

LICENSING COMMITTEE

25 March 2015

Present: - Councillor Nick Cope (Chairman)
Councillors Roger Buston, Ray Gamble, Dave Harris,
Pauline Hazell, Mike Hogg, Michael Lilley, Richard
Martin, Philip Oxford and Lesley Scott-Boutell.

13. Minutes

RESOLVED that the minutes of the meetings held on 19 November and 21 January 2015 were confirmed as a correct record of the meetings.

14. Public Fundraising Regulatory Association Presentation

The Committee received a presentation from Mr Service, Outreach Officer and Mr Rosenfeld, Compliance Officer of the Public Fundraising Regulatory Association (PFRA) on its work in managing the activities of face to face fund raisers collecting direct debit details, commonly referred to as 'chuggers'.

The PFRA was established in 2012 following a review of the Charity Act and concerns raised regarding the behaviour of some fundraisers. As a charity led self-regulatory membership body for charities and agencies involved in street and doorstep direct debit fundraising it acted as a bridge between the charities and Councils; balancing the duty of charities to ask the public to support them with the right of the public not to be put under undue pressure to agree. It worked to promote and maintain professional standards in charity fundraising and to ensure the fair allocation of fundraising on the ground.

Mr Service explained that the PFRA worked through the establishment of a co-regulatory agreements with Councils. The Site Management Agreement defined where and when fundraising could take place in a Council's area and this was a flexible document designed to accommodate the area's specific requirements. It was enforced through a combination of co-regulation by Council officers, mystery shoppers and spot checks. Mr Rosenfeld outlined how compliance was achieved and outlined the importance of the PFRA's rule book which, together with the Institute of Fundraising's Code of Fundraising Practice and associated guidance, regulated the work of collectors. The rule book formed the basis of the penalty point scheme under which charities were awarded points for infringements and fined £1,000 in the event that their points totalled 1,000 in a financial year. The level of points awarded for each infringement reflected its relative severity. In accordance with the rule book collectors could not follow a person for more than three steps; stand within 3 metres of a shop doorway, cashpoint, pedestrian crossing or station entrance; or knowingly sign up anyone to direct debit who was not able to give informed consent. The success of the scheme was measured and a recent survey indicated a 91% of respondents felt said that the SMA had been very or fairly successful in regulating street fundraising with 58% of Councils saying there had been a reduction in complaints related to street fundraising. It was confirmed that there were no costs to the Council of entering into an agreement with the PFRA but that there would be costs associated with enforcement although the PFRA was the primary enforcing body. The

Council's enforcement role was essentially to witness and report to the PFRA on any breaches of the agreement. The resolution of most problems could be expected within an hour.

A number of the issues raised would form part of the Council's work in negotiating a SMA, if the Committee determined to pursue this matter. There was discussion around the issue of funding and how the 75p levy, paid by charities to the PFRA for each direct debt mandate, was made known to the donors. It was explained that this information was included in the disclosure statement read out prior to people signing the agreement. The money from the direct debits went direct to the charity concerned and they used last year's funding to pay the PFRA; money was not re-directed to the PFRA at source as was the common misconception. Mr Service and Mr Rosenfeld answered questions on a wide variety of matters and confirmed that fundraisers were trained by the charities. The rule book covered the issue of approaching vulnerable persons and this included intoxicated persons. Direct debits could be cancelled at any time and money repaid if the direct debit mandate was found to have been acquired inappropriately. In response to questions from the Committee Mr Service gave details of the structure of the organization and its funding and agreed to circulate further information on these matters and on its data protection protocol.

RESOLVED that a further report on entering into a site management agreement with the PFRA be brought to the Committee in due course.

15. Public Fundraising Regulatory Association Presentation

The Committee considered a report by the Head of Professional Services on the adoption of a policy for the re-allocation of a hackney carriage plate in the event that one should become available. This policy would not apply to the distribution of any new plates that may be recommended following an unmet demand survey; the criteria for the distribution of such plates would be determined by the Committee at the appropriate time.

The suggested policy for re-allocation required existing registered owners and drivers to register their interest; a notice would also be placed in a local newspaper giving the general public the opportunity to register their interest. All expressions of interest would then be entered into a randomly generated draw which would be carried out at a meeting of the Licensing Committee.

There was considerable discussion on whether this form of draw taking place at a Committee meeting was appropriate and on the merits of this as opposed to a simple first past the post policy. Mr Ruder explained the administrative problems presented by the later method and that the general public would be unlikely to know when a plate would be available; this knowledge however, being widely known by members of the trade and therefore giving them an advantage in being the first to register their interest.

RESOLVED that the Head of Professional Services be requested to give further consideration to the method of the re-allocation of a hackney carriage plate and report back to the Committee in due course.