

Agenda Item No: 5
Report To: Overview and Scrutiny Committee
Date: 23rd April 2013
Report Title: Face-to-face street collections in Ashford town centre
Report Author: James Hann, Community Safety Service Manager



Summary: In recent years, the Council has received complaints regarding face-to-face street collections. While the Council has the authority to control cash collections, it does not have the authority to control direct debit collections. This report provides an overview of

- (i) the legislation governing street collections;
- (ii) the new Site Management Agreement which seeks to address some of the issues relating to public fundraising

Members are welcome to ask questions about any aspect of the new agreement

Key Decision: No

Affected Wards: Victoria Ward

Recommendations: The Overview & Scrutiny Committee is asked to note the information contained within this report and the new Site Management Agreement.

Policy Overview: There is no street trading policy.

Financial Implications: None – no charge can be made for face-to-face collections.

Risk Assessment Not applicable.

Background Papers: Site Management Agreement (attached)

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Agenda Item No. 5

Report Title: Face-to-face street collections in Ashford town centre

Purpose of the Report

1. The Overview & Scrutiny Committee is asked to note the Site Management Agreement for Ashford Town Centre and to ask any questions about the new arrangement

Background

2. Public fundraising by personal solicitation of committed gifts, often known as face-to-face fundraising, generates pledges of over £200 million per annum for good causes by giving people the opportunity to give a small, regular donation by direct debit. Charity fundraisers consider it to be a convenient, tax efficient and cost effective method for both the donor and the charity.
3. In 2011/12 professional fundraising companies and charities running their own in-house fundraising teams recruited 240,000 new charity donors on the high street around the country. Charity donors recruited on the street give around £45 million a year for charity. This means that almost 6 per cent of regular charity donors have been recruited in this way, making it one of the most cost effective and sustainable forms of fundraising for charities.
4. A survey carried out by the Local Government Association shows that more than three out of four councils are concerned about the impact that the aggressive behaviour of some face-to-face fundraisers can have on our high streets. Councils worry that this deters visitors and impacts on business activity in local areas, yet feel ill-equipped to respond to the issue. The matter has been discussed at Cabinet and full Council meetings in Ashford, although no complaints have been received regarding activity in Tenterden.

Legal position

5. Although charity street collections are regulated under the Police, Factories, etc (Miscellaneous Provisions) Act 1916, current legal advice is that face-to-face fundraising falls outside these provisions as no money changes hands when the direct debit forms are signed. The government has recognised the need for this form of fundraising to be regulated and included provisions within the Charities Act 2006. However, there is no sign of the relevant parts of the Act being implemented.
6. In the interim, face-to-face fundraising is subject to voluntary self-regulation by the industry. The Public Fundraising Regulatory Association (PFRA) regulates the use of face-to-face fundraising by member charities and professional fundraising organisations and aims to work with local authorities to ensure that fundraising sites are used appropriately.

Site Management Agreement

7. The Council has entered into a Site Management Agreement with the PFRA. This is a voluntary agreement which seeks to address some of the issues relating to public fundraising by personal solicitation of committed gifts, often known as face-to-face fundraising.
8. The aim of the Site Management Agreement is to facilitate face-to-face fundraising in a given location and provide a balance between the right of the charity to fundraise and the right of the public to go about their business without inconvenience.
9. All face-to-face fundraisers are required to comply with best practice as laid down in the Institute of Fundraising's Code of Fundraising Practice and its associated guidance.
10. This code and guidance set out best practice for the use of fundraising media such as direct mail, challenge events, telephones, electronic media and the like. It also covers areas such as payment of fundraisers, working with companies, accepting or refusing donations, working with third parties, and the telephone recruitment of collectors.
11. All individual members of the Institute of Fundraising are required to abide by the codes of practice. All employees of organisational members of the PFRA are required to abide the code of practice and guidance, irrespective of whether they are individual are members of the Institute. This includes any fundraising organisation this is subcontracted by a PFRA member but not itself a PFRA member.
12. Section 16 of the Institute of Fundraising's code relates to street and doorstep face-to-face fundraising (it also covers collections for cash and goods). This section stipulates, among other things, that:
 - Collectors ought not to pressurise the public to give their support, but they can use reasonable persuasion
 - Collectors ought not to approach individuals that may reasonably be considered to be vulnerable adults.
 - Collectors ought to, when asked to do so, terminate their approach in a polite manner.
13. The guidance contains further details on how fundraisers should conduct themselves. For example, it elaborates on the requirement to terminate an approach by saying that:

If a person clearly and obviously indicates – by words or gestures – that they do not wish to be engaged by a fundraiser – either at the initial approach or during a conversation/engagement – the fundraiser should desist from the engagement and make no further attempt to engage that person.

14. The Site Management Agreement for Ashford stipulates that face-to-face collections will be limited to Mondays and Wednesdays and to a maximum of four fundraisers. A copy of the agreement is available in Appendix A.

Review

15. The agreement will be reviewed after six months and then once every 12 months.

Conclusion

16. It is proposed that while the Council does not have authority to regulate this activity, the agreement will help ensure a balance is made between raising money for worthwhile causes and not discouraging people from using Ashford town centre.

Portfolio Holder's Views

To be made at the meeting

Contact: James Hann

Email: james.hann@ashford.gov.uk

APPENDIX A: Site Management Agreement between PFRA and Ashford Borough Council

Site Management Agreement

Between PFRA and Ashford Borough Council

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Ashford town centre and provide balance between the duty of charities and 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 the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Codes of Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Ashford town centre:

High St and Kings Parade

Capacity: maximum of 4 fundraisers

Positioning: half the team deployed on High Street between the raised flower bed and Castle Street; half the team deployed on Kings Parade between the post box near the band stand and North Street

Frequency: Mondays and Wednesdays

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g. specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. 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.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Ashford Borough Council is Licensing Officer and they can be contacted at licensing@ashford.gov.uk or 01233 330578. In their absence all enquiries should be made to Sheila Davison at sheila.davison@ashford.gov.uk.

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Licensing Support Officer, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL

email: licensing@ashford.gov.uk

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

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.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

In the event that any complaint is unable to be resolved to the satisfaction of the complainant, said complainant is advised to report the complaint to the Fundraising Standards Board (FRSB).

6 Working Together

Ashford Borough Council agrees 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 Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the code of practice, PFRA Rules, and Site Management Agreements.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

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:

18.02.13

Signed For and On Behalf Of Ashford
Borough Council:



Print name:

James Hann

Job title:

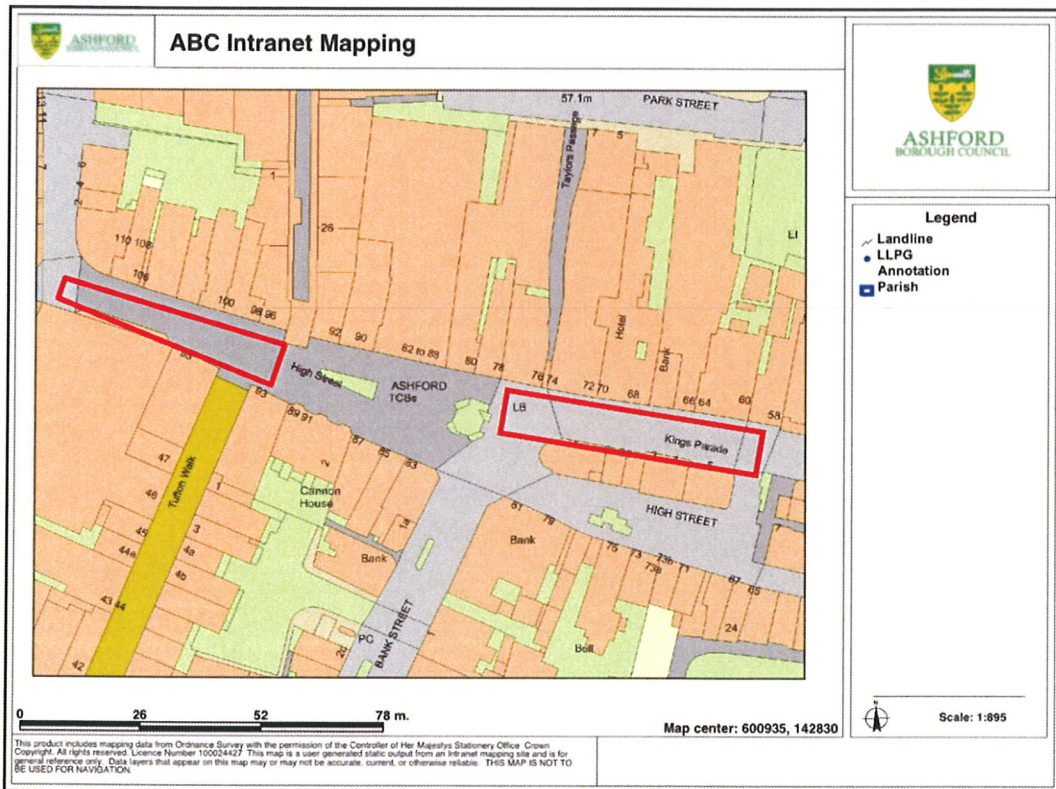
Licensing & Community Safety
Manager

Dated:

18th February 2013

Appendix 1 - Map

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



Appendix 2 - Direct Debit Guarantee

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.