

**REPORT OF CORPORATE DIRECTOR OF CITY DEVELOPMENT
PROPOSED REFORM OF PUBLIC CHARITABLE COLLECTIONS LEGISLATION**

1.0 SUMMARY

1.1 This report outlines the Government's proposals for the reform of public charitable collection legislation. The proposals have been issued as a public consultation document "Home Office Consultation Document on Public Collections for Charitable, Philanthropic and Benevolent Purposes", September 2003, seeking views on a new local authority licensing scheme.

2.0 RECOMMENDATIONS

2.1 **IT IS RECOMMENDED THAT** the Committee

- note the details contained in this report on the proposed reform of licensing legislation in this area of fund raising.
- Confirm agreement with the response given by officers an included at appendix 1 to this report, on the outline of proposed legislative reform.
- Identify any further comment that members wish to make and that officers can raise with the Government at the appropriate time.

3.0 BACKGROUND

3.1 The current arrangements for the collection of money or goods in the street or at premises, including private homes is contained in legislation dating from 1916 for collections in the street and 1939 for collections door to door. The separation of the two types of collection and the different authorising agencies creates an onerous administrative burden on charities and organisations whose aims are 'philanthropic and benevolent'.

3.2 Street collections permits are granted by local authorities who have discretion whether or not to issue a permit for a particular organisation, location and date. This discretion carries no right of appeal for applicants and is contrary to modern legislation where another stage of the legislative process is available for aggrieved parties.

3.3 Street collection permits refer to the collection of money or the sale of goods, and consequently do not control face to face fundraising, such as direct debit or 'pledge' appeals. These appeals are often seen in the street conducted by collectors wearing tabards labelled with the name of the collecting 'good cause'.

3.4 Such fundraising could hardly have been envisaged in 1916 and the problems of the harassment of pedestrians in City centres have been well documented. Collectors who are authorised by local authorities are not allowed to approach people and must remain stationary and 5 metres away from another collector. These rules do not apply to unregulated fundraising. Permits are only applicable in public places and do not recognise popular private venues such as shopping malls and public transport concourses.

3.5 House to house collections are complex to administer as there are three authorising agencies, namely the Police for small scale collections where donations are to be

used locally, local authorities for collections lasting up to one year and where the income is not necessarily to be used locally, and the Home Office who authorise collections to take place throughout the country.

- 3.6 There is a right of appeal to the Magistrates' Court for these collections, but very little power for local authorities to co-ordinate the number and locations of collections at people's homes. At present this Council advises on acceptable collection arrangements such as giving advance notice to householders of an impending collection and requesting that collections take place during daylight hours, but with no enforcement powers.

4 PROPOSALS

- 4.1 The Government are proposing to integrate the two licensing systems, to be administered solely by local authorities with a right of appeal to the Magistrate's Courts and to include face to face (direct debit) fundraising for the first time. The investigation of the suitability of the applicant will include a criminal reference check and local authorities must justify reasons for not granting permission.
- 4.2 In order to address the problems of saturation of fundraising, local authorities will need a policy to identify what capacity for collections in terms of the number of organisations collecting and the number of collectors are acceptable, and be able to withstand appeals on their decision making criteria. A number of Councils already have formal policies on such matters for street collections.
- 4.3 It is also proposed that charities can select a 'lead' authority who will check into all aspects of the suitability of the applicant and the organisation and no further checks by other local authorities will be necessary (including financial returns) – Councils will simply be notified that the charity wishes to collect in its area, and that approval will be given in line with the Councils policy on capacity. It is envisaged that small ad-hoc collections will be exempt from requiring permission, apart from notifying the Council of the date, as it is felt that the impact on the locality and risk from fraud are disproportionate.
- 4.4 As part of the initial scoping of existing legislation covering this area of fund raising and the opportunities for reform the Government invited comment from local authorities in the form of a consultation questionnaire. The background to the consultation documentation is attached as appendix 1 to this report together with the response to the questionnaire provided by officers.

5 FINANCIAL IMPLICATIONS

- 5.1 The implication of the proposals on the funding and operation of the licensing service cannot be determined at present.

6 LEGAL IMPLICATIONS

None

7 OBSERVATIONS OF OTHER OFFICERS

None

8 EQUAL OPPORTUNITIES IMPLICATIONS

- 8.1 It is essential that any arrangements put in place to operate the licensing function as outlined in this report will allow applicants and objectors access to fair and unbiased services and decision-making.

9 BEST VALUE

- 9.1 The Council works closely with its partners and stakeholders through forums such as the City Centre Licensing Forum to discuss issues and develop systems that will eventually be implemented. By ensuring that such groups are included in the development of the licensing function, we are working to meet the Corporate Values and Aims of working with our partners and customers, encouraging local people to get involved and listening to our customers to ensure that we address their needs. By developing a fair and transparent licensing system we will be working towards equality of opportunity, maximising leisure and cultural opportunities and creating a more attractive place to live and work.

11.0 List of background papers other than published works or those disclosing confidential or exempt information

- 11.0 NONE.

12.0 Published documents referred to in compiling this report

- 12.1 Home Office Consultation Document on Public Collections for Charitable, Philanthropic and Benevolent Purposes”, September 2003.

13.0 CRIME & DISORDER IMPLICATIONS

- 13.1 Delivering the licensing function is an opportunity for the City Council to work in partnership with the Police and other agencies to reduce the risk of crime and disorder occurring both within and immediately outside licensed premises, and arising from street activities having regard to the effect of the proposals on both customers and residents.

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Direct Debit Collections Under Licence

Proposals to regulate charity collections have been unveiled by the government

Proposals to regulate charity collections were unveiled by Home Office Charities Minister, Fiona Mactaggart, on 9 September (see Licensing News, 4 August 2003)

A new integrated licensing scheme for public charitable collections would provide fair access to collecting opportunities to all eligible organisations; and have the same rules for house-to-house and street collections and prevent licensing authorities applying rules differently in different areas of England and Wales.

Ms Mactaggart said: 'Many thousands of charities in Britain are active on a huge range of issues, helping to transform people's lives and to revive communities. The charitable and not-for-profit sector in this country is one of our greatest assets. Public trust and confidence is vital to its continued success, and its success is essential for the health of our democracy. It is through charities and voluntary organisations that many people contribute to progress and change.'

'We need fair, transparent regulation which facilitates responsible fundraising, but deters bogus collectors and prevents nuisance to the public. This will help protect the good name of the voluntary and community sector. I am confident that we will devise a workable scheme to maintain and even improve the level of trust and confidence which people feel in our charitable sector.'

The overall objective of the new scheme is to create a fair and cost effective licensing system that allows responsible fundraising but deters bogus collections and prevents nuisance to the public.

The proposals cover collections for charitable, philanthropic and benevolent purposes and do not suggest charging for licences. They would introduce an exemption for small local collections and extend the rights of appeal if someone feels a license has been unfairly refused or revoked. The current appeal system to the Home Secretary against a refusal for a house to house collection (but not a street collection) permit would be replaced in both instances by a right of appeal to the magistrates' courts.

The proposed framework would also consider:

§ improving the standard of information organisers have to submit when they make an application for eligibility to collect

§ the basic safeguards needed to secure collection proceeds

§ how collection organisers might ensure that collectors are fit and proper and

§ record keeping and local authority monitoring.

All charitable collections (which must be for charitable, benevolent or philanthropic purposes) will require licences. Small and ad-hoc collections may become exempt from licensing, if they are for example a one-off collection of goods or money in a small geographical area, or on one set of premises such as in a pub or carol-singing. However, organisers would be required to notify the local authority of these activities and this may

prove as controversial as the perceived ban on spontaneous singing in pubs without a licence under other recent legislation. Direct debit collections will also fall within the new scheme.

The law currently requires street collection licences to be held where a collection is made in a public place. This largely ignores supermarket forecourts, railway stations or shopping centres. The government proposes that land which is also commonly used as public highway should be treated as public places 'on the basis that the owners of such property are not capable of easily controlling the activity'.

Organisations may in future be able to apply to a single 'lead' local authority, in a system designed to replace the current national exemption orders, which allow just forty-three charities to apply to the Home Secretary for exemption from the need to apply to every local authority in which they wish to collect. The lead local authority would check that the charity collection was legitimate and required a licence, and once armed with the licence the charity would then simply check with any local authority as to the capacity to conduct a collection on any particular date.

The paper outlines proposals to create a charity collection licensing system that will be run by local councils, and asks whether the Metropolitan police and City of London police should hand over responsibility to the London local authorities. They will have to ensure that people collecting in town centres do not harass the public who refuse to give cash or to talk, or set up tables obstructing the pavement, or cause a nuisance with public address systems.

It is also proposed to publish 'clear, central guidance' to local authorities to ensure consistency in implementing the new scheme, which will require primary legislation to implement. The guidance would also provide advice on how local policies should be set to ensure capacity to conduct collections in a local area is set on a fair basis, striking a balance between national and local causes.

Presentation by the Government to local authorities on the current licensing system for fund raising by public charitable collection organisations and the proposals for reform.

Present collections legislation

- Inconsistent
- Fragmented
- Outdated
- Complex

Genesis of consultation document

- Builds on and further develops the strategy unit proposals
- Takes account of issues raised by respondents to the strategy unit consultation

Purposes of the consultation document

- To seek views on proposals for a new unified licensing scheme for public charitable collections in England and Wales
- To be used as a focus for further discussion and debate
- Responses to be taken into account when instructions are prepared for a draft charities bill

Objective of proposed new scheme

- To create a fair, cost effective, proportionate, unified system of licensing which will Facilitate responsible fund raising
 - deter bogus collections
 - prevent nuisance to the public

Principal elements of the new unified licensing scheme

- One integrated scheme for house to house and street collections
- Licence required for all collections except very small and local which would be exempt
- Would cover collections of
 - Cash
 - Goods
 - Direct debit commitments
- Duty on licensing authorities to provide fair access to collecting opportunities to all eligible organisers, providing capacity exists
- Licences not to be denied on basis of arbitrary criteria. Review of policies by licensing authorities
- Would apply to collections in places to which the public has unrestricted access. To include:
 - Privately owned sections of the highway;
 - Common parts of shopping centres;
 - Supermarket forecourts;
 - Railway station concourses
- Collections excluded would for example be:
 - Those in one individual shop;
 - Those on the premises of a charitable organisation;
 - Those taking place during fundraising events

Exemptions of small local collections

- Licensing authority to give permission for such collections outside the normal licensing controls
- Organisations to notify licensing authority who would advise on appropriate controls
- Such collections might be:
 - Collection of goods for church bazaar
 - Carol singing
 - One off collection in a pub

The lead authority concept

- Replacement for exemption orders
- Level playing field, unlike now, for all organisations wishing to collect in more than one licensing authority
- Applies to house to house and street collections
- Organisations to nominate a lead authority from the areas of collection
- Lead authority to determine requirement and eligibility for licence
- Eligibility focussed on
 - Organisation
 - Organiser
 - Nature of collection

Licences

- Issued for 12 - 18 months
- Collection times and places specified
- Modification for collection of goods

Appeals

- Available in respect of house to house and street collections
- To magistrates' court rather than home secretary

Penalties

- As before but
- New - breaches of record keeping and submission of returns rules

The operation of the scheme

- How is efficient operation of the scheme to be secured?
- How is consistency in practice across authorities to be achieved?
- By means of home office guidance
-

Home office guidance to local authorities

To cover:

- "philanthropic and benevolent"
- How to define it?
- Benefit to individual/significant element of private benefit

Capacity

- How to determine it?
- What should the criteria be?
- What evidence should licensing Authorities consider?
- Review of policies

Fair access to collecting opportunities

- Charitable/philanthropic/benevolent causes
- Collecting methods
- Local/national

Eligibility of applications

- Organisation or cause
- Organiser
- Nature of collection

Liaison with other bodies

- Police and charity commission
- Secure implementation and enforcement
- Eligibility checks
- Response to unlicensed/non-compliant collections, abuse of funds

Public nuisance

- Regulating the use of space
- Inappropriate behaviour by collectors

Accounting for collections

- Collection costs in general not concern of licensing authorities
- Charity commission role
- Existing legislation covering third party fundraisers/commercial organisations
- Difficulty in determining costs
- Administrative burden
- Position of non charitable organizations

Requirements placed on organisations seeking to collect

- Provide information and assurances to allow eligibility to be determined
- Details of:-
 - Cause and organisation
 - Relationships if any
 - Nature of collection
 - Convictions
 - Local authority checks
 - List of collectors fit and proper
 - Assurances re: compliance with legislation, record keeping requirements and avoidance of public nuisance

Safeguarding collections

- Use of collecting envelopes/numbered sealed collecting boxes
- Security of badges and boxes
- Appropriate procedures when boxes are opened
- Secure banking procedures
- Use of badges/copies of licence
- Security of direct debit details

Collectors

- Fit and proper - what does this mean?
- Minimum age?

Record keeping

- Details of each tin
- Details of direct debits
- Confirmation that proceeds have reached organisation (3rd party collections)
- Account of expenses
- Collection of goods - total revenue generated - amount handed over

Record monitoring

- Local authority power to require sight of records - exercised with cause and/or randomly
- Local authority follow-up in cases of suspected irregularity
- Possible suspension/revocation of licence

Response From Nottingham City Council in Respect of: Report on fund raising

Questionnaire for respondents - Proposals for consultation

Your comments on this consultation paper are very important. They will help to ensure that a workable scheme is developed.

This section brings together the main questions raised in the consultation paper. It is designed to help you respond. You are not required to answer all the questions, only those relevant to you. If you are working from a hard copy and need more space for your answers please attach additional sheets.

The deadline for responses is **December 2003**.

Section 1 The structure of the scheme

This section examines key features of the structure of the proposed scheme.

1. Is the proposal for a new integrated licensing scheme in principle a good one?

Yes agree with the proposals in principle. New legislation needed to standardise charity collections. At present too many loopholes. For the sake of public protection all charity collections should be regulated.

2. Should a licence be needed to carry out face-to-face fundraising?

Yes. At present direct debit collections are unregulated. Third party fundraisers are the cause of considerable complaints from the public who expect Nottingham City Council to control the activities in the centre of the city.

3. What would be the main consequences of licensing face-to-face fundraising for local authorities and fundraising organisations?

For Local Authorities:

- ◆ **Additional administrative burden**
- ◆ **More control/management of City streets**
- ◆ **More control over accountability**
- ◆ **Fairness for all**
- ◆ **Less public nuisance therefore less complaints**
- ◆ **Re-establish public confidence in charitable fundraising**
- ◆ **Additional costs**

For fundraisers:

- ◆ **All to be accountable**
- ◆ **All must apply for licences**
- ◆ **Greater administrative burden**
- ◆ **Less freedom**

4. **Should** the definition of 'public place' include private property to which the public has unrestricted access (for example, supermarket forecourts)?

Yes by agreement with the landowner.

5. Should some types of property and types of collection be explicitly excluded? If so, are the right exceptions proposed (for example, collections in shops)?

Yes but who decides which collections should be exempt? Why should schools/school premises be exempt?

6. Should small local collections be exempt?

- **The difficulty here is that decisions as to what is 'small' may have to be arbitrary, and, as local authorities can be challenged in the Court, it may be appropriate to require all collections to be licensed**

7. How should a small local collection be defined (for example, collections conducted only in one local authority ward)?

- ◆ **A limited number of collectors**
- ◆ **Funds being used locally**

8. Is the proposal for 'lead authorities' (to assess the eligibility of collections where the proposed activity spans a number of local authority areas) a good one?

- ◆ **Possibly not a good idea.**

Impact for district Councils:-

- ◆ **Less administration work**
- ◆ **Reliant upon lead authorities to ensure proper checks**
- ◆ **Will possibly require more liaison**
- ◆ **Prefer a 'home' authority principle**

9. What are the advantages of the 'lead authority' proposal?

As a possible 'lead authority' in the East Midlands:-

- ◆ **We ensure proper checks**
- ◆ **We would be in control of when and where.**
- ◆ **Charities would not be subject to duplication of checks on their background**

10. What are the disadvantages of the 'lead authority' proposal?

- ◆ **Greater administrative burden on local authority**
- ◆ **Cost?**
- ◆ **Liaising with other local authorities**
- ◆ **Would the fundraisers all apply to a local authority that does not carry out stringent checks – ie 'soft touch'?**
- ◆ **Local authorities would not be in control of the number of applicants which target them, and could be a disproportionate burden**

11. Is the proposal to differentiate between administrative arrangements for the collection of goods a sensible one?

Yes

- ◆ **We need to know whether cash or goods for each area**

- ◆ Different public perception
- ◆ Control whether charitable or commercial

12. Is there any reason why the appeal process should not be the same for both types of collection?

No

13. Are there any arguments for not making the Magistrates' Court the avenue of appeal?

Yes.

- ◆ **Cost**
- ◆ **Officers time**
- ◆ **Far greater administrative burden**
- ◆ **Applications for collections are often made with little notice – any appeal process could be difficult to accommodate within reasonable timeframes**

14. Should responsibility for licensing public collections in London be transferred from the police to local authorities?

n/a

15. Do you consider that any offences should be added to or removed from the list above? Please give your reasons.

No

16. Cost of administering the licensing scheme:

(a) What information do charities and local authorities have which they could without disproportionate effort make available to us

Time spent by licensing team on administering street and house to house collections

(b) What are the cost of administering the present system?

£2500

(c) What additional costs/saving are envisaged under the proposed system? Estimates of the financial costs/savings would be welcomed.

100% increase, plus court costs where necessary

17. Does it remain the general view that no charges should be levied for a licence?

No. A small charge would make the licence valued and go some small way to cover our admin costs.

It would also deter applicants making frivolous applications 'just in case they might collect'

Larger 'national charities' should pay an annual licence.

Section 2 Local authority operation of the new scheme

Responses to this section will inform the proposed guidance for local authorities on the operation of the new scheme.

18. How should philanthropic and benevolent best be defined (for example, by analogy with local authority rating decisions)?

Not profit-making and for the benefit of the disadvantaged or needy

19. Are collections where there is a significant element of private benefit (for example, sponsorship for challenge events) philanthropic or benevolent?

◆ Philanthropic

20. What factors should local authorities consider when assessing the capacity of a local area to accommodate collecting activity?

- ◆ Numbers of collectors**
- ◆ Restrict to certain streets/areas possible even designate specific collecting sites in the City**
- ◆ Weekdays/weekends**
- ◆ Other licensed /regulated activities to achieve 'balance'**
- ◆ Fair system of allocation for fundraisers**
- ◆ Number of opportunities for fundraising in locality**

21. What factors should local authorities take into account when allocating collection slots (for example, the quality of different sites)?

- ◆ Is it a main thoroughfare?**
- ◆ Will the collectors cause a nuisance/obstruction – congestion**
- ◆ How many groups/collectors could be sustained on each site?**
- ◆ Is it a street trading site?**
- ◆ Exposure to real 'market' ie: is the right audience there**
- ◆ Footfall/numbers**
- ◆ Frequency of 'exposure'**
- ◆ Safety of individual fundraising**

22. Are the checks on eligibility suggested the right ones?

Yes. In addition:-

- ◆ Ask for audited accounts from third party fundraisers**
- ◆ Know the percentage going to the charity**
- ◆ Know expenses**

23. How might liaison arrangements between local authorities, the police and the Charity Commission be improved?

- ◆ **We need to set up liaison with Charity Commission**
- ◆ **Government guidance to Police regarding working with local authorities**

24. What factors should local authorities take into account when assessing whether a collection is likely to be/is a public nuisance?

Ones suggested plus:-

- ◆ **Number of collectors**
- ◆ **Regulate distance between collectors**
- ◆ **Valid complaints from public/local business/other charity**
- ◆ **The public complain of being harassed by face to face collectors – suggest that people should not be allowed to importune passers-by, as is currently the case with street collections**

25. Should all collection organisers be required to submit estimates before and/or returns after the collection detailing the costs of and proceeds from the activity?

- ◆ **No – too bureaucratic**
- ◆ **No advantage perceived**

26. Should collection organisers who are employees, trustees or regular volunteers for a registered charity be exempt from the requirement to submit returns on their collecting activity?

- ◆ **Yes**

27. Is the information which it is proposed organisers should submit sufficiently comprehensive (see section on Accounting for Collections)?

Yes but:-

- ◆ **For third party fundraisers a percentage of total collection given to the charity should also be provided.**

Section 3 The requirements placed on the organisers of collections

28. This paper proposes that the collection organiser and another responsible person or two other responsible people should be present at the opening of collection boxes? How should 'another responsible person' be defined in this context?

- ◆ **As 'independent' of the collection or a treasurer or accountant**

29. Collection organisers should have basic safeguards in place to secure the proceeds of collections? Are other safeguards, in addition to those suggested needed?

- ◆ **No**

30. The organisers of public collections might require all their collectors to sign an undertaking that they do not have a relevant unspent conviction. Is this requirement sufficient to ensure that collectors are 'fit and proper'?

- ◆ **Yes as the task of checking every collector would be onerous for local authorities and for the Police.**

31. Should the minimum age of street and house to house collectors be set at 14 (or lower), provided that the collectors up to the age of 16 are accompanied by an adult or should the minimum age for all collectors be set at 16 (or higher)?

- ◆ **18 is possibly a better age limiter as considered an adult and therefore accountable/responsible and to deter young people with little or no developed sense of 'sensitivity' or interpersonal skills to operate in the name of charity.**
- ◆ **More regulated training should be given.**

32. Are the record keeping requirements suggested sufficient/reasonable?

Yes but:-

- ◆ **Registered charities supply accounts to the Charity Commission**
- ◆ **Third party fundraisers should submit full audited annual accounts to local authorities.**

33. Should local authorities be able to suspend licences while they investigate any concerns about collecting activity?

No, due to litigation issues

34. If you have other comments to make in response to the consultation please use this space.

General comments

In principle there is support for the proposed scheme, particularly in its action to regulate 'Face to Face' fundraising. The loophole that currently exists, which allows over proliferation of on street fundraising, has facilitated a new form of public nuisance, which after street begging is cited as the next most 'unwanted' activity in the City Centre which needs addressing by Local Authorities.

Comment in Relation to Key Questions

1 Licensing Face to Face Fundraising (Para 1.2)

Licences would allow regulation of Face to Face fundraising, and are therefore welcome. Main consequences for LA's and fundraising organisations are:

- ◆ **Structured communications**
- ◆ **System of fairness v first come first served**
- ◆ **LA's would be seen to be 'controlling', by public expectation/demand**
- ◆ **Disbenefit of increased administration**
- ◆ **'Visible face' of management**

(Note : the term fundraising organisations is taken to mean 'agents' and not the Charities themselves).

2 Public Place (Para 1.3)

Definition should include all areas to which public has unrestricted access.
Exemptions seem fair, eg small shops

3 Appeals Procedure (Para 1.6)

Support proposal that this should be Magistrates Court, in keeping with current proposals in Licensing Bill. (ie consistency of approach).

4 Charges (Para 1.10)

Charges should be levied, in order that the LA can recover reasonable costs of administration and enforcement.

5 Capacity (Para 2.2)

Local Authorities can determine capacity for 'Face to Face' fundraising based on criteria such as:-

- ◆ level of other licensed/unlicensed activities
- ◆ visitor numbers/pedestrian flows
- ◆ availability of space
- ◆ avoidance of nuisance/obstruction
- ◆ examination of complaints, from public and business
- ◆ avoiding conflict, eg. Don't licence collections outside banks, charity shops, ATM's

6 Public Nuisance (Para 2.6)

Local Authorities should be able to determine Codes of Conduct/behaviour that is a requirement of the Licence. These should include:

- ◆ Positioning
- ◆ Level of noise
- ◆ Method of approach
- ◆ Monitoring complaints
- ◆ Not 'chasing' people down the street
- ◆ Not 'forming human barriers'

It should be a requirement that the 'Licence' is available for inspection on the day and is held by a representative of the fundraising organisation who has responsibility for all members of the team and their behaviour. Any breach of licences, complaint from the public and or request from a LA Officer to inspect/revoke the Licence should be operable.

Partial Regulatory Impact Assessment

Risk assessment

1. How much do public charitable collections raise each year?

>>£717,000

2. Please provide specific examples of how this affects your organisation and practices. Have collection revenues from these types of cash collections declined/increased in recent years? Have face to face collections (direct debit solicitations) increased income received? Are there any other factors influencing collection revenues of which we should be aware/take into account when drawing up any new regulations?

>>requests for street and house collections have fallen slightly in recent years, but face to face fundraising has increased significantly.

Specific risks

3. To what extent is this a problem at the moment? How many incidents are there of bogus street collections in licensing authority areas each year? How much is it estimated is lost to charities through fraudulent collections each year?

>> No evidence of bogus licensed street collections, but cannot comment on face to face collections as they are not regulated. Some concerns have been raised about house collectors of clothing which have not been licensed.

4. Please provide any examples to demonstrate the extent of this problem and any evidence that fundraising has declined in certain areas because of over-use of some sites.

>>None

5. Is there any evidence of such bogus collections taking place? On what scale are these carried out?

>> approx 5% a possibility (see 3 above)

6. Do you have any evidence to suggest that this contention is correct? Has your organisation been disadvantaged because it does not hold an exemption order? Has that caused you to incur extra costs?

>>N/A

7. Please provide any evidence either in support of or refuting the view that implementation of the existing legislation is inconsistent and that, as a result, collecting revenues are depressed because local authorities do not provide maximum opportunity for eligible, well conducted collections consistent with local capacity?

>>.N/A

8. Do charities, fundraisers and local authorities find the current system supportive of their work?

>>N/A

Requirements placed on the organisers of collections

9. Do you consider that the proposed new scheme will have the desired effect of increasing public trust and confidence in public charitable collections?

>>yes

10. What estimates do you have of the savings which might accrue to charities and local authorities or do you envisage that there will be increased costs/burdens?

>>increased costs to Local Authorities

11. How much time do licensing departments currently spend on charitable collection licensing work? How much time is it envisaged that the new scheme will entail? Are you able to translate this into an additional cost or saving?

>>12% of a full time post – expect this to rise to 25%

12. The proposed scheme should reduce the administrative burden on professional fundraising organisations which run street collections on behalf of charities and other voluntary organisations as they will no longer be required to make a return to the local authority for each collection. It may be that because of the nature of the collection, e.g. direct debits, clear accounts cannot be provided and organisers might be required to prepare and submit annual estimates and/or returns detailing the costs and proceeds from their collecting activity. How much of a saving is it thought this will be for fundraising organisations in both time and monetary terms?

>>N/A

13. The proposed scheme should reduce the administrative burden on charities which run public charitable collections as they will no longer be required to submit returns on collecting activity to local authorities. However, as a matter of good practice they should keep detailed accounts of collecting activity which the local authority could request for inspection in the event of concern. How much of a saving is it thought this will be for charities in both time and monetary terms?

>>N/a

14. The proposed scheme should significantly reduce the burden on local authorities of assessing returns. How much of a saving is it thought this will be for local authorities in both time and monetary terms? What are the advantages/disadvantages of the returns being considered by the local authorities? On balance do you agree that returns should not be made and should not be considered by local authorities?

>>possibly 5% of officer time saved

>>yes, agree returns should not be made and considered

Issues of equity and fairness

15. The objective of the new local authority licensing scheme for public charitable collections is to correct the current inconsistent, outdated and unnecessarily complicated legislation governing such collections. The aim is to create a fair and cost effective system to replace the existing system. Do you agree with this objective and is the way forward suggested well suited to achieving the objective?

>> The scheme is geared to licensing street collections in a similar format to how house to house collections are currently licensed. The major changes are therefore to the street collection regime.

>> The current system works well for both street and house collections where they are licensed, and all that really needs to happen from a local authority view is to include donations by means other than handing over cash or goods in the street or at home to be included in the licensing process.

Costs for businesses, charities and voluntary organisations

Compliance costs

16. How much does it cost charities and fundraising organisations to comply with existing legislation? How much does the absence of modern, fit for purpose legislation cost charities and local authorities each year?
17. How much additional expenditure do organisations envisage they will incur through compliance with the proposed new licensing system? How many organisations is it thought will be affected by the proposed licensing scheme?
18. How much do Exemption Order holding organisations think the proposal to abolish the current system will cost them?

Other costs

19. How much do local authorities think it will cost to familiarise staff with a new system?

>>£200

20. How much do local authorities envisage it will cost to administer the new system? How much of a new burden is it perceived the new requirements will be on resources?

£3000 (+100%)

21. Fundraising organisations will be able to nominate a 'lead authority' from amongst those in whose areas they wish to fundraise. This should spread the burden. But, this makes it difficult to estimate the cost to a particular local authority. How much do local authorities think it will cost? What are the perceived benefits/ drawbacks of the proposed new system?

>>£150 per lead authority enquiry

>>Local authorities will not know how and when they may be targeted by a charity, so cannot ensure resources are available

22. Fundraising organisations will no longer have to make a return to each local authority for each collection they hold. For their own use and as a matter of good practice, detailed accounts of collecting activity should be kept and the local authority should be able to request these for inspection if concerns arise. How much of a saving will this be for local authorities?
23. **>>5% of officer time**
24. That a licensing requirement would dissuade people from engaging in small scale ad hoc fundraising activity which is low risk, eg carol singing or a one-off spontaneous local appeal. Would this be the case?

>>such collections are currently licensed and there is no evidence that organisers are dissuaded from applying.

Competition Assessment

24. The proposal will impact primarily on the charities sector. At this stage, we do not expect that the proposal will have any significant effect on competition in any related commercial sector. We would welcome views from stakeholders on this conclusion.