

Licensing and Regulatory Committee

Minutes of the remote meeting held on Tuesday 13 April 2021 at 4.30pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Heath (Chairman); Councillors Boad, Cullinan, A Dearing, C Gifford, Grey, Illingworth, Leigh-Hunt, Luckhurst, Mangat, Murphy, Norris, Syson, Wright.

43. **Apologies and Substitutes**

- (a) an apology for absence was received from Councillor Evans; and
- (b) Councillor Wright substituted for Councillor Redford.

44. **Declarations of Interest**

Councillor Illingworth declared an interest because he was Chairman of the Royal British Legion in Kenilworth, and therefore heavily involved in the Poppy Appeal.

45. **Minutes**

The minutes of the Committee meeting held on 8 February 2021 were taken as read and signed by the Chairman as a correct record.

46. **Minutes of Licensing & Regulatory Panels**

The minutes of the Licensing & Regulatory Panels held on 26 January 2021, 16 February 2021, and 4 March 2021 were taken as read and signed by the Chairman as a correct record.

47. **Proposed House to House Collections Policy – Request for public consultation**

The Committee considered a report from Health and Community Protection which presented a draft policy for House to House Collections, and requested it to be put forward for public consultation and then adopted by the Executive.

The Licensing Authority was required to authorise house to house collections under the House to House Collections Regulations 1947.

The purpose of the policy was to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications for house to house collections. It also set out the reasonable expectations of applicants for charitable collections within Warwick District.

In considering each application for the grant of a house to house collection, the guidance provided by the policy document would be applied in a consistent, fair and proportionate way.

Having a policy in place ensured that those who wished to donate to charity through house to house collections were able to do so in good faith,

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knowing that a significant amount of the money they donated would directly benefit the charity.

A public consultation would ensure that the proposed policy was reasonable and fit for purpose.

There were no alternative options, other than not introducing the policy.

In response from questions from Members, the Licensing Team Leader advised that:

- paragraph 2.8 of the report needed more clarity over what the term 'local' meant, and there would hopefully be some useful consultation comments to help clarify this;
- in relation to the paragraphs at 3.20 of the report, an agreed form of words would be found to clarify the meaning of the percentage of remuneration;
- part of the legislation was that collections could take place any day of the week, including public holidays, and there would most likely need to be very good reason to deviate from this;
- paragraph 2.20 would change to "Warwick District Council reserves the right to **deviate** from the policy where it was satisfied that there was sufficient cause for doing so";
- the Council had always allowed the poppy appeal to collect for four weeks, and this would give time to cover all the streets required;
- enforcement was undertaken by the Licensing Team at the Council, but offences and fines were part of the tariff structure and listed as part of the legislation. Although some fines seemed quite low, the Council could not set the levels of fines;
- the consultation would be sent to anyone who had a house to house collection with the Council, anyone who had previously had a house to house licence, Town and Parish Councils, District Councillors, Police, and the Charities Commission; and
- there would be details in the report and on the Council's website advising how to report suspicious or fraudulent collections.

The Democratic Services Manager & Deputy Monitoring Officer advised Members that the report recommended that the consultation took place between 16 April 2021 and 28 May 2021, but this could be changed to a set period of time, to take into account if something disrupted the plans to hold the consultation on these specific dates.

The Committee therefore

Resolved a public consultation on the draft House to House Collection Policy (attached as appendix 1 to the report) be authorised for a six-week period.

(Councillors Leigh-Hunt and Norris joined the meeting during this item)
(Councillor Boad left the meeting)

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48. **Proposed Street Collections Policy – Request for public consultation**

The Committee considered a report from Health and Community Protection which presented a draft Policy for Street Collections and requested that it be put forward for public consultation, and then adopted by the Executive.

The purpose of the policy was to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications for street collections. It also set out the reasonable expectations of applicants for charitable collections within Warwick District.

In considering each application for the grant of a street collection, the guidance provided by the policy document would be applied in a consistent, fair and proportionate way.

Having a policy in place ensured that those who wished to donate to charity through street collections were able to do so in good faith, knowing that a significant amount of the money they donated would directly benefit the charity.

A public consultation would ensure that the proposed policy was reasonable and fit for purpose.

There were no other alternative options, other than not introducing the Policy.

In response to questions from Members, the Licensing Team Leader advised that:

- paragraphs 1.13 and 1.14 of the report would be amended to clarify when a permit would be required on private land;
- paragraph 2.14 would be amended to clarify that there would be no more than six people collecting monies per area;
- there would be no requirement to supply a Performing Animal Licence with the application form for assistance animals;
- paragraph 2.32 would be amended to read "District Council reserves the right to **deviate** from this policy where it is satisfied that there is sufficient cause for doing so";
- collectors who collect via direct debit were covered under paragraph 2.26 of the report and had to adhere to the Institute of Fundraising Face to Face Activity Code of Fundraising Practice on face-to-face fundraising and any interpretation of the code made by the PFRA (Public Fundraising Regulatory Association), however because they were not taking money face to face, they were not regulated in the same way. The Council had links to the PFRA whereby complaints of harassment could be reported, and since the links had been made there had been fewer complaints;
- there would be details in the report and on the Council's website advising how to report suspicious or fraudulent collections;
- paragraph 2.18 would be amended to change "person" to "persons"; and
- the Council was in contact with the Chartered Institute for Fundraising regarding complaints about the direct debit fundraisers. Once the Covid-19 pandemic eased, it was hoped that the number of

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direct debit fundraisers would be about the same level as pre-pandemic, however many charities had lost a lot of fundraising since and would want to be out and about as soon as possible. The Health and Community Department were the lead on public spaces protection orders, which could be considered if the Council had an increase of complaints.

The Committee therefore

Resolved that a public consultation on the draft Street Collection Policy (attached as appendix 1 to the report) be authorised for a six-week period.

49. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraph 7 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

50. **Minutes of Licensing and Regulatory Panels**

The confidential minutes of the Licensing & Regulatory Panel held on 20 January 2021 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 5.34pm)

CHAIRMAN
5 May 2021