

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Committee

ITEM

15 July 2010

8

Report of Head of Citywide Services

Subject Motion to Council – Face to Face fundraising

Purpose

To inform Members of the current position following the motion to Council on 2 March 2010 regarding face to face fundraising.

Recommendation

1. That Members note the voluntary site management agreement between the Public Fundraising Regulatory Authority and Norwich City Council, attached at Appendix A to the report.
2. That members note the current position regarding the implementation of the Charities Act 2006 in relation to the regulation of public charitable collections.

Financial Consequences

The financial consequences of this report are nil.

Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

Contact Officers

Ian Streeter

Phone No
212439

Background Documents

Motion to council

1. At the meeting of Council on 2 March 2010 a motion concerning face to face fundraising was considered and resolved as follows:

“To address the concerns raised by residents and businesses at the recent city centre safer neighbourhood panel meeting, this council –

RESOLVED to request that the Licensing Committee works with the Head of Legal, Regulatory and Democratic services, the Public Fundraising Regulatory Association and other interested parties to –

- (1) produce a regulatory framework for ‘face to face fundraising’ in the city centre if this becomes permissible under legislation such as the implementation of the Charities Act 2006; and
- (2) consider the experience of Nottingham City Council and other authorities which have successfully addressed this issue as a partnership.”

Charities Act 2006

2. The Charities Act 2006 (the Act) received Royal Assent on 8th November 2006. Much of the Act is now in force, and the remaining provisions are due to be rolled out over the following two to three years.

3. One of the outstanding provisions of the Act is in respect of the licensing regime for public charitable collections. Much of the detail of how this regime will operate will need to be set out in Secondary Legislation and guidance. The Cabinet Office of the Third Sector commissioned independent research in 2009 to assist in this process, with the aim to:

- inform the developmental and design phase of the new system of licensing building on the framework provided by the Charities Act 2006; and
- identify how best to take forward the implementation of cost-effective, risk-based and proportionate regulation of public charitable collections.

4. The Act’s updated implementation plan published by the Cabinet Office of the Third Sector in April 2009, states that the new system of public charitable collection regulation would be one of the last parts of the Act to be implemented and would not be before 2010.

Face to Face Fundraising – Site Management Agreement

5. On 26 March 2010 a meeting to discuss face to face fundraising took place between officers of the council and representatives from the Public Fundraising Regulatory Association (PFRA), the police and the Central Norwich Citizens’ Forum.

6. The PFRA representatives referred to voluntary site management agreements that had been established with other local authorities across the country to control face to face fundraising, i.e. the collection of direct debit pledges on the street.

7. The council's City Centre Partnership Manager subsequently drafted a site management agreement for Norwich and following consultation with interested parties the agreement attached at Appendix A to the report was agreed.

8. The City Centre Partnership Manager will attend the meeting to answer member's questions regarding the site management agreement.

APPENDIX A

Site Management Agreement between PFRA and Norwich City Council

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate face-to-face fundraising in Norwich City centre and provide balance between the right of the charity or not-for-profit organisation to fundraise and the right of the public to go about their business without any impression of 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 all concerned, providing just one channel for information and support, as nominated “gatekeepers” only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

Statement of Conformity

1) All fundraisers will abide at all times by the PFRA / Institute of Fundraising abridged code of practice, as shown in Appendix 1 attached.

Access Details

2) Central Sites may be used as follows, as shown in the map at Appendix 2:

Site One:

St Stephens Street between No. 48 St Stephens Street and No. 62 St Stephens Street

Capacity: maximum of 5 branded / working fundraisers

Allocated Days – Monday, Wednesday, Friday

Site Two:

Gentleman’s Walk between No. 20 Gentleman’s Walk and 6 Haymarket

Capacity: maximum of 5 branded / working fundraisers

Allocated Days – Monday, Wednesday, Friday

Site Three:

London Street between No. 9 London Street and No. 22 London Street

Capacity: maximum of 5 branded / working fundraisers

Allocated Days – Tuesday, Thursday

Visits to all three sites may not be on consecutive days. This is in line with Charities Act 2006. Each site cannot be visited more than three times in a week.

3) Fundraisers should be positioned in such a way as to offer an adequate “comfort zone” to those users of the locality who do not wish to engage and should endeavour at all times not to impede the egress of any member of the public. 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. All fundraisers must wear official tabards or other official distinctive clothing that enable shoppers and other pedestrians to identify them from a distance. All fundraisers must wear official identity cards clearly visible on the upper body with personal details and photograph of the fundraiser in accordance with the activity being undertaken at the time.

4) Fundraising will only be permitted between Monday and Friday in the Town Centre. Furthermore, fundraisers will only visit the sites between the hours of 9am and 6pm, unless otherwise specified.

5) Exclusion Dates etc are to be announced by the Council (e.g. specific event days) and must be pre booked as part of the PFRA Diary Management System. Any exclusion dates to give a minimum of 4 weeks notice to the PFRA from date of diary delivery.

Information Required

6) Nominated Gatekeeper

The nominated gatekeeper for Norwich City Council is Glen Cracknell, Senior Technical Officer (Highways) and his contact details are glencracknell@norwich.gov.uk or 01603 212203. In his absence all enquiries should be made to stefangurney@norwich.gov.uk or 01603 212744.

7) Required Information -

The PFRA Allocations Officer will maintain and manage the diary schedule.

Copies of the diary are to be made available to:

Senior Technical Manager, Norwich City Council
E-mail: glencracknell@norwich.gov.uk or 01603 212203

Events Manager, Norwich City Council
E-mail: helenselleck@norwich.gov.uk or 01603 212137

Licensing Manager, Norwich City Council
E-mail: ianstreeter@norwich.gov.uk or 01603 212439

Markets Manager, Norwich City Council
E-mail: ianpatterson@norwich.gov.uk or 01603 213537

City Centre Manager

E-mail: stefangurney@norwich.gov.uk or 01603 212744

These contact details shall be updated as and when necessary.

And; Diary / Schedule Information will also provide: Contact details for PFO; and Charity being fundraised for.

Complaint Management

8) PFRA will log, monitor and inform the Council of any complaints received individually in real time and cumulative volumes on an annual basis. Conversely the Council will provide real time notification of individual complaints and cumulative volume on an annual basis. Where the collection agencies themselves receive complaints it is expected that they will provide information to the PFRA and the Council including information about the identities of any individual collector the subject of a complaint and of the action taken (if any) by the collection agency.

Working Together

9) The local authority agrees to work with the PFRA to raise awareness regarding this site management scheme, including explanations on what Face to Face Fundraising is, the PFRA Code of Practice and facts about Direct Debit.

10) The PFRA will monitor member organisations, through a programme of random spot-checks, to ensure fundraisers' adherence to the code of practice and this Site Agreement.

Norwich City Council will be notified of the results of any such spot checks carried out

11) This SMA will be reviewed once every 12 months unless there is just cause to do so at an earlier juncture. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months notice in writing.

Signed For and On Behalf Of PFRA:

Dated:

Signed For and On Behalf Of Norwich
City Council:

Dated:

Appendix 1

CODE OF PRACTICE

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.

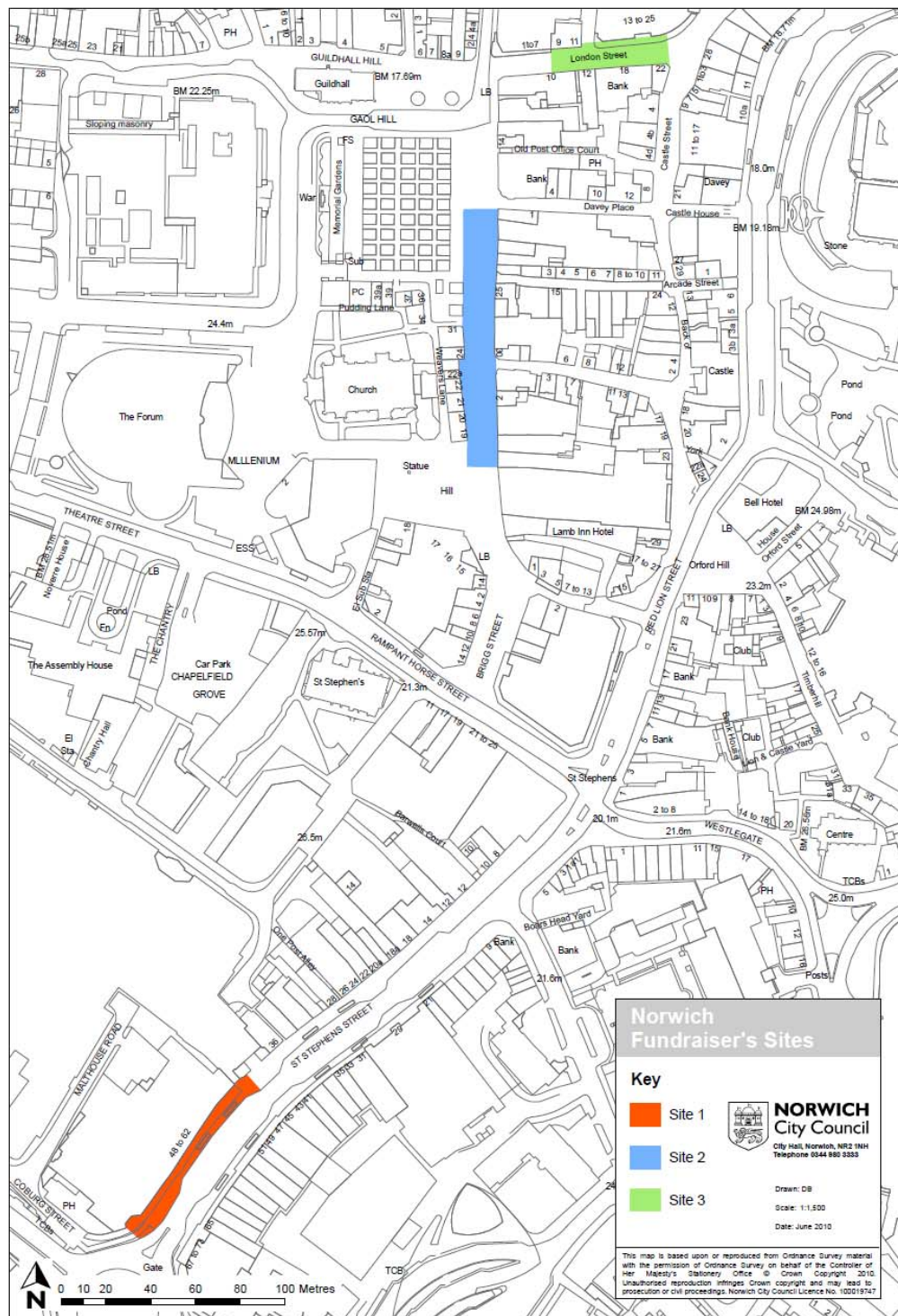
8 We never say or do anything that could pressurise or harass people and we do not use manipulative techniques.

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.

Appendix 2

PLAN SHOWING THE AREA WITHIN SITES WHERE FUNDRAISING IS TO BE PERMITTED:



Appendix 3

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of paying your bills. 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.