

EAST HERTS COUNCIL

LICENSING COMMITTEE – 13 MARCH 2014

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

7. CONSIDERATION OF AN APPROACH FROM THE PUBLIC FUNDRAISING ASSOCIATION (PFRA) REGARDING POSSIBLE SITE MANAGEMENT AGREEMENTS (SMA)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To examine the possible benefits to negotiating Site Management Agreements for Hertford, Ware and Bishop's Stortford for direct debit face-to-face collections.

RECOMMENDATION FOR LICENSING COMMITTEE: that

(A)	Officers engage with the PFRA to draft appropriate SMA's to be bought back to Licensing Committee for approval.
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1.0 Background

1.1 There are currently two types of face-to-face fundraising collections that take place on the streets of East Herts. The first is the Street Collection of cash (or property) which is regulated under the Police, Factories, etc (Miscellaneous Provisions) Act 1916. Street Collection permits are issued by the District Council and the purpose of the Regulations made under the Act, is to ensure that collections are controlled to prevent harassment to the public and to ensure the allocation of funds are monitored.

1.2 The second type of face-to-face collection is the various forms of direct debit collection. This type of street collection is not regulated by the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as it does not fall within the definition of 'cash or property' and is therefore largely unregulated.

1.3 East Herts current policy is to allow one cash (or property) collection per day in a particular location, with a maximum of six collectors. However this only restricts collections for cash and property and not direct debit collections. When contacted by a

fundraiser regarding a direct debit collection they are asked to comply with the same guidelines as the cash (or property) collectors but there is no sanction available to the local authority should they choose to disregard the request.

- 1.4 As a result of this lack of authority to regulate direct debit collections a number of issues have arisen to various degrees. On occasions direct debit collectors have arrived unannounced to locations in East Herts. This has generated complaints from the public, shop owners and other fundraisers (both cash and direct debit collectors) but enforcement have no powers to regulate this. The knock on effect of this is a perception from the public that an area is swamped with collectors and as a result the authorised fundraisers often receive fewer donations.
- 1.5 The Public Fundraising Association (PFRA) is the charity-led membership body that self-regulates all forms of direct debit face-to-face fundraising. They have approached East Herts in the hope of securing a Site Management Agreement (SMA).

2.0 Report

- 2.1 The Public Fundraising Regulatory Association is the charity-led self-regulatory membership body for all types of face-to-face fundraising (F2F), with both charity and fundraising agency members, comprising about 95 per cent of the organisations currently involved in all types of F2F activity.
- 2.2 **Essential Reference Paper 'B'** is the January 2014 briefing document produced by the PFRA and covers 5 topics:

- i) Who the PFRA are
- ii) How they are funded
- iii) What site management agreements do
- iv) What self-regulation includes
- v) How the PFRA can help a local authority

The main benefits to SMA's are:

- Details the location of fundraising sites.
- Details the hours and days when fundraising can take place.
- Controls the number of fundraisers and charities present.
- Clearly identifies team leaders to the council and public.
- Can exclude dates for specific events.

- Monitoring of activity is shared by the PFRA and council to maximise resource.
 - Action and sanctions can be taken if specific charities breach terms in the voluntary agreement.
- 2.3 Although the PFRA do not charge for organising a SMA there is a cost implication in officer time with site visits etc with a PFRA representative to discuss locations etc. It is envisaged that the cost of this officer time will be recovered through the time saved dealing with direct debt fundraisers and the complaints they occasionally generate.
- 2.4 If Members would like Officers to pursue SMA's then the process is likely to be as follows:
- i) Site visits arranged with PFRA representatives with discussions regarding locations, numbers of collectors, days of the week etc.
 - ii) PFRA drafts a Site Management Agreement in consultation with their membership
 - iii) Licensing Committee approves the SMA and it comes into effect or suggests amendments which are passed to the PFRA, if agreed then SMA comes into force. Once signed there is likely to be an 8 week lead in time.
- 2.5 A template SMA is attached at **Essential Reference Paper 'C'** for Members reference. In section 6 'Working together' it states that if we sign up to an SMA we will agree 'to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit'. Officers do not see this as a being a time consuming task and it can be fulfilled by updating our website and the information we provide.
- 2.6 Section 6 of the template also details the review process for the SMA. The first review takes place after 6 months and then once every 12 months or sooner if deemed necessary. Amendments to the can be made but must be agreed in writing between the Council and the PFRA before they become effective. Either party can withdraw from the agreement by giving 3 months' notice in writing.
- 2.7 Attached as **Essential Reference Paper 'D'** is the PFRA Street Rule Book which all members of the PFRA are required to abide by. These rules reference the 'Code of Fundraising Practice'

issued by the Institute of Fundraising but also presents additional rules that will be binding on members. These are grouped into three categories:

- Conduct of fundraisers
- Operation of the fundraising process
- Administrative rules in regards to PFRA procedures

2.8 The rule book details the penalties and sanctions that members may face if they, or a contractor working on their behalf, break the rules.

2.9 Currently the route open to the Council and the public for complaining about the conduct of a face-to-face direct debit fundraiser is:

- Contact the charity directly.
- If the response is unsatisfactory then contact the Fundraising Standards Board or the Advertising Standards Board (depending on the nature of the issue).
- For the most serious concerns the Charity Commission should be contacted.

As 95% of the face-to-face direct debit fundraisers are members of the PFRA the penalties and sanctions detailed in the rule book would be likely to offer a swifter resolution to complaints than was previously possible.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None.

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