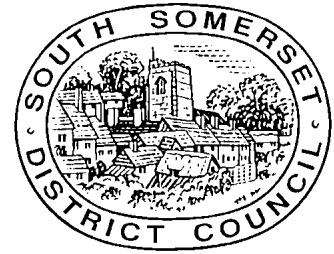


South Somerset District Council

Notice of Meeting



Licensing Committee

Making a difference where it counts

Tuesday 14 June 2011

10.00 am

**Council Chamber A
Council Offices
Brympton Way
Yeovil
Somerset**

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge** on Yeovil (01935) 462570
email: anne.herridge@southsomerset.gov.uk, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 6 June 2011

Ian Clarke, Assistant Director (Legal & Corporate Services)



This information is also available on our
website: www.southsomerset.gov.uk



Licensing Committee Membership

Chairman Nigel Mermagen
Vice-Chairman Martin Wale

Dave Bulmer
 John Vincent Chainey
 Pauline Clarke
 Nick Colbert
 Tony Fife

Jenny Kenton
 Tony Lock
 Paul Maxwell
 Roy Mills
 David Norris

David Recardo
 Linda Vjeh
 William Wallace

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- To deliver well managed cost effective services valued by our customers
- To increase economic vitality and prosperity
- To improve the housing, health and well-being of our citizens
- To ensure safe, sustainable and cohesive communities
- To enhance the environment, address and adapt to climate change

Members' Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Licensing Committee shall be responsible for those licensing functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

Meetings of the Licensing Committee are held bi-monthly at 10.00am normally on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website www.southsomerset.gov.uk

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

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Licensing Committee

Tuesday 14 June 2011 at 10.00 am

Agenda

Preliminary Items

1. **To approve as a correct record the Minutes of the Licensing Committee meeting held on 12 April 2011**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the Agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10.

4. **Public Participation at Committees**

(a) **Questions/comments from members of the public**

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

Items for Discussion

Page Number

- | | | |
|----|--|----------|
| 5. | The Public Fundraising Regulatory Association (PFRA) and SSDC | 1 |
| 6. | Appointment of Licensing Sub Committees..... | 2 |
| 7. | Licensing Committee Forward Plan | 3 |
| 8. | Next Meeting..... | 5 |

Licensing Committee – 14 June 2011

5. The Public Fundraising Regulatory Association (PFRA) and SSDC

Executive Portfolio Holder: Peter Seib, Regulatory and Democratic Services
Group Manager: Laurence Willis, Assistant Director - Environment
Lead Officer: Nigel Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

Purpose of the Report

To update members on the monitoring and performance of the site management agreement with the Public Fundraising Regulatory Association (PFRA) in relation to face-to-face fundraising.

Recommendations

That:

- (1) members note the report;
- (2) members recommend to District Executive that the agreement should continue;
- (3) an annual monitoring report be brought to Licensing Committee.

Background

In April 2009 District Executive approved a proposal for joint working between South Somerset District Council and the PFRA for an initial 12-month period. Following this initial 12-month period, it was requested that a monitoring report be brought to Licensing Committee prior to a decision by District Executive on whether to extend the agreement.

Report Detail

The aim of the site management agreement (SMA) is to monitor and facilitate charity fundraising in agreed locations within the South Somerset area (excluding Yeovil town) 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 impression of inconvenience.

The SMA for SSDC was agreed and signed in March 2010 with the PFRA managing allocations for collections from May 2010. The agreement specifies a number of areas in which street collections will be permitted and the frequency of those collections. Town Councils within those areas were consulted on local requirements for the designated areas. A copy of this agreement is included as Appendix A to this report.

The SMA provides a mechanism for reporting apparent instances of inappropriate activity / behaviour and for receiving feedback on how any issues have been resolved.

The Last 12 months

Over the last 12 months the PFRA have administered 68 face-to-face fund raising collections on behalf of the district council.

In this period 2 complaints were received in relation to these fund raising activities, one on the 19th August 2010 and another on the 9th September 2010.

In both cases the complaints were investigated by the PFRA, the fundraisers were spoken to, and the relevant disciplinary procedures were followed. The complaints were investigated in a very timely manner and the outcome of the complaint was notified to the Licensing Manager within 48 hrs.

There was no cost to SSDC in administering these collections.

Yeovil Town

Over the last 12 months Yeovil Town Council have administered 89 face-to-face fund raising collections on behalf of the district council.

In this period no complaints have been received in relation to these fund raising activities.

There was no cost to SSDC in relation to administering these collections.

Financial Implications

None to the Council.

Implications for Corporate Priorities

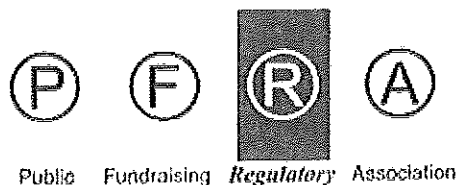
There will be a positive impact on Corporate Theme 4, ensuring safe, sustainable and cohesive communities.

Other Implications

None

Background Papers: *Site Management Agreement*
DX Minutes 02.04.09

Unit 11 Europoint
5-11 Lavington Street
Southwark
London SE1 0NZ



Site Management Agreement

Between the Public Fundraising Regulatory Association and South Somerset District Council

This Agreement is made between the Public Fundraising Regulatory Association ('the PFRA') of Unit 11 Europoint, 5 – 11 Lavington Street, Southwark, London SE1 0NZ and South Somerset District Council ('the District Council') of The Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT, who together form the parties to this Agreement.

The purpose and spirit of this Site Management Agreement ('SMA') is to facilitate face-to-face fundraising in a given location and provide a balance between the right of the charity to fundraise and the right of the public to go about their business without an impression of undue inconvenience.

Once an agreement is in place it should minimise the administration for all concerned, providing just one channel for information and support, as the District Council's Licensing Officers only have to deal with one organisation (the PFRA) instead of dealing with each individual charity and fundraising organisation separately.

An SMA also recognises and accommodates the fact that other legitimate activities also operate on the public highway, including events, street trading, and activities organised by the Local Authority or other authorised public bodies (e.g. Police)

1. IoF National Code of Practice: Statement of Conformity

All fundraisers will carry and abide by the PFRA / Institute of Fundraising abridged Code of Practice, a copy of which is attached to this Agreement at Appendix 1.

2. Frequency of Visits

- i) Face-to-Face activity may take place at the following frequencies in each location within the District of South Somerset:
- Eastern District
 - **Castle Cary – twice (2x) per calendar month**

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Southwark
London SE1 0NZ



- **Wincanton** – **four** (4) times per calendar month
 - Western District
 - **Chard** – **four** (4) times per calendar month
 - **Crewkerne** – **twice** (2x) per calendar month
 - **Iminster** – **twice** (2x) per calendar month
 - Northern District
 - **Langport** – **four** (4) times per calendar month
 - ii) Collections will only take place between the hours of 9.00am and 7.00pm Monday-Saturday and between 10.00am-4.00pm on Public Holidays.
 - iii) No collections will take place on Sundays in any location.
 - iv) Fundraisers may not visit the same location on consecutive days.
 - v) Exclusion Dates - No collections will take place in any location on the last 2 weekends in October or the first two weekends in November each year.
- Further exclusion dates may be announced by the District Council (e.g. market days, special promotions etc) and collections on such days will be organised in accordance with section 6.ii) below.
- vi) For the avoidance of any doubt, the geographical area falling within the boundaries of Yeovil Town Council is not covered by this Agreement.

3. Locations & Placement

Face-to-Face activity may take place in the following locations (excluding any private property which may fall within each location), which for information are shown highlighted red on the map attached at Appendix 2:

- Eastern District
 - **Castle Cary** – Market Place and Fore Street
 - **Wincanton** – High Street and Carrington Way
- Western District
 - **Chard** – High Street
 - **Crewkerne** – Market Square and Market Street
 - **Iminster** – Silver Street and Cornhill

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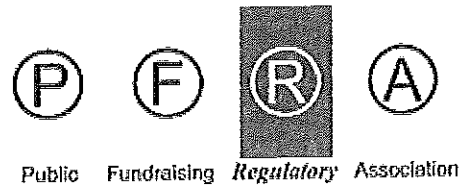
Public Fundraising *Regulatory* Association

- iii) All fundraisers must wear visible identity cards with clear and legible details and a photograph. All fundraisers should wear tabards or other distinctive clothing that enable shoppers and other pedestrians to identify them from a distance. The District Council welcomes uniformed Team Leaders who are clearly identifiable as the Team Leader on their clothing. Fundraisers must not cover up clothing by rucksacks or other outer garments, thereby preventing their clear identification to the public.

6. Information Sharing & Reporting

- i) **Clash avoidance:** Wherever possible, PFRA members will seek to avoid clashes with Licensed Charitable Cash Collections. Julia Bradburn (SSDC) has a diary of cash-collections, and other pre-arranged / regulated street activity will be compiled by the District Council several weeks in advance to ensure there are no potential conflicts with other collection agencies -
- who are not members of the PFRA
 - who may have previously approached the District Council to operate in public space
 - or where there are national flag days when an individual charity or non-profit organisation seeks to operate across many / all local authorities.
- ii) **Exclusion Dates:** Exclusion Dates (e.g. market days, special promotions days, etc.) may be announced by the District Council Licensing Officers and will in general be flagged to the PFRA for inclusion within the PFRA Diary Management system well in advance. Where a potential clash emerges, the principal of "first booked" will prevail unless impractical to do so (e.g. crisis appeal, public demonstration). In the event of unexpected clashes between fundraising activities and other events (emergency, construction, health & safety of public or other priority statutory use of the highway), the District Council Licensing Officers will direct fundraisers to an alternative contingency location for the duration of such priority uses. It is understood that there may be rare occasions where notice of unavailability of certain specific sites will only be available at very short notice (such as during royal visits); in which circumstances the District Council or police officers may exercise their rights and powers to move fundraisers on without notice.
- iii) **General Communications & Reporting:** The PFRA Allocations Officer will maintain and manage the diary schedule. Copies of the diary are to be made available not less than five working days prior to the commencement of each period of activity to which it refers to –

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Nigel Marston – Licensing Enforcement Officer – South Somerset District Council
e-mail: nigel.marston@southsomerset.gov.uk
Telephone: 01935 4621150

The PFRA Allocations Officer can be contacted at:

Paul MacMillan-Gutiérrez
Allocations Officer

Public Fundraising Regulatory Association

Unit 11, Europoint
5-11 Lavington Street
London SE1 0NZ

E-mail: Paul@pfra.org.uk
Tel: 020 7401 8452 (Mon-Thu)
Mobile: 07813 051130 (Fri)
Fax: 020 7928 2925

Web: www.pfra.org.uk

7. Complaint Management

The PFRA will inform the District Council promptly of any complaints received, and conversely the District Council will forward any comments or complaints channelled through it promptly to the PFRA. Where the collection agencies themselves receive a complaint, it is expected that they will provide information to the PFRA and/or the District Council, including information about the identities of any individual collector who has been the subject of a complaint and of the action taken (if any) by the collection agency. Where aware of complaints, the PFRA will take prompt and appropriate action to report the complaints made to the charity being promoted (as well as to the collecting agency representing the charity), and to deal with the complaint appropriately and effectively in order to resolve the situation as far as possible. The PFRA shall keep the Licensing Officers of the District Council informed of the action taken and the resolution achieved.

8. Working Together – Promoting Public Confidence

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Public Fundraising *Regulatory* Association

- i) The District Council agrees to work with the PFRA to publicise information regarding this SMA, including explanations on what Face-to-Face is, the PFRA Code of Practice, facts about Direct Debit security, and how persons with concerns may make official complaints (see also section 7. above). Specifically, the District Council undertakes to ensure that all relevant local 'stakeholders,' whether within the local authority / Town Centre Management / business consultation organisations or elsewhere, are fully informed (and involved where relevant).
- ii) The PFRA will police member organisations, through a programme of random spot-checks ("Mystery Shopping"), to ensure fundraisers' adherence to the Code of Practice and this SMA.

9. Reviews, Variations and Termination


- i) This Agreement will continue indefinitely unless terminated under clause iv) below.
- ii) The parties agree to review this SMA after 6 months after Signature and then not less than once in every 12 months thereafter.
- iii) The terms of this Agreement may be varied with the agreement of both parties at any time in writing, and any such variation will be endorsed on or attached to this Agreement.
- iv) This Agreement will come to an end on the expiry of 6 weeks after notice in writing given by either party to the other that it desires to terminate this Agreement.

10. Remuneration

The PFRA will receive no remuneration from the District Council for carrying out its obligations under this Agreement.

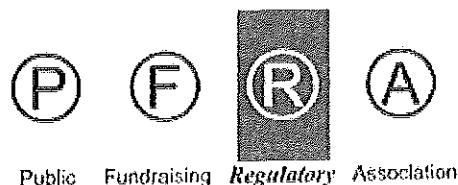
Signed For and On Behalf Of PFRA:

Dated:



8.1.16

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Southwark
London SE1 0NZ



Appendix 1

CODE OF PRACTICE

1 We always tell potential donors clearly that we are paid to speak with them, and that we are not volunteers - if this is the case - and we explain the basis on which we are paid.

2 We always carry and display ID so that any potential donor can verify who we are, whom we are working for and on whose behalf we are fundraising.

3 We always represent our charity or Not for Profit Organisation (NPO) at the time, in the place, and in the manner that has been previously agreed both with the charity / NPO and with the relevant site owner or Local Authority, and as directed by our team leader or other responsible agency personnel.

4 We always explain to a donor how the Charity or NPO will communicate with them after subscribing, and if they are likely to receive a follow up phone call we inform them of this.

5 We always ensure that forms with personal details provided by donors are handled at all stages in a secure manner.

6 We always end a conversation in a polite and respectful manner as soon as we are asked to.

7 We always ensure, wherever possible, that if a member of the public has a complaint, a full and accurate record of the complaint and the complainant's contact details are taken so that action can be taken promptly and appropriately. We will also offer the complainant contact details for a person in authority who can respond to their concerns.

8 We never say or do anything that could pressurise or harass people and we do not use manipulative techniques.

9 We never confuse or mislead the public and we never say, do or display anything for which we have not been given permission by the charity or NPO

10 We never behave whilst on duty in any way that might bring the charity / NPO or our employer into disrepute.

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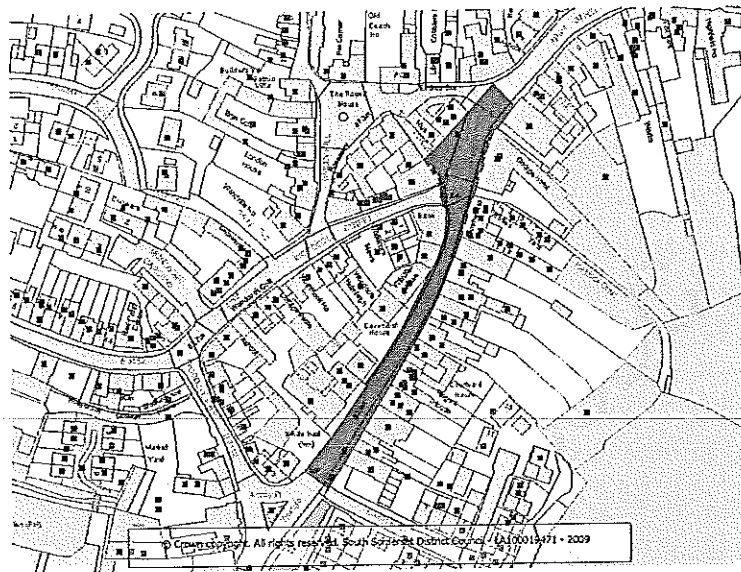


Public Fundraising *Regulatory* Association

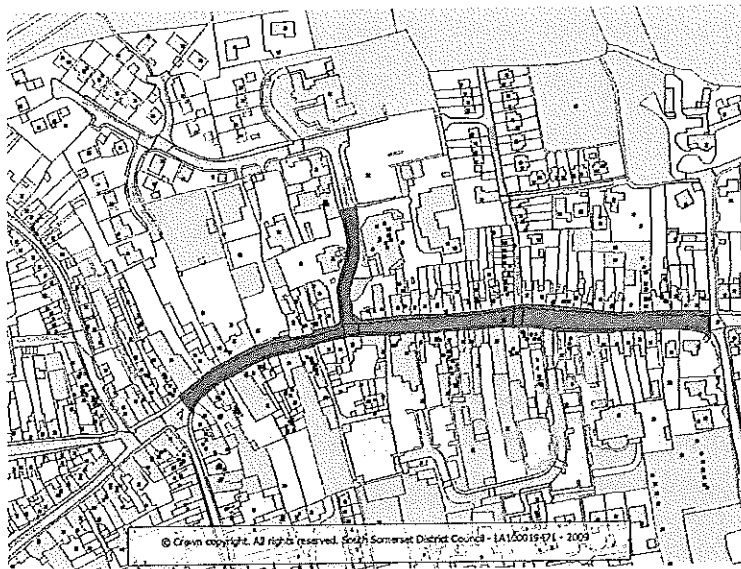
Appendix 2

Locations & Placement

Eastern District



Castle Cary - Market Place and Fore Street



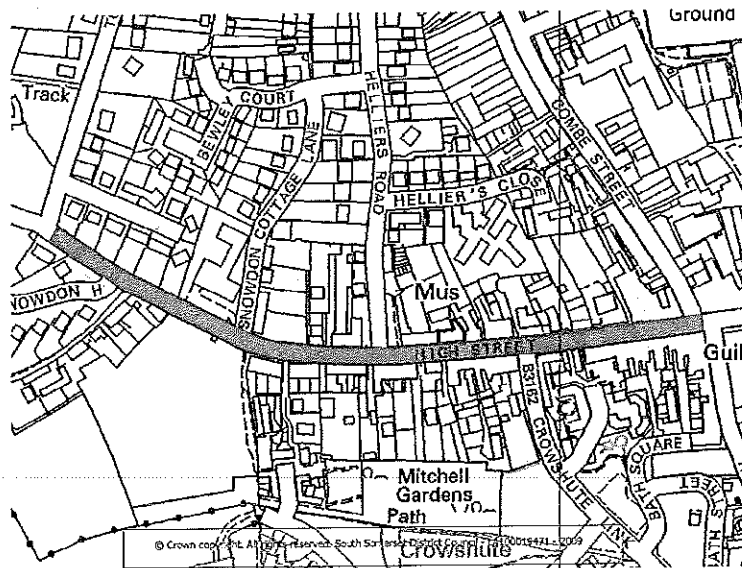
Wincanton - High Street and Carrington Way

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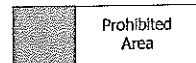
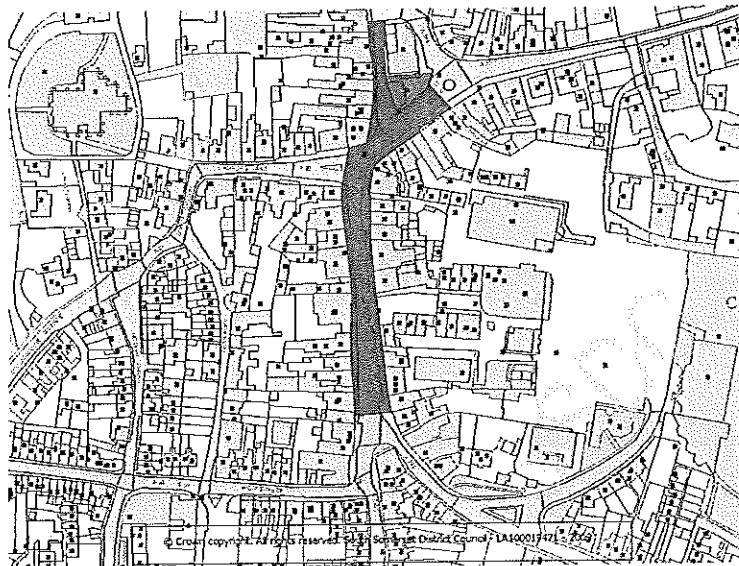


Public Fundraising Regulatory Association

Western District



Chard - High Street



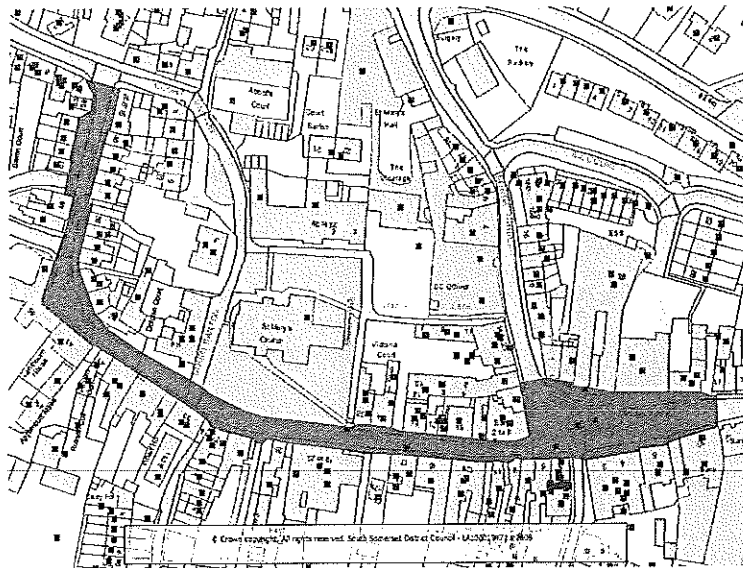
Crewkerne - Market Square and Market Street

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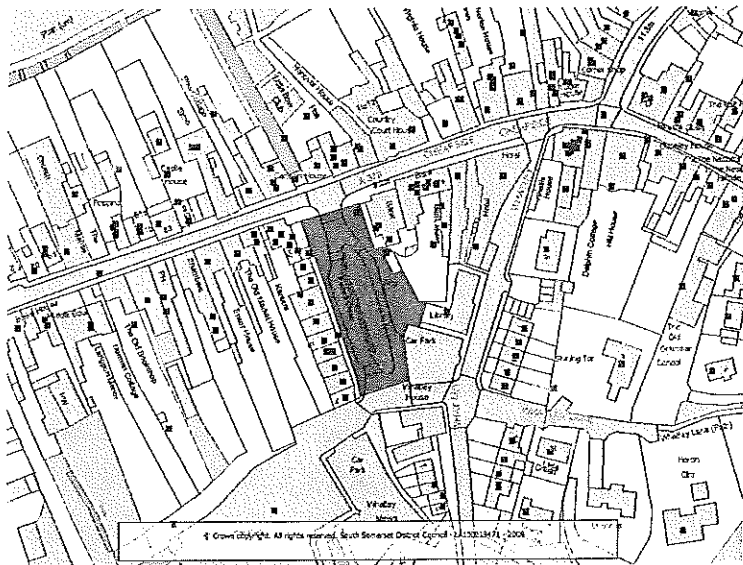
Public Fundraising **Regulatory** Association

Western District (continued)



Ilminster - Silver Street and Cornhill

Northern District



Langport - Parrett Close

Licensing Committee – 14 June 2011

6. Appointment of Licensing Sub Committees

Executive Portfolio Holder: Cllr Peter Seib, Regulatory and Democratic Services
Assistant Director Laurence Willis, Environment
Lead Officer: Angela Cox democratic services Manager
Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148

This item has been deferred until Full Council on 21 July 2011.

Licensing Committee – 14 June 2011

7. Licensing Committee Forward Plan

Head of Service: Nigel Marston, Licensing Manager
Lead Officer: Anne Herridge, Committee Administrator
Contact Details: anne.herridge@southsomerset.gov.uk or (01935) 462570

Purpose of the Report

This report informs Members of the agreed Licensing Forward Plan.

Recommendation

Members are asked to:-

1. Comment upon and note the proposed Licensing Committee Forward Plan as attached at Appendix A and.
2. Identify priorities for further reports to be added to the Licensing Committee Forward Plan.

Licensing Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Licensing Committee agenda, where members of the Licensing Committee (LC) may endorse or request amendments.

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Further details on these items, or to suggest / request an agenda item for the Licensing Committee, please contact the Agenda Co-ordinator; Anne Herridge.

Background Papers: None

Licensing Forward Plan

Appendix A

Notes

(1) Further details on these items, or to suggest / request an agenda item for the Licensing Committee, please contact the Agenda Co-ordinator; Anne Herridge 01935462570 or e mail anne.herridge@southsomerset.gov.uk

Meeting Date	Agenda Item	Background Purpose	Link to SSDC Area & Corporate Priorities; SCC Corporate priorities and National Indicators (NI)	Lead Officer
Dec 11	Street Trading Fees - update	A report on Street Trading.		Colin Chown Licensing Officer
Dec 11	Enforcement update	To inform members of recent enforcement activity		Nigel Marston Licensing Manager

*Anne Herridge, Committee Administrator, (01935) 462570
Email: anne.herridge@southsomerset.gov.uk*

Licensing Committee – 14 June 2011

8. Next Meeting

Members note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 9 August 2011 at 10.00 am at the Council Offices, Brympton Way Yeovil.

*Anne Herridge Committee Administrator, Legal and Democratic Services SSDC
anne.herridge@southsomerset.gov.uk or (01935 462570)*
