

STREET AND HOUSE TO HOUSE COLLECTIONS GUIDANCE NOTES FOR APPLICANTS

The Charities Act 2006 received Royal Assent on 8 November 2006. Parts of the Act came into force early in 2007 and other provisions are being introduced gradually from this date until 2010. Implementation of the Charities Act is being led by the Office of the Third Sector in the Cabinet Office, working with the Charity Commission and representatives from the sector itself.

On 1 April 2008 the Charities Act 2006 (Commencement No. 4, Transitional Provisions and Savings) Order 2008 came into force.

This defined the statutory definition of charity, including the list of headings for charitable purposes and the public benefit requirement as set out below:

“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)
- any purposes that may be regarded as analogous to or within the spirit of any purposes which have been recognised under charity law.”

This Commencement Order also removed the presumption of public benefit for charities established for the advancement of education, the relief of poverty or the advancement of religion.

Applicants are advised to have regard to these provisions and to clearly align the purpose and proceeds of the proposed collection within the definition of charitable purpose under the Charities Act 2006 in the relevant sections of the application form(s).

Please note: Once your collection has taken place, you must complete and return within one month of the collection date(s) (three months for House to House Collections), the ‘schedule of return’. This is an official declaration to the Council stating how much money you have raised and how much is going to be given to the charity. Applicants are asked to note the Cabinet Office’s advice that the amount of the proceeds of collections applied to expenses should not exceed 25%.

There is a space on the form for a countersignature as independent evidence that the amount raised is correct and has been paid over to the charity. This should be accompanied, where possible, with a paying in slip to the relevant bank account for that charity

STREET AND HOUSE TO HOUSE COLLECTIONS CRITERIA

As updated by the Charities Act 2006 (Commencement Nos.1, 2, 3 and 4,
Transitional Provisions and Savings Orders) 2007 and 2008

1. The Council will not usually permit more than two collections per year by an individual or organisation.
2. The Council will not issue permits to an individual or organisation which fails to provide adequate information in order to consider their application properly. This includes any information which might lawfully be requested by the Council in addition to that given on the application form.
3. Subject to the provisions of the forthcoming Charity Tribunal, the Council will not issue permits to an individual for private gain nor an individual or organisation whose aims do not appear to be charitable or of a closely allied nature or comply with the definition of charitable purpose under the Charities Act 2006.
4. The Council will not issue permits to an individual or organisation whose collectors are paid more than it considers to be 'reasonable expenses' or who do not comply with the provisions made under the Charities Act 2006 updating the requirements of the Charities Act 1992 with regard to remuneration and solicitation statements.
5. The Council will not normally and without good reason, issue further permits to an individual or organisation that has cancelled a street collection in Runnymede at short notice (less than one week), on more than one occasion in the last three years
6. The Council will not normally issue permits to an individual or organisation that has held an unlawful street or house to house collection within this area, or that of another local authority.
7. The Council will take into account any reasonable decision by another local authority to refuse permission for the individual or organisation in question to hold a street or house to house collection, and the reasons for it.
8. The Council will not normally issue permits to an individual or organisation who has broken the Street Collections Regulations set by this Council, or those of another local authority within the last five years, or where it is reasonably suspected that the individual or organisation might do so.
9. The Council will not normally issue permits to an individual or organisation who has previously submitted a returns form for a collection which has taken place in the Borough showing that no money was received, unless the 'nil return' was the result of the collection being cancelled.
10. The Council will take into account relevant and reasonable information or advice supplied by the Police or other relevant body in deciding whether to grant a permit.
11. With regard to House to House Collections non-holders of the Home Office Exemption Order, or an organisation acting on their behalf, must apply for a licence for any type of proposed fundraising activity.