

Licensing Committee – 9th October 2007

6. Charities Act 2006

Executive Portfolio Holder: Ric Pallister, Housing, Environmental Health & Inclusion
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Purpose of the Report

To inform and update Members on the progress of the Charities Act 2006 and the implications for the Council.

Recommendation

That members note the report

Background

The Charities Act 2006 received Royal Assent on 8th November 2006. It reforms charity law and aims to

- Enable charities to administer themselves more effectively and be more effective
- Improve the regulation of charity fundraising, and reduce regulation of the sector, especially for smaller charities
- Provide a clearer definition of the term charity with an emphasis on public benefit
- Modernise the Charity Commission's functions and powers as regulator, increase its accountability, and preserve its independence from Ministers

The various parts of the Act are being brought in to force in sequence. This started in early 2007, and it is anticipated that the whole process will take 18 – 24 months.

Public Charitable Collections

The Act provides a new system for licensing charitable collections in public. It applies to all such collections, including face-to-face fundraising, involving requests for direct debits.

There is a new role for the Charity Commission in checking whether charities and other organisations are fit and proper to carry out public collections. They will be responsible for issuing public collection certificates, which will be valid for up to five years.

The new procedure will mean that local authorities no longer need to assess the suitability of individual applicants and will ensure a more consistent approach to such assessment nationally.

Collections in Public Places

Once a charity has obtained a public collections certificate from the Charity Commission, it will be able to apply to a local authority for a permit to hold collections at certain times in certain places in that local authority area. The local authority will assess all applications to ensure that the dates, times and venues for the collections do not clash,

and, that the public are not inconvenienced by excessive collection activity, known as 'collection fatigue'.

Door to Door Collections

Previous legislation referred to House-to-House collections. The Act now refers to Door-to-Door Collections to make it clear that this does include business premises.

A charity with a public collections certificate will be able to conduct collections without permission from the local authority, but they must inform the local authority of the purpose of the collection and details as to when and where it is to take place.

Local, Short Term Collections

The Act introduces a new concept of local short-term collections. Collections falling within this definition will be exempt from licensing and will not require either a certificate or permit, but organisers will be required to notify the local authority of the purpose of the collection and details as to when the collection will take place.

Financial Implications

There are no fees for collection permits currently and none are anticipated under the new Act. This is therefore already a cost to the local authority, although as the new regime replaces the old, it is not anticipated it will result in excessive new resource demands.

Implications for Corporate Priorities

Corporate Aim 4: to ensure safe, sustainable and cohesive communities.

Other Implications

It will be necessary to review the current delegation arrangements with Yeovil Town Council with regards to charity collections as under the terms of the new Act the power to issue permits has been assigned to the District Councils.

Background Papers: *Charities Act 2006*
