

REGULATORY PANEL

WEDNESDAY 16 DECEMBER 2015 AT 2.00PM

PRESENT: Councillor Bell (Chairman), Bowman S, Cape, Ms Franklin, Layden, Morton, Mrs Parsons, Shepherd, Miss Sherriff, Stothard, Mrs Warwick and Wilson.

OFFICERS: Assistant Solicitor
Licensing Manager
Licensing Officer

RP.42/15 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted.

RP.43/15 DECLARATION OF INTEREST

There were no declarations of interest submitted.

RP.44/15 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

RP.45/15 MINUTES OF PREVIOUS MEETING

RESOLVED – 1) That the minutes of the meeting held on 9 September 2015 be agreed.

2) That the minutes of the meetings held on 14 October and 18 November 2015 be noted.

RP.46/15 REVIEW OF CHARITABLE COLLECTIONS AND STREET COLLECTIONS

The Licensing Officer submitted report GD.89/15 regarding a new Charitable Street Collection Policy and an agreement between the City Centre Management Team and the Public Fundraising Regulatory Association.

The Licensing Officer reported that the Police, Factories etc (Miscellaneous Provisions) Act 1916 gave the Council the authority to grant permits for sales of goods and collection of cash for charitable purposes undertaken in public places. The report gave an overview of Collections and Permits and detailed the two types of Permits the Council issued; Street Collection and Charitable Collection

The Licensing Officer explained that requests for street collections and charitable collections were made to both the Licensing Section and the City Centre Management Team. This led to duplication and/or omission of tasks and could cause confusion to the applicant. The report made proposals to streamline the process for the approval of collections and proposed to introduce a single 'Charitable Street Collection' policy.

The Licensing Officer drew Members attention to the second part of the report which dealt with Direct Debit Collections. Legal opinion differed as to whether or not direct debit collections were within the remit of the 1916 Act and proposals to clarify the situation through the Charities Act 2006 had not been implemented. The Council did not issue a licence for Direct Debit collectors but generally requests were granted by letter if there were no other City Centre Collections taking place on the dates requested.

The Public Fundraising Regulatory Association (PFRA) had been established in response to the growing number of direct debit collections and was a charity led self-regulatory body for all type of face to face fundraising. It worked as a bridge between Councils and Charities who engaged in face to face fundraising and was overseen by a board which included representatives of charities and fund raising companies, the Association of Town Centre Managers, the Institute of Licensing and the Local Government Association (LGA).

The PFRA published codes of practice for direct fund raisers and helped Council manage the allocation of space to ensure better compliance with its professional standards. The PFRA entered into Site Management Agreements (SMA) with local authorities and the approach was strongly advocated by the LGA. The PFRA then managed the diary for booking charities into town centres for those authorities with a SMA.

Preliminary discussions had taken place between Officers and the PFRA to develop a draft Site Agreement for Carlisle City Centre. The draft Agreement was attached to the report and key features were:

- The agreed areas that could be frequented by fundraisers were:
 - Site 1 – the pedestrianised area of Scotch Street between East Tower Lane and 72 Scotch Street (Costa) and
 - Site 2 – the pedestrianised area of English Street between Devonshire Street and Bank Street
- Capacity – Maximum of 5 fundraisers across 2 sites, no more than 3 fundraisers at any one site (unless the Scotch Street site is unavailable, where 5 fundraisers would be permitted on English Street site)
- Frequency – Monday, Tuesday and Friday only permitted between the hours of 10am and 6pm, unless otherwise specified
- Only one charity will be present on any one site on any one day

Members welcomed the Site Management Agreement and asked that officers make themselves familiar with the PFRA Rule Book.

RESOLVED – 1) That the new Charitable Street Collection Policy be approved

2) That the Director of Governance be delegated to enter into a Site Management Agreement with the Public Fundraising Regulatory Association in relation to control of Direct Debit Collections.

3) That an update on Site Management Agreement be brought to the Panel in 6 months time.

(The meeting ended at 2.20pm)