

REPORT TO THE MEETING OF THE EXECUTIVE 7 NOVEMBER 2012

PORTFOLIO: ENVIRONMENT

REPORT FROM HEAD OF ENVIRONMENTAL SERVICES

**SUBJECT: ADOPTION OF CODE OF PRACTICE FOR CHARITY
STREET COLLECTIONS IN RAYLEIGH**

1 DECISION BEING RECOMMENDED

- 1.1 That approval be given to the signing of the Rayleigh Site Agreement as a working practice agreed between the Public Fundraising Regulatory Association (PFRA) and Rochford District Council, in consultation with Rayleigh Town Council.
- 1.2 That the Head of Environmental Services, in consultation with the Portfolio Holder, be authorised to approve a similar Site Agreement for Rochford should this become necessary in the future.

2 KEY DECISIONS DOCUMENT REFERENCE: 22/12

3 REASON/S FOR RECOMMENDATION

- 3.1 Charitable fundraising by direct debit commitments, or Face-to-Face (F2F) is a highly effective means of fundraising, particularly attracting first time donors who have not customarily given to charities. It is one of the most effective means of public giving and, at the present time, the High Street, Rayleigh is becoming an attractive area to F2F fundraisers because of its high footfall.
- 3.2 F2F is not currently regulated in the same way that other charitable house to house and street collections are under existing licensing regimes. This lack of regulation/co-ordination can lead to a saturation of fundraisers for different charities operating in a particular location at the same time.
- 3.3 Complaints are being received on an average of three or four times each year at both the District and Town Council offices from residents and visitors regarding the aggressive and unscrupulous means adopted by some of the fundraisers. This appears to be due to the fact that fundraisers are paid for each donor they sign up.
- 3.4 Under the new Charities Bill, which is to be legislated by Parliament, several new regulations and powers will be given to Local Authorities relating to F2F fundraising activities. However, it is not likely that this will be progressed in the near future.
- 3.5 Until such time as the Charities Bill becomes statute, a self-regulatory body the Public Fundraising Regulatory Association (PFRA) has been set up to act

on behalf of member charity organisations and work as facilitators between the fundraisers and Local Authorities.

- 3.6 The PFRA works with charities, professional fundraising organisations, statutory regulators, local authorities and national government throughout the UK and regulates F2F fundraising in public places. The PFRA exists to ensure fundraisers operate in an acceptable way – politely, positively and professionally.
- 3.7 Fundraising bodies become members of the PFRA and receive accreditation. Members are required to adhere to the Institute of Fundraising Code of Practice (see Appendix 1).
- 3.8 In addition to the Codes of Practice Members are required to adhere to the PFRA Rule Book and a Site Management Agreement, if it is in force.
- 3.9 Site Management Agreements (SMA's) were trialled in three cities, Nottingham, Leicester and Bristol, and the local site agreements that were developed and tested in these cities have formed model site agreements. There are currently 51 SMA's in force throughout the UK.
- 3.10 In conjunction with our Licensing section, Rayleigh Town Council and the PFRA, a Rayleigh specific SMA has been drawn up. (Appendix 2)
- 3.11 Implementing the agreement should reduce the number of complaints the Council receives, provide a forum for resolution to any further issues and should minimise the administration for all concerned, providing one channel for information and support. The nominated contact for Rochford District Council is the Senior Licensing Officer who will be able to liaise with the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The only other option is not to have a site agreement, which would mean maintaining the status quo with our officers continuing to respond to the issues outlined above.

5 CRIME & DISORDER IMPLICATIONS

- 5.1 The proposals contained within this report should reduce incidents of aggressive and unscrupulous behaviour by some fundraisers. Complaints have been received from National Westminster Bank in Rayleigh concerning their customers being targeted in an aggressive manner.

6 RESOURCE IMPLICATIONS

- 6.1 The terms of the site agreement will be enforced by the PFRA and should reduce the involvement of our officers with such matters as currently Officers have to visit the site to speak with the collectors only to find they have moved

on. All major charities are members and authorities that already have site agreements, including Brentwood BC, find that the number of complaints received are greatly reduced.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.

SMT Lead Officer Signature: _____

Head of Environmental Services

Background Papers:-

None.

For further information please contact Peter Nellies (Senior Licensing Officer) on:-

Phone: 01702 318058

Email: peter.nellies@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.



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Abridged Institute of Fundraising Code of Practice for the Personal Solicitation of Committed Gifts ("Face to Face" Fundraising)

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.

Street and door-to-door fundraisers receive initial and ongoing training from the charity/NPO and from their professional fundraising organisation (where applicable). The quality and standards of their work are subject to monitoring and review.

For a copy of the Institute of Fundraising Code of Practice visit

www.institute-of-fundraising.org.uk or www.pfra.org.uk



Public Fundraising *Regulatory* Association

APPENDIX 2

September 2012
Site Management Agreement

Site Management Agreement

Between PFRA and Rochford District Council

Prepared by: Dr Toby Ganley
Head of Policy

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toby@pfra.org.uk
www.pfra.org.uk

1 Purpose

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

High St:

Between Eastwood Rd and Church St

Capacity: maximum of 4 fundraisers

Positioning: fundraisers are to use both sides of the street with not more than 2 fundraisers on each side. Fundraisers are to position themselves on the wider parts of the pavement (for example, near: Lloyds TSB, Grouts Bakers, NatWest, Rayleigh Lanes)

Frequency: not more than 2 days per week (no activity to take place on Wednesdays or Saturdays)

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 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 Rochford District Council is Peter Nellies and his contact details are: peter.nellies@rochford.gov.uk or 01702 318058. In his absence all enquiries should be made to Kerry Cumberland at Rayleigh Town Council: rayleigh.towncouncil@btopenworld.com or 01268 741880.

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:

Peter Nellies, Senior Licensing Officer, Rochford District Council

email: peter.nellies@rochford.gov.uk

Elaine Hanlon, Principal Environmental Health Officer, Rochford District Council

email: elaine.hanlon@rochford.gov.uk

Kerry Cumberland, Clerk to Rayleigh Town Council

email: rayleigh.towncouncil@btopenworld.com

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

Rochford District Council and Rayleigh Town Council 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 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:

Signed For and On Behalf Of Rochford
District Council:

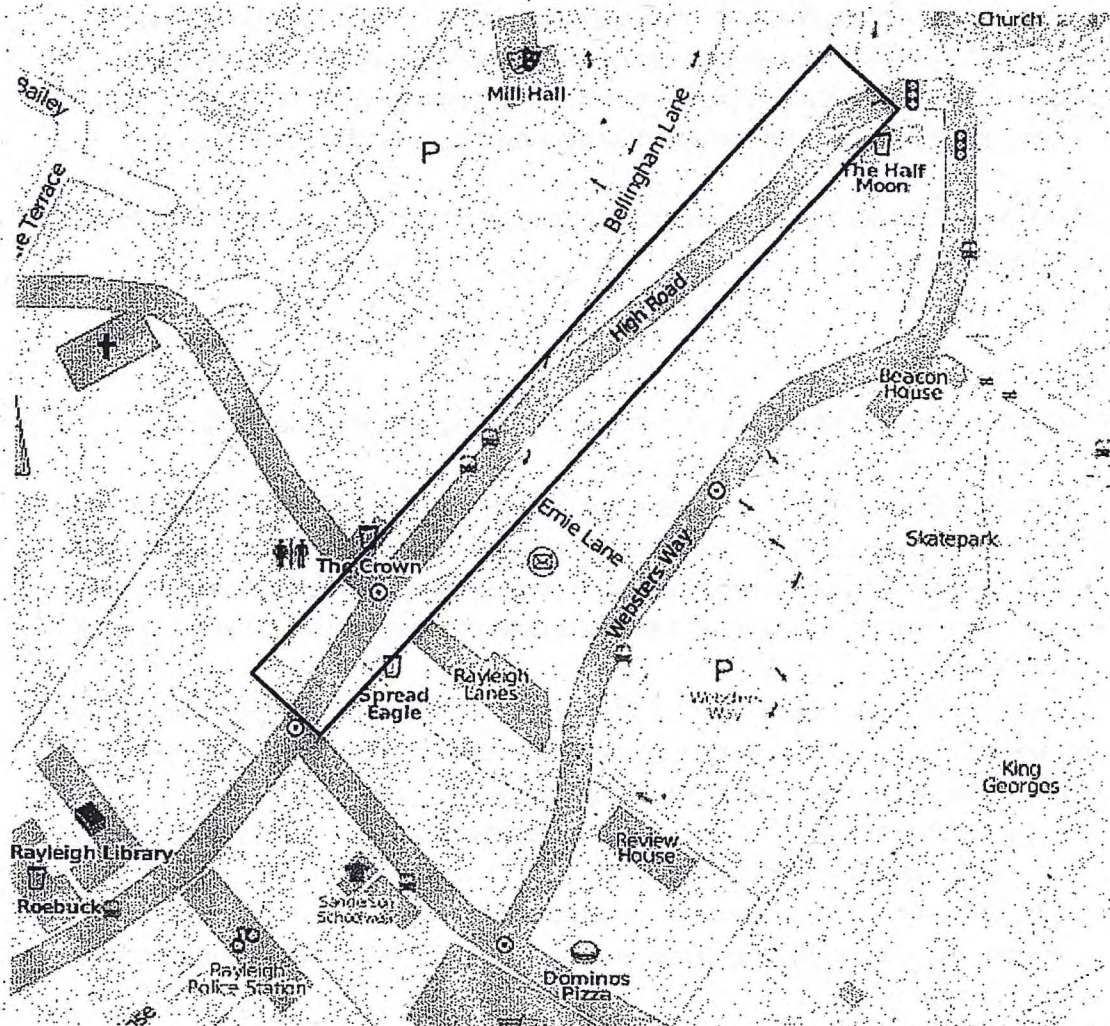
Print name:

Job title:

Dated:

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.