

CANNOCK CHASE COUNCIL

LICENSING & PUBLIC PROTECTION COMMITTEE

30 JUNE 2015

HEAD OF ENVIRONMENTAL HEALTH

BRIEFING NOTE

**DRAFT SITE MANAGEMENT AGREEMENT ON FACE TO FACE DIRECT DEBIT
FUND RAISING WITHIN THE CANNOCK CHASE DISTRICT**

1. Background

- 1.1 Members are invited to note that on 17 February 2015, the Council's Senior Licensing Officer (SLO) met with a representative of the Public Fundraising Regulatory Association (PFRA) in order to discuss the future of charitable street collections within our town centres.
- 1.2 In recent years this type of face to face Direct Debit (non-cash) fundraising has become very common in most town centre and as a result it has become increasing more difficult to manage and enforce.
- 1.3 This is further complicated by the fact that The said legislation dates back nearly 100 years and only refers to cash collections on the street and in public places. The legislation is therefore unclear or silent in this area of street collection and in consequence the direct debit collection companies do not see themselves as collecting cash and therefore do not believe that they require a Street Collection Permit from the Council under The Police, Factories Etc. (Miscellaneous Provisions) Act 1916.
- 1.4 As a result the town centres often have unauthorised and unregulated direct debit collectors within them.
- 1.5 The response of the Licensing Unit in the past has been to enforce the matter and write to the companies involved advising them of the Council Policy. This is becoming more onerous and ever more difficult to enforce.
- 1.6 Prosecution of offenders would be time consuming, expensive and potentially problematic. This is partly because formal action could only be taken against the individual collection companies and not on a collective basis.

2. Current Policy

- 2.1 Current Council Policy, in summary, requires cash street collections to be made on Friday and Saturday only .

- 2.2 Further, only one organisation can collect money on any day and assessments will be made as to the suitability of the organisation or collector concerned.
- 2.3 Littleton Court in Cannock town centre is a protected area and street collections permits are only granted after proper consideration

3. Report

- 3.1 On 26 February 2015, a PFRA draft Site Management Agreement was sent to the SLO for consideration by the Council. The draft agreement includes information on details including sites , team sizes positioning and frequency of collections.
- 3.2 Care has been taken to ensure that Fridays and Saturdays are protected and do not form part of the agreement. The area around Littleton Court and the War Memorial in Cannock have similarly been protected.
- 3.3 The PFRA draft Site Management Agreement will assist the Council in the regulation of the direct debit collectors and help ensure that street collections are properly controlled by the framework agreed between the PFRA and the Council .

The PFRA members all agree to abide to the PFRA Code of Practice and Rule Book as part of the Site Management Agreement and the Council will become a "Gatekeeper" and report matters of concern directly to the PFRA who will take action against its own members where it is necessary to do so. .

- 3.4 All of these matters are detailed within the draft Site Management Agreement is attached to this report as ANNEX 1.
- 3.5 Legislation applicable:
- Police, Factories Etc. (Miscellaneous Provisions) Act 1916

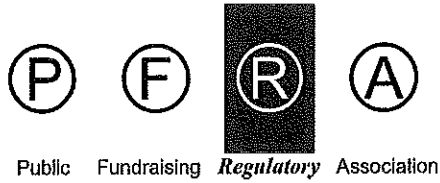
4. Members are therefore asked:

- To comment on the draft Site Management Agreement;
- To note that the draft agreement, once confirmed will become the norm within the district for Direct Debit fundraising.
- To note that the this agreement will not affect the cash charitable street collections which are normally permitted by the Licensing Unit on Fridays and Saturdays.

5 Further information available from:

Sean O'Meara, Senior Licensing Officer, 01543 464244

E mail: seanomeara@cannockchasedc.gov.uk



March 2014
Site Management Agreement

Site Management Agreement

Between PFRA and Cannock Chase District
Council

Prepared by: **Stephen Service**
Outreach Officer

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1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Cannock Chase 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 Code 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:

Cannock Town Centre

Pedestrianised area of Market Square between Market Place and Church St.

Market Hall Street between Market Place and 16 Market Hall Street.

High Green, between Market Place and Manor Avenue.

Capacity: maximum of 4 fundraisers in total

Positioning: fundraisers to be spread out along the length of the site

Frequency: 2 days a week, between Monday and Thursday

Rugeley

Lower Brook Street / Market Street/ Brewery Street, between Horse Fair / A460, Litchfield Street and Junction of Back Lane (Morrisons)

Capacity: maximum of 2 fundraisers

Positioning: fundraisers to be spread out along the length of the site

Frequency: 2 days a week, between Monday and Thursday

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 will not fundraise in the inside of the war memorial area marked by the stone boulders.**

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

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for insert name Council is insert contact and his/her contact details are insert. In his/her absence all enquiries should be made to secondary email or secondary telephone number.

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:

[Example

Name, Licensing Manager, Insert Name Council

email:

Name, Licensing Officer, Insert Name Council

email:

Name, Town Centre Manager

email: ...]

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).

Members of the public are encouraged to direct any complaint about fundraising to the Fundraising Standards Board (FRSB).

6 Working Together

Cannock Chase 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. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

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:

Peter Hills-Jones, PFRA Chief
Executive

Date:

Signed For and On Behalf Of Cannock
Chase Council:

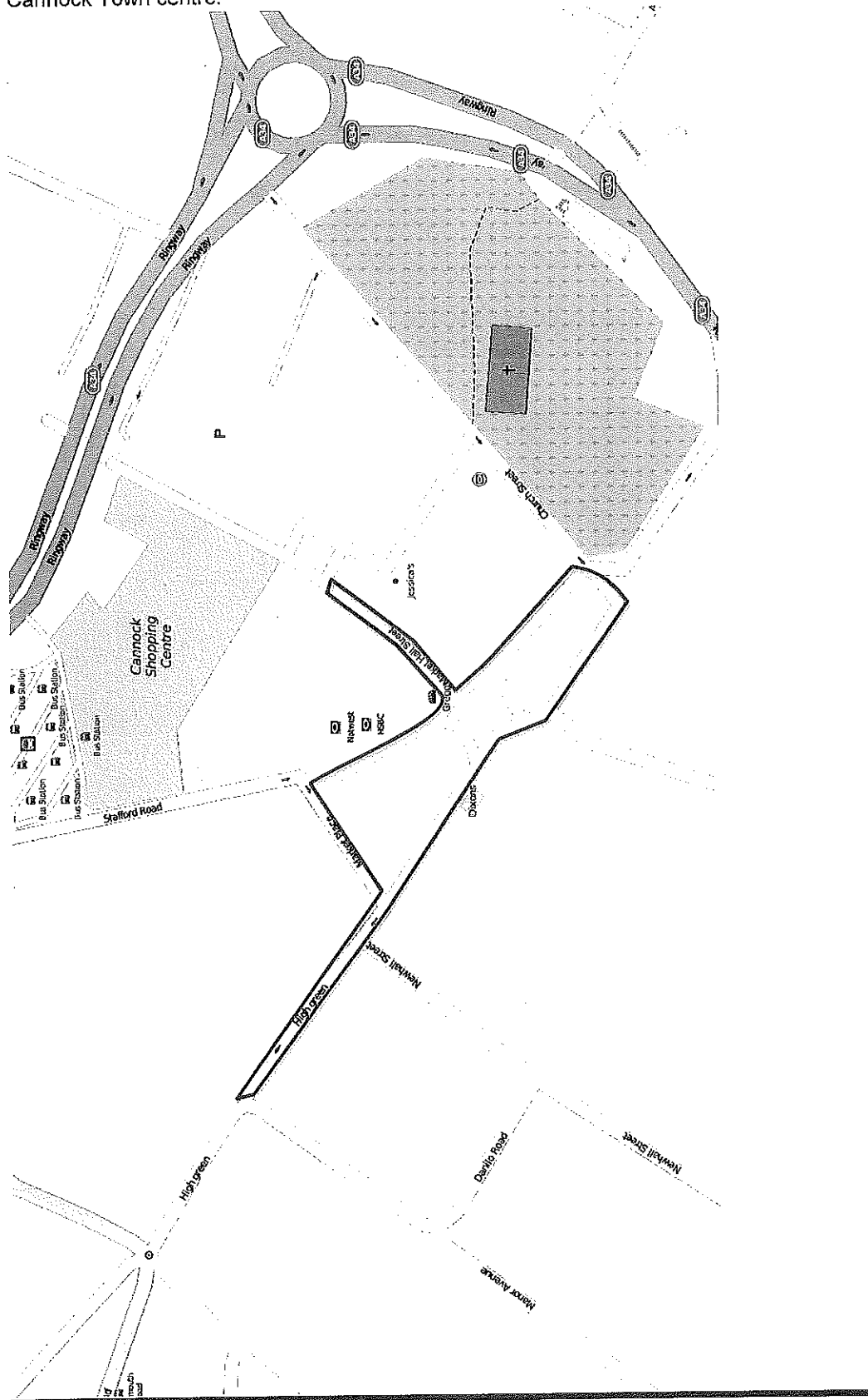
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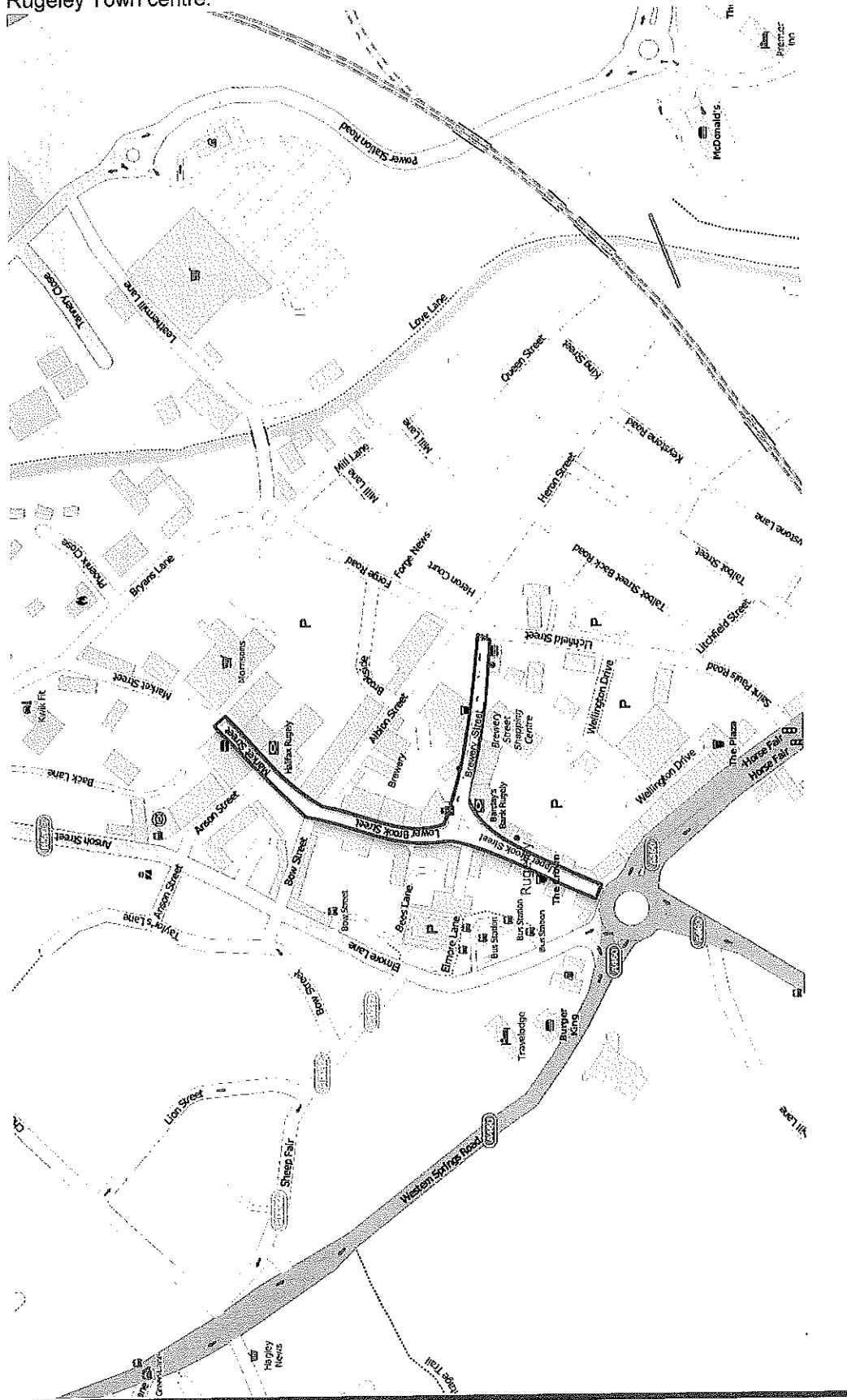
Date:

Appendix 1 - Map(s)

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



Rugeley Town centre:



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.