



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 7 JUNE 2012

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 29 March 2012 (previously circulated).

3. **Appointment of Vice-Chairman**

4. **Items of urgent business authorised by the Chairman**

5. **Declarations of Interest**

6. **Confidential Items:-**

The following reports are not for publication because they contain confidential information and will be considered whilst the public are excluded from the meeting. The applicants have been invited to attend and/or be represented at the meeting, but will be asked to leave whilst the committee makes the decisions, as exempt legal advice may be given.

Members are advised that, in accordance with Section 100A(2) of the Local Government Act 1972, the press and public should be excluded for the following items of business on the grounds that they could include the possible disclosure of confidential information.

7. **Application for a Dual Hackney Carriage and Private Hire Driver's Licence - Steven Robertson Boyd (Pages 1 - 3)**

Report of the Licensing Manager

8. **Application for a Private Hire Driver's Licence - Antonio De Matos Rodrigues (Pages 4 - 6)**

Report of the Licensing Manager

9. **Exempt Item:-**

The committee is recommended to pass the following recommendation in relation to the following item:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Members are reminded that, whilst the following item has been marked as exempt, it is for the committee itself to decide whether or not to consider it in private or in public. In making the decision, members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and should balance the interests of individuals, or the committee itself, in having access to information. In considering their discretion, members should also be mindful of the advice of council officers.

10. **Application for a Private Hire Driver's Licence - Neil Charles Reid (Pages 7 - 8)**

Report of the Licensing Manager

11. **Public Items:-**

The press and public will be readmitted to the meeting at this point.

12. **Amendment to the Site Management Agreement to Control Direct Debit Face to Face Fundraisers (Pages 9 - 39)**

Report of the Licensing manager

13. **Changes to the level of CRB checks for Hackney Carriage and Private Hire Drivers (Pages 40 - 42)**

Report of the Licensing Manager

14. **Local Government (Miscellaneous Provisions) Act 1976 – Proposed Variation of Hackney Carriage Fares (Pages 43 - 51)**

Report of the Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Tony Johnson (Chairman), Shirley Burns, Sheila Denwood, Jonathan Dixon, Mike Greenall, Billy Hill, Tracey Kennedy, Robert Redfern and (Labour)

(ii) Substitute Membership

Councillors Chris Coates, Roger Dennison, Joan Jackson, David Kerr, Terrie Metcalfe, Margaret Pattison and Susan Sykes

(iii) Queries regarding this Agenda

Please contact Tom Silvani, Democratic Services - telephone (01524) 582132 or email tsilvani@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 28 May 2012.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

Document is Restricted

LICENSING REGULATORY COMMITTEE**Amendment to the Site Management Agreement to Control
Direct Debit Face to Face Fundraisers****7 June 2012****Report of Licensing Manager****PURPOSE OF REPORT**

The report seeks Members' approval of the amendment to include Morecambe in the Site Management Agreement between the Public Fundraising Regulatory Association (PFRA) and Lancaster City Council

This report is public

RECOMMENDATIONS

That the attached updated Site Management Agreement be adopted. (Appendix 1)

1.0 Introduction

- 1.1. Face-to-face fundraising is the personal solicitation (almost always by a professional fundraiser) of a regular charity donation via a direct debit
- 1.2. Unlike cash street collections which are currently regulated by this Committee under the powers contained in the Police .Factories, etc (Miscellaneous Provisions) Act 1916, there are no provisions currently to regulate face to face (direct debit) fundraisers.
- 1.3. Following complaints from members' of the public about face to face collectors, members may recall that at the LRC meeting held on 9 June 2011 a site management agreement between the Public Fundraising Association and Lancaster City Council was approved in relation to face to face collectors in Lancaster. In order to try and ease the situation and provide for some sort of regulation
- 1.4. The Public Fundraising Regulatory Association is the charity-led self-regulatory membership body for all types of face-to-face fundraising.

PFRA has a dual role as a regulator in being the bridge between councils and charities practicing face to face fundraising: maintaining professional standards and ensuring fair allocation of fundraising on the ground.

- 1.5 PFRA maintain and improve professional standards in the face to face fundraising sector by enforcing the Institute of Fundraising's *Face-to-Face Activity Code of Fundraising Practice*, running a mystery shopping programme, and ensuring their members complete an accreditation process. They also have a complaints process that can be initiated by anyone who feels a fundraiser has transgressed the code of practice.

A major part of PFRA's role is to ensure the sustainability of face to face fundraising and ensure that it is practiced in a controlled way. They run a fair and equitable site allocation programme and work with local councils to negotiate 'site management agreements' (SMAs) that contain guarantees about the locations and times that fundraising can take place.

- 1.6 The aim of a Site Management Agreement (SMA) is to facilitate face-to-face fundraising in a given location with the full agreement of the council.

- 1.7 The Site Management Agreement.

- delineates the location in which fundraisers may work. This is very specific.
- Specifies which days of the week fundraisers may attend. The SMA, for instance would preclude fundraisers from working on market days. The SMA allows fundraisers to attend four times a week in 2 locations.
- Specifies how many fundraisers may attend.
- Includes various other criteria and stipulations, such as distances that must be maintained from shop doorways and frontages

The PFRA then runs a diary that ensures only one charity turns up at any one time and operates according to the terms of the SMA and complies with the Institute of Fundraising Face-to-Face Activity Code of Fundraising Practice. A copy of the code is attached at Appendix 2 to this report.

- 1.8 Since the SMA has been in place it has minimised the administration for all concerned, providing just one channel for information, as licensing officers or town centre managers only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

With the SMA in place, PFRA assigns the designated sites according to their diary systems to ensure that only one charity fundraises at any given time.

Should PFRA members breach the terms of the SMA – for instance by straying outside the delineated areas or sending too many fundraisers – PFRA offers a single point of contact for the local authority to rectify this, and they state that they can usually ensure SMA breaches are put right within the hour.

- 1.9 The PFRA along with licensing officers agreed to regularly review the agreement to ensure that it remains relevant. It is proposed that Morecambe should be now included in the agreement to ensure that the same procedure applies to those carrying out face to face collections there as to those in Lancaster.

- 1.10 Members are asked to approve this addition.

2.0 Conclusion

- 2.1. Members are recommended to approve the proposed amendment to the Site Management Agreement to include Morecambe.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) The proposed amendment to the agreement does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.	
FINANCIAL IMPLICATIONS There are no financial implications as a result of this report.	
LEGAL IMPLICATIONS Legal Services have been consulted and have no further comments.	
BACKGROUND PAPERS None	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP



Site Management Agreement between PFRA and Lancaster City Council

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate face-to-face fundraising in Lancaster city centre and Morecambe and provide balance between the rights of charities or not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for all concerned, providing just one channel for information and support, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

Statement of Conformity

- 1) All fundraisers will abide at all times by the Institute of Fundraising [Face-to-Face Activity Code of Fundraising Practice](#), the PFRA / Institute of Fundraising abridged code of practice (Appendix 1), and any rules [promulgated by the PFRA](#) from time to time.

Access Details

- 1) Sites may be used as follows, as shown in the maps at Appendix 2:

Lancaster

Market St:

Penny St to Market Gate; and the Museum to King St/China St

NB: there is a buffer in the middle of this site – fundraisers are to avoid Market Square

Capacity: maximum of 4 branded/working fundraisers (2 working at each end of the site) and 1 team leader

Frequency: Mondays and Fridays

Penny St/Cheapside:

Common Garden St to James Lane; and Church St to Market St



NB: there is a buffer in the middle of this site – fundraisers are to avoid the intersection of Cheapside and Market St

Capacity: maximum of 4 branded/working fundraisers (2 working at each end of the site) and 1 team leader

Frequency: Tuesdays and Thursdays

Morecambe

Euston Rd:

Pedestrianised area of Euston Rd between Central Drive and the Seafront

Capacity: maximum of 4 fundraisers

Frequency: any 2 non-consecutive days per week

- 2) Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the locality who do not wish to engage and should endeavour at all times not to impede the egress of any member of the public. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.
- 3) Fundraisers are at no point to be within 2 metres of any shop entrance or, where permitted, within 4 metres of the frontage of any licensed market/street trader. Every effort must be expended to maintain a reasonable distance of 3 metres between fundraisers and any other legitimate street activities (e.g. Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).
- 4) Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officers and reposition themselves correctly or as directed on-site. Failure to do so may result in future fundraising visits being suspended by the PFRA for an appropriate duration as agreed with the gatekeeper, or other penalties or sanctions being imposed according to rules promulgated by the PFRA.
- 5) Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified. Only one charity will be present in any one town centre on any one day.
- 6) Exclusion Dates etc are to be announced by the Council (e.g specific event days) and must be pre booked as part of the PFRA Diary Management System. Any



exclusion dates to give a minimum of 4 weeks notice to the PFRA from date of diary delivery.

- 7) All fundraisers must wear official tabards or other official distinctive clothing to enable shoppers and other pedestrians to identify them from a distance. All fundraisers must wear official identity cards clearly visible on the upper body with personal details and photograph of the fundraiser in accordance with the activity being undertaken at the time.

Information Required

Nominated Gatekeeper

- 1) The nominated gatekeeper for Lancaster City Council is Wendy Peck, wpeck@lancaster.gov.uk. In her absence all enquiries should be made to licensing@lancaster.gov.uk or 01524 582033.

Required Information

- 2) The PFRA Allocations Officer will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for PFO; and Charity being fundraised for.
- 3) Copies of the diary are to be made available to:

Wendy Peck, Licensing Manager, Lancaster City Council
email: wpeck@lancaster.gov.uk

Licensing Officer, Lancaster City Council
email: licensing@lancaster.gov.uk

Lancaster Town Centre Manager
email: office@stnicholasarcades.co.uk

- 4) These contact details shall be updated as and when necessary.

Transition and continuity

- 5) Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.



Complaint Management

- 1) PFRA will log, monitor and inform the Council of complaints received on an annual basis, if requested. The Council will provide real time notification of individual complaints and cumulative volume on an annual basis. Where the collection agencies themselves receive complaints it is expected that they will provide information to the PFRA including information about the identities of any individual collector the subject of a complaint and of the action taken (if any) by the collection agency.

Working Together

- 1) The local authority agrees to work with the PFRA to raise awareness regarding this site management scheme, including explanations on what face-to-face fundraising is, the PFRA, the Code of Practice, and facts about Direct Debit.
- 2) The PFRA will monitor member organisations, through a programme of random spot-checks and other mechanisms, to ensure fundraisers' adherence to the code of practice and Site Management Agreements, from time to time.
- 3) Lancaster City Council will be notified of the results of any spot checks carried out.
- 4) This SMA will be reviewed once every 12 months unless there is just cause to do so at an earlier juncture. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.
- 5) Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Dr Toby Ganley, Head of Policy

Date:



Signed For and On Behalf Of Lancaster
City Council:

Print name:

Job title:

Dated:

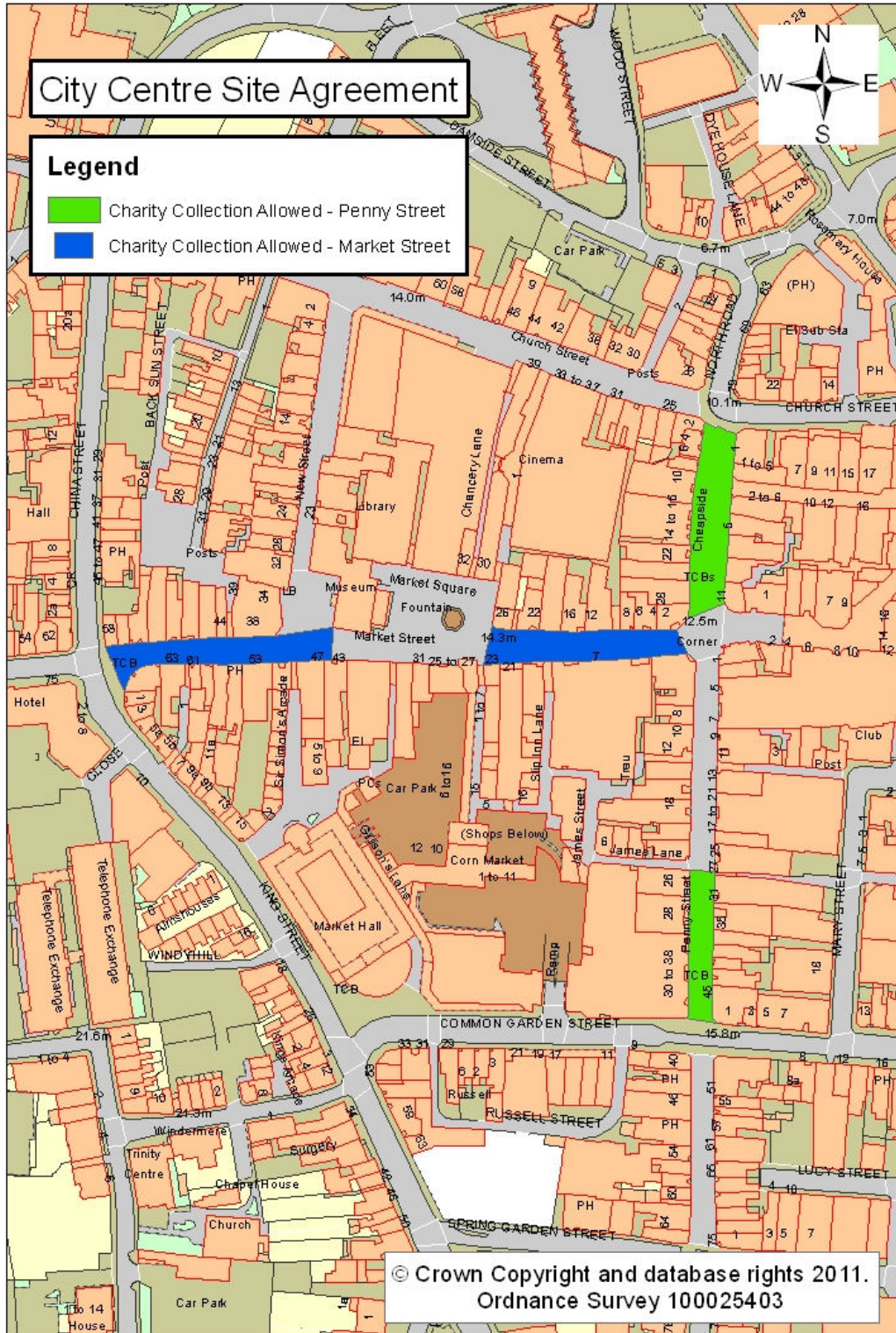


Appendix 1 – Abridged Code of Practice

- 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.

Appendix 2

Plan showing the area(s) where fundraising is to be permitted:



Dedicated to Quality, Integrity and Transparency in Public Fundraising

Unit 11 Europoint, 5-11 Lavington Street, Southwark, London SE1 0NZ
www.pfra.org.uk



Appendix 3

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

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Face-to-Face Activity Code of Fundraising Practice

Check-list: key questions to ask

- Has sufficient planning and research taken place? (3.0)
- Are other Codes consulted where necessary? (2.0, 5.2)
- Is the activity compliant with the law? (5.1, 6.3, 8.0)
- Are all parties aware of their responsibilities? (2.1, 2.2)
- Could the activity bring the fundraising organisation or provider into disrepute? (3.0)
- Could the activity confuse or obstruct the public? (3.0)
- Have the access management requirements been checked? (5.1)
- Has the PFRA been contacted to establish who is responsible for managing the site? (6.1, 6.2)
- Is the project manager satisfied that access for the approaches has been agreed by the relevant access authority/ies? (6.1, 6.3)
- Is a Site Agreement in place? (6.2)
- Are there any Cold Calling Control Zones in the area? (6.3)
- Is the relationship between the provider and fundraising organisation and scope of specific roles clear? (2.2, 4.1, 5.2)
- Are appropriate contracts in place? (5.2, 8.0)
- Have suitable agents/fundraisers been recruited? (5.2)
- Is a satisfactory payment structure in place? (5.2)
- Do professional fundraisers abide by the relevant regulations? (5.2, 8.0)
- Has training been provided in person and did it involve the fundraising organisation? (5.3, 5.3.1)
- Has the fundraising organisation briefed the fundraisers/agents? (5.3.2)
- Has a briefing manual been agreed with the fundraising organisation? (5.3.2)
- Is information about the cause clear and agreed with the fundraising organisation? (4.1)
- Has the importance of the longevity of the gift been stressed to all agents/fundraisers? (5.3.2)
- Do agents inform supporters of potential future donation requests? (5.3.2)
- Has the fundraising organisation approved the materials for use in the approach? (5.3.1)
- Does the activity comply with data protection regulations? (5.2)
- Has the ownership of copyright and databases been agreed? (8.0)
- Is all personal information returned to the project manager promptly and securely? (7.0)
- Has a process for administering collected information been agreed? (7.0)
- Is there an agreed process for addressing questions and complaints? (7.0)

December 2009

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- 1.0 The Codes of Fundraising Practice Explained
- 2.0 Face-to-Face Activity Code Introduction
- 3.0 Considering Face-to-Face Activity
- 4.0 Conduct of Fundraisers/Agents
- 5.0 Planning a Face-to-Face Campaign
- 6.0 Identification and Management of Operating Locations
- 7.0 After the Face-to-Face Activity has Taken Place
- 8.0 Key Legal Points
- 9.0 Appendices

1.0 The Codes of Fundraising Practice Explained

The Institute of Fundraising's **Codes of Fundraising Practice** are structured in order to highlight what is mandatory at law, what the Institute regards as a mandatory requirement for its members and what constitutes advice on best practice.

In this Code a phrase where the word:

MUST is in bold indicates a requirement that is mandatory at law.

OUGHT in bold indicates a requirement that is mandatory for members and affiliated organisations of the Institute.

SHOULD in bold indicates a course of action that is recommended as best practice.

Organisations engaged in fundraising **SHOULD** join the Fundraising Standards Board and **SHOULD** follow their complaints procedure.

This **Code of Fundraising Practice** is intended to address fundraising

activity throughout the UK. Legal requirements can vary between different jurisdictions (England & Wales; Northern Ireland; Scotland).

In this Code, **MUST*** in bold indicates a legal requirement within one jurisdiction but not in others.

The Institute recommends that organisations adhere to the most rigorous interpretation of the law applicable to an activity.

Users should be aware that this Code addresses the law as it stands at the date of publication throughout the UK.

Reviews of the law relating to fundraising and fundraising activities, governance and charitable status are ongoing in Scotland, England and Wales.

This **Code** will be revised to take into account any developments or changes in the law that may result from these initiatives.

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2.0 Introduction

Face-to-Face activity is the commonly used term for both the personal solicitation in public places of committed gifts by direct debits and/or standing orders, and for all other forms of personal engagement in such places where that engagement is designed to initiate a lasting relationship with a given fundraising organisation.

Face-to-Face activity can provide an effective means by which members of the public can demonstrate their committed support, whether financially or otherwise, to a wide range of charities and other voluntary organisations. Not all Face-to-Face activity results in a request for money; it may simply seek to record belief in a cause or support for a campaign. A request for money may follow at a later date.

Undertaken within the parameters of this Code of Fundraising Practice, Face-to-Face activity can enable charities and other voluntary organisations to communicate with existing and potential supporters in an effective and sensitive manner without causing public nuisance or disturbance.

This Code of Fundraising Practice concerns itself specifically with unsolicited personal approaches to members of the public for support to fundraising organisations however and wherever that is undertaken.

- Due to the necessarily broad definition of 'Face-to-Face', some Face-to-Face activity may apparently or actually overlap with other established fundraising methods (for instance lotteries, Payroll Giving etc.), therefore care **SHOULD** be taken when planning a campaign to cross reference with other Codes which may be applicable such as the House-to-House Collections Code of Fundraising Practice.

2.1 Definitions

There are a number of different individuals and organisations potentially involved in planning and managing Face-to-Face activities. Each will have different roles and responsibilities in the appropriate conduct of the activity. Therefore, it is important at the outset of the Code of Practice to have clarity of the definition of these individual roles and organisations.

Face-to-Face Activity

This describes both the personal solicitation of committed gifts by direct debits and/or standing orders in public places and all other forms of personal engagement in such places designed to initiate a lasting relationship with a given fundraising organisation. For the purpose of this Code, it does not include pre-arranged meetings such as with potential legators.

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- Care **SHOULD** be taken when visiting certain places such as businesses or other places of work – see the ‘House-to-House Collections’ Code of Fundraising Practice.

Face-to-Face Engagement

This specifically describes a situation whereby a personal engagement takes place, initiated in order to begin a lasting relationship with the given fundraising organisation. Together with Face-to-Face fundraising, it falls within ‘Face-to-Face activity’.

Face-to-Face Fundraising

This specifically describes the personal solicitation of committed gifts by direct debits and/or standing orders in public places. Together with Face-to-Face engagement, it falls within ‘Face-to-Face activity’.

Fundraising Organisation

A fundraising organisation is a charity or other not-for-profit making body that benefits from the fundraising activity.

Organiser

The organiser has overall responsibility for the campaign. An organiser might be a fundraising organisation or professional fundraising organisation, or an individual from such an organisation.

Provider

This is an organisation that implements the fundraising activity. Sometimes this may also be the fundraising organisation itself (when it will usually be referred to as an “In-House”) but it is usually a professional fundraising organisation.

Public Place

England and Wales

This is any place where members of the public generally go even if they have no legal right to do so or any place where they are invited to go. For the purpose of this Code it should be treated as including such spaces as station forecourts, shopping malls and supermarket car parks.

It does not include any place to which members of the public are permitted to have access only if any payment or ticket required as a condition of access has been made or purchased; or any place to which members of the public are permitted to have access only by virtue of permission given for the purposes of the activity in question.

The definition of ‘public place’ in England and Wales is due to change with the introduction of new public collection regulations under the Charities Act 2006. In England and Wales a public place will be:

- any highway; and

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- any other place to which, at any time when the appeal is made, members of the public have, or are permitted to have, access (other than on payment or with a ticket and other than by way of permission granted for the specific appeal) and which either is not within a building, or, if within a building, is an area to which the public are generally admitted within any station, airport or shopping precinct or any other similar place.

Scotland

Any place (whether a thoroughfare or not) to which the public have unrestricted access and includes:

- a) the door ways or entrances of premises abutting on any such place; and
- b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses.

The definition of public place will change in Scotland when the Public Benevolent Collections provisions contained in the Charities and Trustee Investment (Scotland) Act 2005 are commenced.

UK

- Organisers **SHOULD** verify whether the new definition and/or regulations are in place.

2.2 Individual Role Descriptions

This Code uses the following definitions for individual roles. In some cases an individual may have more than one role. The scale and form of Face-to-Face activity that a fundraising organisation plans to conduct will determine the extent to which different people play each of these different roles. However:

- the key tasks **OUGHT** to be identifiable within specific individuals' roles and responsibilities.

Agent

A person who enters into a dialogue with a member of the public with the aim of engaging them in a cause or belief, with a view to initiating any form of long term relationship other than an immediate financial one (see 'Fundraiser' below).

Fundraiser

For the purpose of this Code, 'fundraiser' refers only to those people that make a direct solicitation of money or property.

Professional Fundraiser

See definition in Section 8.

Fundraiser/Agent Manager

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The person within the fundraising organisation who has responsibility for the overall activity. They *commission* the activity, agree the campaign budget and monitor progress against budgets and objectives including the stewardship of new, regular donors or supporters to ensure long term support.

Campaign Manager

The person within the fundraising organisation who on a day-to-day basis is *managing* the activity, e.g. who holds information on site usage, responds to enquiries/complaints.

Project Manager

The person within the Provider who has day-to-day responsibility for the *delivery* of the activity, e.g. who is responsible for access to sites, briefing of fundraisers/agents, responds to enquiries/complaints.

Team Leader

The person within the Provider or the fundraising organisation who has immediate and on-site *supervision* of the activity (e.g. manages the team, ensures sites are appropriately and safely used, ensures appropriate conduct of fundraisers/agents); or the person within the Provider or the fundraising organisation who supervises the activity for door-to-door but may not be on site.

3.0 Considering Face-to-Face Activity

- Before embarking on a Face-to-Face campaign, fundraising organisations **SHOULD** consider the following:
 - the length and long-term objectives of the campaign;
 - what internal resources can the organisation devote to this form of fundraising? In order to be effective, Face-to-Face activity requires an investment of time and resources by the fundraising organisation. The activity requires a campaign manager and, depending on the scale of the activity, it may become a substantial part of their role;
 - who are the stakeholders within the fundraising organisation who need to be engaged or informed about this activity? It can be high profile, which may attract media attention. The stakeholders may include trustees, local volunteers, service providers, other fundraising staff, public relations practitioners and 'help-line' and general reception staff;
 - will the fundraising organisation conduct the Face-to-Face activity itself or will it use an agency to conduct it on its behalf? If using a Provider, the fundraising organisation **SHOULD** refer to the Institute of Fundraising's Best Practice for Fundraising Contracts Code of Fundraising Practice; and
 - the impact of the activity on members of the public and other legitimate activities that take place in public places.

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4.0 Conduct of Fundraisers/Agents

4.1 Conduct of Approaches

- Fundraising organisations **OUGHT**:
 - to undertake Face-to-Face activity in such a manner that neither the fundraising organisation nor the provider is brought into disrepute; and
 - to never deliberately confuse, mislead or obstruct the public – see the Accountability and Transparency Code of Fundraising Practice.
- In conducting Face-to-Face activity fundraising organisations **SHOULD**:
 - give potential donors clear information about the cause and fundraising organisation they are being asked to support and, where appropriate, the need for funds and the importance of the long term nature of that support;
 - ensure that the name of the fundraising organisation is prominently displayed on the agents'/fundraisers' person; and
 - never use communication mediums (printed, visual or verbal) other than those agreed previously with the fundraising organisation.

All of the above apply to approaching groups of people as well as individuals.

5.0 Planning a Face-to-Face Campaign

5.1 General

- As with other street activities such as public collections, ultimately the organiser **OUGHT** to always check the access management requirements with the relevant local authority(/ies) beforehand and comply with those requirements where reasonable and applicable.
- Fundraising organisations and providers **MUST** ensure that they are compliant with the law.

5.2 Recruitment and Payment of Fundraisers/Agents

- The project manager of the activity **SHOULD** be responsible for the recruitment, training and adequate supervision of all fundraisers/agents.
- To ensure public trust and confidence in the security of personal data, fundraisers handling financial information and/or sensitive data **OUGHT** to be strongly scrutinised to ensure their suitability for such important tasks.

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There are different requirements for people under 18, under the Working Time Regulations.

- The project manager of the activity **OUGHT** to ensure that the agents'/fundraisers' recruitment process identifies and eliminates potential recruits with a criminal record indicating unsuitability, subject to Data Protection regulations and Human Rights legislation.

In practice, a declaration on application forms and interview will suffice.

- Where remunerated, fundraisers/agents **MUST** be legally entitled to work in the United Kingdom, within the terms of their work status.
- If volunteers are used, Providers and fundraising organisations **OUGHT** to comply with the Volunteer Fundraising Code of Fundraising Practice.
- The project manager of the activity **OUGHT** to be clear about the relationship between the Provider and the fundraising organisation during the recruitment and training process, if the Provider and fundraising organisation are different organisations.

This is especially important in the context of "In-House" operations where a fundraising organisation may be its own 'Provider'. In certain cases, agents/fundraisers may not be employed by the fundraising organisation but through an agency in what is sometimes called an "arm's-length" relationship.

- Fundraising organisations **OUGHT** to be aware that the perception that the agents/fundraisers are actually working for the fundraising organisation rather than the agency can raise problems in terms of management and maintenance of morale.
- The project manager of the activity **SHOULD** ensure, where paid, all fundraisers/agents are contracted with appropriate contracts in place.
- These **SHOULD** include a clause stipulating compliance with this Code of Fundraising Practice.
- Then, where all fundraisers/agents are employed by the fundraising organisation, the organiser **MUST** be responsible for ensuring that the fundraisers/agents are remunerated within any minimum wage regulations that are applicable and work within hours as permitted by the Working Time Regulations.

The Institute of Fundraising does not recommend the payment of fundraisers/agents on a commission-only basis in most circumstances but recognises there is a range of

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different ways of structuring remuneration, including 'performance-related' methods.

- The fundraising organisation **OUGHT** to be satisfied that an appropriate payment structure is in place that safeguards the income it will receive from the fundraising activity.

See the Payment of Fundraisers Code of Fundraising Practice for further information.

England and Wales

- The Institute of Fundraising recognises that transparency to the public is paramount (see the Accountability and Transparency Code of Fundraising Practice) and notes that in England and Wales Professional Fundraisers as well as officers, employees and trustees of a charitable institution (if paid) **MUST*** comply with certain transparency requirements set out in the Charities Act 1992. They **MUST*** make a statement specifying:
 - the institution or institutions for which they are raising funds;
 - if there is more than one institution, the proportions in which they are to benefit; and
 - if they are Professional Fundraisers, the method by which their remuneration is determined and the “notifiable amount” of that remuneration (this will be the remuneration of the professional fundraising organisation if the fundraiser is employed by such an organisation); or
 - if they are paid officers, employees or trustees of the institution acting as collectors in a public charitable collection, the fact that they hold those positions and that they are receiving remuneration (where applicable). A public charitable collection is a charitable appeal which is made in any public place or by means of visits to houses or business premises (or both). A charitable appeal is an appeal to members of the public for them to give money or other property or involves offering to sell or supply goods or services or exposing goods for sale. For these purposes, a public place is defined as under the Charities Act 2006 (see definitions).

The notifiable amount is the actual amount if known at the time or the estimated amount calculated as accurately as possible. Further information and guidance is available from the Office of the Third Sector website.

- This guidance may be subject to change so clarification from the Office of the Third Sector and/or professional legal advice **SHOULD** be sought.
- Such a statement **MUST*** be made at the time of the solicitation and so, in practice, before a donor has authorised an agreement to donate.

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Scotland

- In Scotland, the Charities and Benevolent Fundraising (Scotland) Regulations 2009 set out what professional and benevolent fundraisers **MUST*** state regarding their remuneration.

Further information about the detail of these statements is available in Section 8.0.

Northern Ireland

In Northern Ireland, the new Charity Act will introduce new controls on professional fundraisers and commercial participants, similar to those in England and Wales.

UK

- Managers of fundraisers/agents that are **not** professional fundraisers (e.g. those not occupied in soliciting “money or other property”, such as those involved in data capture or other engagement strategies) **SHOULD** carefully consider the benefits of absolute clarity in making an appropriate statement if they are paid to solicit and/or collect information.
- There is a growing public awareness that disclosures will be given and careful thought **SHOULD** be given to the potential effect on the fundraising organisation’s brand of a failure to do so, even where not legally required.

Further information about the sorts of statement that could be made is available on the Office of the Third Sector website (see 9.2).

5.3 General Training and Professionalism

- Fundraising organisations **OUGHT NOT** to undertake Face-to-Face activity without a prior, structured training and briefing programme for all fundraisers/agents.
- Training **OUGHT** to be refreshed and appraised at regular intervals.

5.3.1 Basic Training

- Fundraising organisations **OUGHT** to ensure that all fundraisers/agents are properly trained before engaging in any personal approaches. Basic training needs to specify how to make approaches that comply with the law.
- Training **OUGHT** to be provided in person by an authorised and suitable appointee and **OUGHT** to include involvement from the fundraising

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organisation.

It is good practice to monitor, benchmark and improve such training at regular intervals.

- Precise content of training sessions will vary. However, as a minimum, basic training **OUGHT** to include:
 - an awareness of the Charities Act 1992, the Charitable Institutions (FundRaising) Regulations 1994, Charities and Trustee Investment (Scotland) Act 2005 and the Charities and Benevolent Fundraising (Scotland) Regulations 2009;
 - the importance of providing clear written, or verbal information to the public about possible follow-up communications;
 - emphasis on the charitable, benevolent or philanthropic nature of the solicitation;
 - emphasis on the non-aggressive nature of all approaches;
 - the importance of making an appropriate and legally compliant solicitation statement (see the Office of the Third Sector's and OSCR's guidance for further information);
 - the importance of only carrying out the Face-to-Face activity within the time and location agreed with the project manager and any relevant access authority;
 - the importance of visible ID badges and branding;
 - matters of personal security;
 - the importance of appropriate positioning, body language and physical presence at the activity location;
 - procedures to avoid obstruction, congestion and nuisance to the public;
 - procedures to ensure that potential supporters are not placed under inappropriate pressure to give their support ;
 - the need to employ all best efforts not to approach members of the public under the age of 18 years for the solicitation of committed gifts;
 - procedures to ensure that appropriate common sense and courtesy are applied when considering approaching particular individuals such as the elderly, differently-abled etc., taking into consideration their possible personal circumstances (e.g. anxiety, communication difficulties) and the physical circumstances of the interaction (dark or noisy environments etc.);
 - knowledge and understanding of Data Protection principles governing the collection of personal data from supporters, particularly relating to the disclosure of 'Sensitive Personal Data' by a supporter e.g. their medical history. See the Data Protection Code of Fundraising Practice;
 - knowledge and procedures of the complaints procedure associated with the activity and the role of the Fundraising Standards Board;
 - an immediate agreement to terminate the approach in a polite manner at any stage during the course of the approach, when asked to do so;

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- clarification that on-going training will be provided to all fundraisers/agents together with an agreed programme of regular appraisal and briefing updates.

5.3.2 Briefing for Charity Campaigns

- Fundraising organisations **OUGHT** to brief all fundraisers/agents properly before they engage in any personal approaches.
- The fundraising organisation associated with the proposed approach **OUGHT** to approve the materials for use in the approach.

The type of briefing will vary in different contexts.

- However, as a minimum requirement, the project manager and campaign manager of the Face-to-Face activity **OUGHT** to ensure that briefing procedures are properly documented in a briefing manual agreed with the fundraising organisation, which includes:
 - the name and, where different, the name and contact details of the fundraising organisation(s) that will benefit from the approach and contact details of the organisation(s) making the approach;
 - an explanation of the objects and/or mission of the fundraising organisation;
 - if fundraising, why the money is needed (taking care as to whether or not such a statement creates restricted funds);
 - information about clarity of approach and instruction as to the tone, style and content of the approach;
 - details of all support and administrative literature connected with each approach;
 - details of the administrative procedures to be maintained during and following the Face-to-Face approach;
 - an explanation of how supporters' details will be used and emphasis that supporters have to be informed of how their details will be used at the time of data capture;
 - recognition that the fundraiser/agent will not disclose any information relating to the fundraising organisation other than that previously agreed with the fundraising organisation and contained within the context of the briefing given immediately prior to the Face-to-Face activity;
 - details of the complaints procedure associated with the activity and the role of the Fundraising Standards Board, where appropriate; and
 - details of the key contact directly responsible for the Face-to-Face activity within the fundraising organisation conducting it and/or the agency (which is usually the campaign manager).

It is good practice for the fundraising organisation's staff to provide some initial

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training and refresher training at regular intervals throughout the campaign.

- The importance of the longevity of any gift or commitment **OUGHT** to be stressed to all fundraisers/agents.
- In cases where the primary aim of the Face-to-Face activity is to secure a form of non-financial commitment, but there is a possibility that the fundraising organisation will subsequently ask for a financial commitment from anyone with whom a relationship has been established (i.e. 'engaged'), then all agents **MUST**:
 - be made aware of this fact at the briefing session; and
 - during the initial Face-to-Face activity, inform the individual being engaged of the possibility of a subsequent financial commitment request from the fundraising organisation in the future.

6.0 Identification and Management of Operating Locations

6.1. Identifying Appropriate Sites

Throughout the UK, different governing bodies have statutory and non-statutory requirements. In most instances, the local authority will be the relevant statutory body governing a public place and the police have responsibility for public protection. For example, in Northern Ireland the Northern Ireland Police Service licenses sites and the Metropolitan Police Service is the relevant authority in its area of operation.

In some cases, local authorities may delegate site allocation to the Public Fundraising Regulatory Association (PFRA).

- To clarify who is responsible for managing the site, organisers **OUGHT** to contact the PFRA.

Organisers may then be directed to the local authority or the police if the PFRA does not have responsibility for the site in question.

- If the PFRA has responsibility for the sites in question, organisers of Face-to-Face activity **SHOULD** refer to the PFRA's site allocation booking system.
- Fundraising organisations and professional fundraising organisations engaged in Face-to-Face activity **SHOULD** consider becoming members of the PFRA (see 9.1).
- No Face-to-Face activity **OUGHT** to be carried out unless the project manager

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is satisfied that access for the approaches has been agreed by the relevant access authority/ies (local authority, town centre manager or the police).

- This **SHOULD** include formal approval from all appropriate access authorities which in most cases will be the local authority and the police.

6.2 Accessing Sites in Streets and Places of General Public Access

- Where possible, a Site Agreement **OUGHT** to be in place between the Face-to-Face activity organisers and relevant access authority.

This seeks to establish a code of conduct that allows the agents to approach members of the public without inconveniencing them.

- Organisers **SHOULD** contact the PFRA and obtain details of any relevant Site Agreement.
- Where no PFRA Site Agreement exists, or for non-PFRA members, organisers **SHOULD** contact the relevant access authority directly and follow the guidance below.
- A Site Agreement **SHOULD** state:
 - the named identity, title and authority of a key contact within the appropriate access authority and, where possible, to have written notification from them;
 - the location of sites proposed to be used for the fundraising activity;
 - dates and times when approaches will be made;
 - the types of solicitation that will be made (for direct debits or for other forms of engagement);
 - the name and contact details of the organisation undertaking the activity;
 - the name and contact details of the project manager within the organisation; and
 - the name and contact details of the fundraising organisation(s) that will benefit from the activity.
- The project manager **SHOULD** maintain a written record of all relevant communications including the date, time, name, authority and contact details of correspondent(s) together with a note of the outcome of each contact.
- The project manager **SHOULD** confirm the agreement with the relevant contact, in writing, at the earliest opportunity and before the commencement of any Face-to-Face activity.
- The project manager **SHOULD** ascertain whether the local police require

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notification of Face-to-Face activity and abide by this policy, if requested.

6.3 Accessing Appropriate Operating Sites for House-to-House Activity

- The project manager of the Face-to-Face activity **MUST** comply with appropriate and relevant legislation.

In England and Wales, unless the fundraising organisation holds a National Exemption Order, a local authority licence is required if the fundraising organisation or agency is soliciting a commitment to donate at the point of interaction. If the initial visitation is only to deposit promotional literature and secure permission to return at a later date to effect a solicitation, then a licence is not required. In Scotland, a licence from the local authority is not needed for Face-to-Face fundraising although this may change with the introduction of the new public benevolent fundraising regulations.

- Until then, local authorities **OUGHT** to be informed of any Face-to-Face activity being carried out in the area.
- Wherever possible, project managers **SHOULD** ensure that only one unsolicited approach is made to a particular dwelling on behalf of a particular fundraising organisation in a six month period.
- Fundraisers wishing to carry out cold calling in a Cold Calling Control Zone (CCCZ) **OUGHT** first to establish whether fundraising is permitted in the zone.
- If it is not then they **SHOULD** seek further information from the local Trading Standards Service so that they can assess whether the zone has been established in accordance with the spirit of the Trading Standards Institute guidance on CCCZs and in particular whether:
 - a proportionate approach has been taken to implementing measures to benefit consumers;
 - the creation of the zone complies with the requirement that there be intervention only where there is a clear case for protection of consumers; and
 - the zone is tightly targeted, has the agreement of local people and is based on local need and the needs of vulnerable communities
- If a zone has been created legitimately, following the Trading Standards Institute's guidance, fundraisers **OUGHT NOT** to cold call.
- If a zone does not meet the requirements above or fundraisers are unable to obtain the information, the fundraisers **SHOULD** assess the risks of carrying out cold calling within the zone. In particular, they **SHOULD** consider:

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- the reputational risk arising from flouting local wishes. There may be adverse press comment as well as animosity from residents and complaints to the local Trading Standards Service and the Fundraising Standards Board;
 - many residents may believe that the zone is enforceable and has legal basis;
 - whether and how approaches should be made to houses which display a 'no cold callers' sticker;
 - how they will justify the fundraising organisation's position; and
 - whether the benefit to the fundraising organisation is likely to outweigh the detriment
- Fundraisers **SHOULD** ensure that their organisation's board or those with the appropriate delegated authority have approved a policy on this matter before carrying out cold calling in a CCCZ.

See also the House-to-House Collections Code of Fundraising Practice.

7.0 After the Face-to-Face Activity has Taken Place

- All personal information **MUST** be collated and returned to the project manager in a prompt and secure manner as agreed by the fundraising organisation and in compliance with Data Protection law.
- The project manager **OUGHT** to agree with the fundraising organisation an appropriate mechanism for the administration of collected information and the apportionment of responsibilities associated with them.
- The project manager **OUGHT** to agree with the fundraising organisation an appropriate mechanism for addressing questions and complaints associated with all aspects of the activity, and this **OUGHT** to be maintained in writing.
- The fundraising organisation **OUGHT** to transmit promptly complaints that it receives connected with the activity undertaken in its name to the project manager and vice versa.

8.0 Key Legal Points

- Organisers **MUST** check whether the new laws are in force before proceeding with the activity.

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England and Wales

This revision of the Code is based on the current law in the UK in May 2008.

Significant changes will occur when the Public Collections provisions of the Charities Act 2006 are implemented, which is not expected before 2010.

- Where the fundraising activity is undertaken by professional fundraising organisations on behalf of fundraising organisations, the professional fundraising organisation **MUST*** ensure that it complies in full with the requirements of Part II of the Charities Act 1992. See Section 5.2 for further information on the fundraising statement.
- There **MUST*** be a contract between the professional fundraising organisation and the fundraising organisation.

In England and Wales, a professional fundraiser is any person (apart from the charitable institution or a company connected with such an institution) who carries on a fundraising business for gain which is wholly or primarily engaged in soliciting or otherwise procuring money or other property for charitable, philanthropic or benevolent purposes; or any other person who solicits for reward money or other property apart from:

- any charitable institution or connected company;
- any officer, employee or trustee of a charity or connected company; acting in his capacity as such. Note, however, that although excluded from the definition, these people are now required to make statements as if they were professional fundraisers;
- any charity trustee;
- any public charitable collector – other than promoters;
- people who solicit funds on TV or radio; or
- any commercial participator.

In addition, the definition of a professional fundraiser in England and Wales does not apply to a fundraiser who does not carry on a fundraising business if the fundraiser receives £1,000 or less by way of remuneration in connection with a particular venture or £10 per day or £1,000 or less per year.

Scotland

Scottish law also requires there to be a written agreement between the fundraising organisation and professional fundraiser.

- Fundraising organisations **MUST*** make sure they comply with the law as it stands at the time of the campaign. The Office of the Scottish Charity Regulator (OSCR) can provide more information. The Institute of Fundraising

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also has a Code of Fundraising Practice for fundraising in Scotland which will be updated when appropriate.

- Professional fundraisers (or their employees) as well as officers, employees and trustees of a charitable institution **MUST*** make a statement specifying:
 - the institution or institutions for which they are raising funds and if there is more than institution, the proportions in which they are to benefit; or
 - if they are raising funds for general charitable, benevolent and philanthropic purposes (rather than a particular body), an indication of this fact and the details of how the distribution of funds will be determined; and:
 - if they are professional fundraisers (or their employees), details of whether they are to receive remuneration (if the solicitation is being conducted orally, the professional fundraisers (or their employees) **MUST*** also indicate that the information contained within the statements is also available in writing); and
 - if they are paid officers, employees or trustees of the institution, the fact that they are receiving remuneration.

Northern Ireland

Northern Ireland presently has no equivalent regulation of professional fundraisers or commercial participators nor requirement for written agreements. However, the new Charity Act will introduce new controls on professional fundraisers and commercial participators which will include a requirement for a written agreement, clarification of key information relating to the collection and its purposes. The aim is to increase accountability and provide greater transparency for donors and will be similar to the Regulations in England and Wales and Scotland.

UK

- For further information, see the Best Practice for Fundraising Contracts Code of Fundraising Practice.
- All activity **MUST** conform with Data Protection law. See the Data Protection Code of Fundraising Practice.
- The fundraising organisation **MUST** seek to clarify the ownership of copyright with respect to all materials and databases connected with the activity, prior to instigating that activity.
- The Provider of the activity **SHOULD** be mindful of its potential liabilities with respect to fundraisers/agents employed by it or by others who are engaged in the Face-to-Face activity on its behalf.

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9.0 Appendices

9.1 The Role of the PFRA

The Public Fundraising Regulatory Association (PFRA) is a UK-wide self-regulatory body for organisations involved in Face-to-Face activity in public places, (whether they be charities commissioning the activities (“Users”) or Professional Fundraising Organisations (PFOs) providing appropriate services (“Providers”). It exists to promote best practice in the execution of Face-to-Face.

In addition it seeks, where permitted by law or local authority agreement, to allocate effective operating sites and opportunities among its members on an equitable basis. It also operates an ‘overlap avoidance’ scheme for door-to-door practitioners (those involving an ongoing commitment, rather than traditional house-to-house collections).

9.2 Useful Contacts

- Charity Commission
www.charity-commission.gov.uk
- Fundraising Standards Board
www.frsb.org.uk
- Institute of Fundraising
www.institute-of-fundraising.org.uk
- Office of Fair Trading
www.oft.gov.uk
- Office of the Scottish Charity Register
www.oscr.org.uk
- Office of the Third Sector
www.cabinetoffice.gov.uk/third_sector
- PFRA
www.pfra.org.uk
- Trading Standards Institute
www.tradingstandards.gov.uk
- Working Time Regulations
www.berr.gov.uk

9.3 Working Party

- Milly Ahmed, Gift
- Mick Aldridge, PFRA

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- Chris Ashworth, Oxfam
- Alice Carter, British Red Cross
- Morag Flemming, Quarriers
- Nick Henry, Concern Worldwide
- Caroline Howe, Institute of Fundraising
- Ben McNaught, Shelter
- Megan Pacey, Institute of Fundraising
- Sharon Rasmussen, Dialogue Direct
- Judith Rich OBE (Chair)
- Rupert Tappin, Future Fundraising
- Claire Thomas, VSO
- Kathryn Toner, Cancer Research UK

Institute of Fundraising Code Working Parties provide advice and make recommendations to the Institute's Standards Committee in the process of Code development.

This Code was updated in December 2009.

LICENSING REGULATORY COMMITTEE

Changes to the level of CRB checks for Hackney Carriage and Private Hire Drivers

7 June 2012

Report of Licensing Manager

PURPOSE OF REPORT
To inform members of the change in the level of CRB checks for hackney carriage and private hire drivers from a standard check to an enhanced check following new Government Guidelines.
This report is public.

RECOMMENDATIONS

That the Committee endorse the change back to enhanced CRB checks, and that the licensing requirements for applicants be amended accordingly.

1.0 Report

- 1.1 Members will be aware that prior to March 2011, it had been the practice for many years to require all new applicants for a private hire or hackney carriage licence to have an enhanced CRB check on application, and a further one a year after the licence has been issued, followed by further checks every 3 years. This has always been done in accordance with the Department For Transport guidelines, and has been a practice followed by most local authority licensing departments.
- 1.2 In March 2011 the CRB published a newsletter stating that it would be “illegal” to request an enhanced check for the sole purpose of issuing a licence to a Taxi or Private Hire Vehicle driver.
- 1.3 They have backed up this statement by outlining the legislative framework as detailed below:-

“The Rehabilitation of Offenders Act 1974(ROA)(Exceptions)Order 1975 lists the types of occupations, professions and positions for which you are legally entitled to request a Standard CRB check. Taxi Drivers’ Licences are included in this list and therefore clearly entitled to a Standard level of check.

The Police Act 1997 sets out a list of employments which are entitled to an Enhanced CRB check. As it currently stands, the issuing of a licence in respect of either a Taxi or Private Hire Vehicle driver is not listed. This means that it would be illegal to request an Enhanced CRB check for the sole purpose of issuing a licence to a Taxi or Private Hire Vehicle driver.

Taxi and Private Hire drivers are not a specified position in the Safeguarding Vulnerable Groups Act 2006, however in certain circumstances some drivers will be carrying out regulated activity but only when they transport children or vulnerable adults to and from a regulated activity AND it is organised by the providers of the regulated activity or an organisation working on their behalf, e.g. Local Authority school contract or NHS contract.

It is not regulated activity if a child/vulnerable adult hires a taxi in the street or by telephone privately.”

- 1.4 This effectively meant that taxi drivers were not caught by the need for an enhanced check for children or vulnerable adults who they transport via an ordinary booking. An enhanced check would only be required if the driver was going to have regular contact through a school contract etc.
- 1.5 Following pressure from Licensing Officer Groups the Government has now issued new guidelines which state that hackney carriage and private hire drivers should be subject to an enhanced level CRB check.
- 1.6 Following the latest advice from the CRB, licensing officers have been requesting an enhanced CRB check for Hackney Carriage and Private Hire drivers,

2.0 Conclusion

- 2.1 In summary following latest Government guidelines which stated that enhanced level CRB checks may be carried out for the purpose of issuing a licence to a Taxi or Private Hire Vehicle driver, the licensing officers have been requesting an enhanced check for this purpose. The Committee is asked to endorse this approach. The information supplied to applicants will be amended accordingly.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The proposed change does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

FINANCIAL IMPLICATIONS

There are no cost implications arising from this report. The cost for the CRB check is paid by the applicant.

LEGAL IMPLICATIONS

The legal implications are included in the report

BACKGROUND PAPERS

Contact Officer: Wendy Peck

None.

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP

LICENSING REGULATORY COMMITTEE**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 – PROPOSED VARIATION OF HACKNEY
CARRIAGE FARES****7th June 2012****Report of Licensing Manager****PURPOSE OF REPORT**

The report is to enable Members to consider a proposed variation of the current level of hackney carriage fares.

This report is public.

RECOMMENDATIONS:

- 1. The Committee is requested to consider whether to approve a proposed variation of hackney carriage fares as set out in the report.**
- 2. If the Committee is minded to approve one of the proposed variations, it is requested to authorise the Head of Governance, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, to give public notice of the Council's intention to vary its Hackney Carriage Table of Fares.**

1.0 Introduction

- 1.1 The current Hackney Carriage Table of Fares came into effect from 27th June 2011, a copy of which is attached at Appendix 1.
- 1.2 In February 2012, two requests were received from hackney carriage proprietors, for a variation of the current level of hackney carriage fares. The variations requested are attached at Appendix 2 and 3 to this report.
- 1.3 As members will see the variation requests differ, .and it would be open to the Committee to approve any or none of these requests.
- 1.4 The first request appendix 2, would increase the flagfall for Tariff 1 (the actual starting point of the meter) by 20p and reduce the subsequent yardage from the current 220 yards or part thereof to 210 yards or part thereof. The only other changes requested would reduce the amount given for waiting time from 20p in Tariff 2 to 15p and 30p in Tariff 3 to 15p. and to reduce the time during Bank Holidays when Tariff 3 can be engaged from between 0001 and 0700 to 0000 and 0530. The licensing officers feel that there would be strong objection from some of the trade to any such reductions in the amount payable for waiting time and in the times when Tariff 3 can be engaged. Attached to the request at appendix 2 is the table of fares as it would look should this proposal be approved.

- 1.5 The second request at appendix 3 would increase the flagfall for Tariff one from the current £2.40 to £2.50, and reduce the subsequent yardage from 220 yards or uncompleted part thereof to 213 yards or part thereof. The proposal would increase the flagfall in Tariff 2 from the current £3.60 to £3.75, and would reduce the subsequent yardage from 220 yards to 213 yards. The proposal would increase the flagfall in Tariff 3 from the current £4.80 to £5.00, as well as reducing the yardage from the current 1100 yards to 880 yards, and reduce the subsequent yardage from the current 220 yards to 213 yards. The request would also increase the waiting time in tariff 2 to 22p from the current 20p. Attached to the request at appendix 3 is the table of fares as it would look should the proposal be approved.
- 1.6 The table below shows the effects of the proposed variations for the first mile at tariff 1.

A comparison with other local authorities has also been included.

2012

1st Mile	
Lancaster City (current)	£3.20
Proposal No.1	£3.4525
Proposal No.2	£3.325

Neighbouring Authorities

Barrow-in-Furness	£2.80
South Ribble	£3.60
Ribble Valley	£3.30
South Lakeland	£3.50
Wyre	£3.80
Wigan	£3.20

- 1.7 The variation of fares was discussed at the hackney Carriage and Private Hire Proprietors Forum in April. It was suggested by some proprietors that an increase in fares during the current economic climate would not be in the best interests of the trade.
- 1.8 With the above in mind the licensing manager wrote to all hackney carriage proprietors asking whether they agreed with the above comments. The question asked was "Do you think that hackney carriage fares should be increased this year?" Members will be aware that we currently have licensed 109 hackney carriage vehicles, however these are owned by 99 proprietors, as some people own more than one vehicle. One letter was sent to each of the 99 proprietors. The responses were as follows :-
- Yes - 19
No - 10
- 1.9 Whilst the result of this survey is not binding in any way. It should help to give members a view of the general opinion of the trade.

- 1.10 With regard to the current rate of inflation, Financial Services have confirmed that the latest available Retail Price Index (RPI) is 3.5%

2.0 Conclusion

- 2.1 If Members are minded to vary the current fares, the statutory procedure under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 is for a public notice to be published in a local newspaper, a copy being deposited in the Town Halls in Lancaster and Morecambe. From the date of publication, a period of 14 days must then be allowed for any objections to be made. If any objections are received, these must be considered by the Committee. If no objections are received the new table of fares will have effect from the expiry of the 14 day period.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None applicable to this report.

FINANCIAL IMPLICATIONS

There are no financial implications to the Council as a result of this report.

LEGAL IMPLICATIONS

The legal requirement to advertise any proposed change is covered in the report.

BACKGROUND PAPERS

None.

Contact Officer: Wendy peck

Telephone: 01524 582317

E-mail: wpeck @lancaster.gov.uk

Ref: WP



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HACKNEY CARRIAGE TABLE OF FARES
From 27th June 2011

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 880 yards for the whole distance:	£2.40
For each of the subsequent 220 yards or uncompleted part thereof:	20p
Waiting Time: For each period of 60 seconds or uncompleted part thereof	15p

Tariff 2

For hirings commenced between midnight and 07.00	
For hirings commenced between 19.00 and midnight on the 24 th December	
For hirings commenced between 19.00 and midnight on the 31 st December	
For hirings commenced on all Bank Holidays and Public Holidays (except as provided for under Tariff 3, as below)	
If the distance does not exceed 880 yards for the whole distance:	£3.60
For each subsequent 220 yards or uncompleted part thereof:	30p
Waiting time: For each period of 60 seconds or uncompleted part thereof	20p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December	
For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 1100 yards for the whole distance:	£4.80
For each subsequent 220 yards or uncompleted part thereof:	40p
Waiting time: For each period of 60 seconds or uncompleted part thereof	30p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £75.00	

The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing Section, Legal & Human Resources, Palatine Hall, Dalton Square, Lancaster, LA1 1PW. Telephone [01524] 582033. Email licensing@lancaster.gov.uk

Sarah Taylor, Head of Governance



RECEIVED 01 MAR 2012



FARES PROPOSAL FORM LANCASTER CITY COUNCIL 2012

Name Of Proposer WILLIAM RILEY Address [REDACTED]
Telephone ... [REDACTED] ... [REDACTED]

PROPOSED VARIATION TO TARIFF 1 (IF NO CHANGE STATE THIS)

£ 2.60 for the first 880 yards (.....metres approx) or uncompleted thereof
For each subsequent 210 yards (.....metres approx) or uncompleted thereof £ 0.20
Waiting time: for each period of 60 seconds or uncompleted thereof £ 0.15

PROPOSED VARIATION TO TARIFF 2 (IF NO CHANGE STATE THIS)

£.....for the firstyards (.....metres approx) or uncompleted thereof
For each subsequent.....yards (.....metres approx) or uncompleted thereof £.....
Waiting time: for each period of 60 seconds or uncompleted thereof £ 0.15

PROPOSED VARIATION TO THE CHRISTMAS PERIOD (IF NO CHANGE STATE THIS)

£.....for the firstyards (.....metres approx) or uncompleted thereof
For each subsequent.....yards (.....metres approx) or uncompleted thereof £.....
Waiting time: for each period of 60 seconds or uncompleted thereof £ 0.15

PROPOSED VARIATION TO EXTRAS (IF NO CHANGE STATE THIS)

For each passenger in excess of one (for this purpose two children aged 11 years or under to count as one passenger) for the whole distance. 0.20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle 20p

PROPOSED VARIATION TO SOILING CHARGE (IF NO CHANGE STATE THIS)

A charge may be requested if the passenger/s soils the vehicle. This will not exceed £ NO CHANGE.

Signed William Riley Date 290212

FOR ADDITIONAL PROPOSALS PLEASE CONTINUE OVERLEAF P.T.O.

PERIOD OF TIME AND A
HALF; OTHER THAN BANK HOLIDAYS
0000 HOURS TO 0530 HOURS.
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]

HACKNEY CARRIAGE TABLE OF FARES
Proprietor Proposal 1

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 880 yards for the whole distance:	2.60
For each of the subsequent 210 yards or uncompleted part thereof:	20p
Waiting Time: For each period of 60 seconds or uncompleted part thereof	15p

Tariff 2

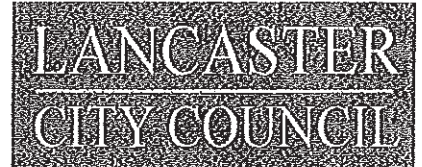
For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24 th December For hirings commenced between 19.00 and midnight on the 31 st December For hirings commenced on all Bank Holidays and Public Holidays (except as provided for under Tariff 3, as below)	
If the distance does not exceed 880 yards for the whole distance:	£3.60
For each subsequent 220 yards or uncompleted part thereof:	30p
Waiting time: For each period of 60 seconds or uncompleted part thereof	15p

Tariff 3

For hirings commenced between 00.00 25 th December and 05.30 27 th December For hirings commenced between 00.00 1 st January and 05.30 2 nd January	
If the distance does not exceed 1100 yards for the whole distance:	£4.80
For each subsequent 220 yards or uncompleted part thereof:	40p
Waiting time: For each period of 60 seconds or uncompleted part thereof	30p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	15p
Solling Charge: A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £75.00	

The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.



Promoting City, Coast & Countryside

FARES PROPOSAL FORM LANCASTER CITY COUNCIL 2011

Name Of Proposer S. GIBSON Address [REDACTED]
Telephone

PROPOSED VARIATION TO TARIFF 1 (IF NO CHANGE STATE THIS)

£ 2.50 for the first 880 yards (805 metres approx) or uncompleted thereof
For each subsequent 213 yards (195 metres approx) or uncompleted thereof £ 0.20
Waiting time: for each period of seconds or uncompleted thereof £ NO CHANGE

PROPOSED VARIATION TO TARIFF 2 (IF NO CHANGE STATE THIS)

£ 3.75 for the first 880 yards (805 metres approx) or uncompleted thereof
For each subsequent 213 yards (195 metres approx) or uncompleted thereof £ 0.30
Waiting time: for each period of 60 seconds or uncompleted thereof £ 0.25

PROPOSED VARIATION TO THE CHRISTMAS PERIOD (IF NO CHANGE STATE THIS)

£ 5.00 for the first 880 yards (805 metres approx) or uncompleted thereof
For each subsequent 213 yards (195 metres approx) or uncompleted thereof £ 0.40
Waiting time: for each period of 60 seconds or uncompleted thereof £ 0.30

PROPOSED VARIATION TO EXTRAS (IF NO CHANGE STATE THIS)

For each passenger in excess of one (for this purpose two children aged 11 years or under to count as one passenger) for the whole distance. NO CHANGE
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle. NO CHANGE

PROPOSED VARIATION TO SOILING CHARGE (IF NO CHANGE STATE THIS)

A charge may be requested if the passenger/s soils the vehicle. This will not exceed £.....

Signed S Gibson Date 20/3/12

FOR ADDITIONAL PROPOSALS PLEASE CONTINUE OVERLEAF

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HACKNEY CARRIAGE TABLE OF FARES
Proprietor Proposal 2

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 880 yards for the whole distance:	£2.50
For each of the subsequent 213 yards or uncompleted part thereof:	20p
Waiting Time: For each period of 60 seconds or uncompleted part thereof	15p

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24 th December For hirings commenced between 19.00 and midnight on the 31 st December For hirings commenced on all Bank Holidays and Public Holidays (except as provided for under Tariff 3, as below)	
If the distance does not exceed 880 yards for the whole distance:	£3.75
For each subsequent 220 yards or uncompleted part thereof:	30p
Waiting time: For each period of 60 seconds or uncompleted part thereof	22p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December. For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£5.00
For each subsequent 220 yards or uncompleted part thereof:	40p
Waiting time: For each period of 60 seconds or uncompleted part thereof	30p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £75.00	

The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.