

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

24 JUNE 2013

REPORT OF DIRECTOR OF REGENERATION AND COMMUNITIES

Report prepared by Lorraine Neale

1. FACE TO FACE COLLECTIONS IN MAIDSTONE TOWN CENTRE

1.1 Issue for Decision

1.1.1 That the Committee consider whether it wishes to enter into an agreement, with Sevenoaks District Council, Tunbridge Wells Borough Council and the Public Fundraising Regulatory Association (PFRA), regarding the activities of Face-to-Face Direct Debit (DD) Charitable Street Collectors in Maidstone.

1.2 Recommendation of the Director of Regeneration and Communities

1.2.1 That the Committee agrees to enter into a Site Management Agreement (SMA) regarding the activities of Face-to-Face Direct Debit (DD) Charitable Street Collectors in Maidstone with the (PFRA) a draft of which is attached at Appendix A to the report. The Licensing Partnership Manager will sign the agreement on behalf of the Licensing Partnership.

1.3 Reasons for Recommendation

1.3.1 Charitable Street collections are currently regulated under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

1.3.2 Face-to-Face Direct Debit (DD) Charitable Street Collectors, sometimes referred to as "Chuggers" (Charity Muggers), are professional fund raisers who operate within town centres across the country. A number of these fund raisers operate within Maidstone Town Centre throughout the week. As no physical money is collected, they can operate without the need for a Street Collection Permit to be issued by Maidstone Borough Council under the above legislation.

- 1.3.3 There appears to be a general perception that (DD) Street Collectors are deterring the general public from using local high streets, due to alleged aggressive and often intrusive collecting methods.
- 1.3.4 Face-to-Face direct debit street collection fundraising is subject to voluntary self regulation by the industry. The Public Fundraising Regulatory Association (PFRA) regulates the use of face to face fundraising by member charities and professional fundraising organisations and aims to work with local authorities to ensure that fundraising sites are used appropriately. There are currently 142 charities that are members of PFRA.
- 1.3.5 Contact was made with the (PFRA) and they have worked closely with the Licensing Partnership, in drawing up a Site Management Agreement (SMA) suitable for the Partnership covering all three councils and the specific area of Maidstone Town Centre. The aim of the (SMA) is to monitor and facilitate charity fundraising in agreed locations within Maidstone Town Centre and provide a balance between the right of the charity to fund raise and the right of the public to go about their business with the least level of inconvenience. It is important to note that (SMA's) are voluntary arrangements; they are not legally binding and cannot be upheld through formal enforcement action. However they have been implemented by a number of local authorities throughout the UK and have been proven to work well in minimizing issues.
- 1.3.6 The proposed draft agreement specifies a number of areas in which street collections will be permitted and the frequency of those collections. A copy of the draft agreement is included as Appendix A to this report.
- 1.3.7 The (SMA) provides a mechanism for reporting alleged instances of inappropriate activity/behaviour and for receiving feedback on how any issues have been resolved.

1.4 Alternative Action and why not Recommended

- 1.4.1 Do not enter an agreement with PFRA and continue as currently with no control over face to face collections. It is proposed that while the Council does not have authority to regulate this activity, the agreement will help ensure a balance is made between raising money for worthwhile causes and not discouraging people from using Maidstone Town Centre.

1.5 Impact on Corporate Objectives

1.5.1 By proceeding with this SMA it will provide the correct balance between the right of the charity to fund raise and the right of the public to go about their business with the least level of inconvenience, which supports the council's strategic objectives of being a decent place to live.

1.6 Risk Management

1.6.1 Risk Management issues have been dealt with within the SMA

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.2 There are no significant implications arising from this report.

1.8 Relevant Documents

1.8.1 Appendices

Appendix A – Draft Site Management Agreement between PFRA and Maidstone Borough, Sevenoaks District, and Tunbridge Wells.

1.8.2 Background Documents

None

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

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Wards/Parishes affected:

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