double-booking’ within a specific area will not be permitted.

17. As a general rule, no more than 2 collections or collections periods by an organisation will be permitted on the same day of the week and in the same location, but officers can use their discretion to determine individual applications as appropriate.

18. No collections shall be made except upon the day and between the hours stated on the permit.

19. Collections by persons under the age of 16 will not be permitted.

20. No collection shall be made in any part of the carriageway of any street which has a footway. Fareham Borough Council may allow the collection to take place on the carriageway where a collection has been authorised to be held in connection with a procession.

21. While collecting, a collector shall remain stationary if more than one collector is present in an area; at least 25 metres must separate each collector. Fareham Borough Council may, if it thinks fit, waive the requirements of this regulation in respect of a collection which has been authorised to be held with a procession or (within a limited space e.g. shop doorways)

22. No collection shall be made in a manner to importune, inconvenience or annoy any person.

23. No payment shall be made to any collector and no payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person or in respect of services connected with the promotion.

24. Promoters will be required to submit within two 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.

25. 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 (Public Fundraising Regulatory Association) and who are able to provide evidence of how many ‘sign ups’ have been secured during the collection period will be permitted.
26. If no return or feedback is submitted this will be taken into account when allocating future dates to that organisation.

27. 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.

REFUSALS, WITHDRAWALS AND VARIATIONS OF PERMITS

28. This Council can refuse a permit 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

29. In addition, this Council will be able to withdraw or vary a permit that has been issued or attach a condition to a permit, or alter a condition already attached if there has been a change in circumstances which prevailed at the time the permit 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 permit that this Council has issued.

30. In the event that a permit 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.

31. 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 notice. There is also a further right of appeal to the Crown Court.

NB: This Policy is intended to include both the current requirements for Public Charitable Collection Permits and also to encompass the requirements of the Charities Act 2006 when the relevant legislation comes into force.