

13 January 2015

Licensing Committee

Face To Face Direct Debit Charity Collectors

Report of: *Ashley Culverwell – Head of Borough Health, Safety and Localism*

Wards Affected: *Brentwood North, South and West*

This report is : *Public*

1. Executive Summary

- 1.1 This report is to seek Member approval for officers to review a current agreement between Brentwood Borough Council and the Professional Fundraising Regulatory Association in respect of direct debit charity fundraising.
- 1.2 The report also requests that the Head of Borough Health Safety and Localism, in consultation with the chair of the Licensing Committee be authorised to amend the site management agreement on behalf of the Council.

2. Recommendation

- 2.1 **Members are requested to authorise officers to review the current site management agreement for face to face direct debit charity collectors and to bring the amended agreement before Members of this Committee for final authorisation.**

3. Introduction and Background

- 3.1 Charitable Collections in streets and public places are governed under statute by the Police, Factories, etc (Miscellaneous Provisions) Act 1916 (the Act).
- 3.2 The Act permits the Council to make regulations with respect to ‘the places where and the conditions under which persons may be permitted in any street or public place, to collect money or sell articles for the benefit of charitable purposes...’

- 3.3 Whilst direct debit collectors are fundraising, they are not collecting cash in the sense of an immediate donation. A direct debit that an individual signs up to can be cancelled by them at any time and amounts of donation can vary. Therefore, the fundraiser has no way of knowing how much is collected at each collection. This means that this type of collecting activity is not within scope of the licensing requirements.
- 3.4 Whilst the majority of these types of fundraiser are responsible, there can be concerns raised from time to time over unregulated collections and practices. Therefore, bona fide collectors tend to belong to the Profession Fundraisers Regulatory Association (PFRA) who set and agree standards on behalf of such collectors.
- 3.5 In June 2008, the Council entered into an agreement with the PFRA which identifies certain conditions and requirements such as frequency, conduct and location of collections. The agreement is attached at **Appendix A**.

4. Issues Options and Analysis of Options

- 4.1 There have been some slight issues raised in respect of collections over the last six years. These relate in the main to a sometimes overenthusiastic individual or to the location of the collections; however, generally these have been minor. It would therefore be fair to state that the agreement has been beneficial to date. However, given the time that has elapsed since the agreement came into force it would appear sensible to undertake a review to ensure that it is both up to date and remains fit for purpose.
- 4.2 It is intended that the review process should be undertaken in discussion with the PFRA.
- 4.3 There is likely to be little or no impact on the collections processes and a review should be advantageous to both residents and visitors to the borough.
- 4.4 Currently the agreement identifies two distinct areas for street collections, these being outside of Iceland and Superdrug respectively. However, since the establishment of the Market in the High Street, these areas can at times become pinch points and therefore one reason for a review of the agreement is to consider whether there is an appropriate alternative collection point(s).
- 4.5 Further, it may be considered that an effective and regularly updated agreement would benefit collectors and charities as the agreement promotes good practice, which in turn improves and enhances the reputation of the collectors and charities involved.

5. Reason for Recommendations

- 5.1 The existing Member approved voluntary agreement follows a recognised legal framework, which is designed to safeguard the interests of the public, whilst protecting the interests of bona fide charity organisations. Reviewing this agreement will ensure that it remains fit for purpose.

6. References to Corporate Plan

- 6.1 The proposals contained within this report link directly to the following priorities of the corporate plan:

A prosperous Borough – “Safeguarding public safety through a risk based regulation and licensing service.”

Street Scene and Environment – “Develop effective partnership arrangements so all issues affecting neighbourhoods are delivered in a timely and efficient way”

Localism – Encourage local businesses to invest directly in Brentwood’s communities”

7. Consultation

- 7.1 There are no specific policies being introduced by way of this report and the collection for charity by way of direct debit is permitted in law, therefore there is no specific consultation involved in this process.
- 7.2 Notwithstanding the above, any complaints received in respect of any collection, would be assessed by officers and action taken as appropriate in each case.
- 7.3 As stated in paragraph 4.1, any amendment to the agreement will be undertaken in full association with the PFRA.

8. Implications

Implications

Financial Implications

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There will be a small cost by way of officer time in respect of reviewing the agreement; however, this will be met from the current budget. It is not anticipated that there will be any additional or hidden costs relating to any part of this process.

Legal Implications – Monitoring Officer Comment

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None.

9. Appendices to this report

Appendix A – Current Site Management Agreement

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