

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
PUBLIC PROTECTION COMMITTEE

Date 22nd September 2014

1. **HEADING** Control of Direct Debit Face to Face Fundraisers
- Submitted by:** Nesta Barker - Head of Environmental Health
- Portfolio:** Environment & Recycling
- Ward(s) affected:** Town

Purpose of the Report

To advise members of the options available to control direct debit face to face fundraisers (often referred to as charity muggers or 'chuggers') in terms of their activities in the Borough's town centres and surrounding areas.

Recommendations

That Members take a decision on whether to adopt one of the following two options

- a. To continue to permit self regulation for direct debit face to face fundraisers
- or
- b. To manage direct debit face to face fundraisers through entering into a Public Fundraising Regulatory Association (PFRA) agreement, as outlined in this report.

If Members decide to adopt option b, then any agreement between the PFRA and the Council would need to specify the following areas:

- a. Number of charities covered by the agreement
- b. Number of individuals covered by the agreement
- c. Locations permitted by the agreement
- d. Duration of permitted activity as per the agreement

Any Member decision to support the drafting and development of a PFRA agreement would require each of the areas above, having a value attached to it and for an agreement to be reached with fundraisers and the PFRA prior to formal adoption of the agreement itself.

Reasons

The presence of direct debit face to face fundraisers is an unregulated activity, as there are no legal provisions to control these activities. The Public Fundraising Regulatory Association (PFRA) arranges agreements to regulate the extent, location and duration of direct debit face to face fundraisers.

1. **Background**

- 1.1 Unlike street or door to door collections, which the Borough Council has powers to grant permission for, there are no current provisions to regulate face to face (direct debit) fundraisers who tend to operate on the street in locations such as town centres.
- 1.2 The Charities Act 2006 was intended to provide a level of compliance and enforcement across this area but this legislation has now stalled in Parliament and it is not clear when or if the relevant sections will ever become law. The Government has, however, encouraged local authorities, where necessary, to deal with face to face collectors through entering into agreements with the Public Fundraising Regulatory Association (PFRA).
- 1.3 The Public Fundraising Regulatory Association is a charity led, self regulatory membership body for all types of face to face fundraising. The PFRA has a dual role as a regulator in being the bridge between councils and charities practising face to face fundraising, maintaining professional standards and ensuring fair allocation of fundraising activities on the ground.
- 1.4 The PFRA seeks to 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 mystery shopping programmes, 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.
- 1.5 A major part of PFRA's role is to ensure the sustainability of face to face fundraising and ensure that it is practised 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 the Site Management Agreement (SMA) is to facilitate face to face fundraising in a given location with the full agreement of the council.

2. **Issues**

- 2.1 Face to face fundraisers are often present in Ironmarket, Castle Walks and other streets within Newcastle-under-Lyme town centre.
- 2.2 These collections are not and cannot be regulated by the Borough Council alone.
- 2.3 The majority of fundraisers are ambassadors for their charities, but there are the minority who can harass members of the public. Notwithstanding this, whilst no direct public complaints have been received regarding chuggers within the Town Centre there have been two incidences where a more aggressive fundraising team has disturbed the ice cream van street trading pitch by refusing to maintain a clear area around its serving hatch. Additionally, the presence of a fundraising team that was operating on private land in the doorway of WH Smith resulted in a reported decrease of customers for the market traders who were directly opposite as pedestrians simply chose a different route that avoided the fundraising team.
- 2.4 It is understood that the Newcastle Town Centre Partnership has discussed this matter and would prefer not to have any 'chuggers' within the town centre.
- 2.5 Should a PFRA agreement be entered into, this would commit the Council to permitting a maximum number, duration and location of permitted chuggers. This would also have the possibility of extending the range of charities operating within the Town. The PFRA currently

have 151 members, of which, 110 are charity members, 33 fundraiser agencies and 8 associate members.

3. **Proposal**

3.1 It is for Members to determine if they wish officers to commence discussions with the PFRA with the aim of creating an agreement for the regulation of 'chuggers'.

3.2 This report sets out two options for Members to consider to consider - these are:

To continue to self regulate (as at present) (Option a)

This option will not remove 'chuggers' from Newcastle town centre and it will not control their numbers, but, given the number of complaints this does not appear to be an area of significant public concern (although the Newcastle Town Centre Partnership, in representing businesses has expressed its concern on this matter). The Borough Council could review this in the future should the nature and extent of 'chuggers' within Newcastle town centre alter significantly. (Not recommended)

To manage the situation through entering into a PRFA agreement (Option B)

This option would regulate the number, extent and location of 'chuggers' within Newcastle town centre, but would not prohibit their activities. This may result in permitting more 'chuggers' on a more regular basis than there are at present.

3.3 If Members wish to enter into such an agreement with the PFRA, then details of locations, numbers of charitable organisations, number of individuals and the suggested permitted durations would be required as part of such an agreement.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

4.1 The regulation of chuggers would contribute to the following:

A clean, safe and sustainable borough

- The negative impacts that the Council, residents and local businesses have on the environment will have reduced.

A borough of opportunity

- Fair, proportionate and consistent enforcement creates an equal opportunity for business to thrive.
- Controlling and agreeing to a specified number of face to face direct debit sellers will ensure that the town centres businesses are not adversely affected

A co-operative Council delivering high quality, community driven, services.

- A solution will have been developed with the fund raising organisations and also their 'umbrella' organisation (the PFRA)

5. **Legal and Statutory Implications**

5.1 There are no legal provisions in relation to this report.

6. **Equality Impact Assessment**

6.1 No issues have been identified

7. **Financial and Resource Implications**

7.1 There are no financial costs to the authority in entering a PFRA's agreement.

7.2 There would be officer time involved in entering discussion and agreeing any such agreement. In addition there would be staff resource involved in ensuring some compliance monitoring with the agreement. This area of work has not been identified in this current years work plan.

8 **Major Risks**

8.1 No major risk have been identified.

9. **Sustainability and Climate Change Implications**

9.1 No sustainability or climate change implications apply.