

Cabinet Member for Localism and Enforcement Agenda

Date: Monday, 27th April, 2015
Time: 10.30 am
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. Public Speaking Time/Open Session

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686473

E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies

4. **Regulating Paid Fundraisers in Cheshire East** (Pages 1 - 18)

To consider a proposal to introduce a site management agreement which aims to protect and support local residents from unacceptable conduct and harassment by some street fundraisers.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Cabinet Member for Localism and Enforcement

Date of Meeting:	27 th April 2015
Report:	Steph Cordon – Head of Communities
Subject/Title:	Regulating Paid Fundraisers in Cheshire East
Portfolio Holder:	Cllr Les Gilbert

1. Report Summary

- 1.1. As a Residents First and Enforcing Council, we are spearheading a move to tackle the problem of 'nuisance' street fundraisers - or 'chuggers'. We are doing this as shoppers have complained to us about aggressive 'hard sells' and constant pestering to provide direct debit details by some fundraisers in the street.
- 1.2. The problem for all towns across the country is that there is no statutory legislation that covers in detail the activities of "chuggers". As an Enforcing Council, this hasn't deterred us and we have looked for other ways to address this. We have had very positive meetings with our Town Councils and the Public Fundraising Regulatory Association (PFRA) who can provide a voluntary code with sanctions for aggressive behaviour.
- 1.3. As a result we are proposing to introduce a site management agreement which aims to protect and support our local residents from unacceptable conduct and harassment by some street fundraisers. We are very conscious of the fact that we want to ensure that reputable and considerate charity collectors are protected and supported as these are the lifeblood of our communities and do great work. This initiative also aims to assist retailers who are concerned that shoppers are being put off coming by the activities of 'chuggers' on our high streets.

2. Recommendations

- 2.1. To approve the adoption of the Site Management Agreement with the Public Fundraising Regulatory Association at Appendix A.
- 2.2. To thank the Town Councils for their positive input into the Site Management Agreement and future involvement.

3. Reasons for Recommendations

- 3.1. The proposed arrangements will introduce the control of face to face fundraising activity within towns across Cheshire East.

4. Wards Affected

- 4.1. Crewe Central, Congleton West, Knutsford, Macclesfield Central, Nantwich North and West, Wilmslow East.

5. Local Ward Members

- 5.1. Cllr Irene Faseyi, Cllr Gordon Baxendale, Cllr Roland Domleo, Cllr David topping, Cllr Stewart Gardiner, Cllr Peter Raynes, Cllr Olivia Hunter, Cllr Ken Edwards, Cllr Janet Jackson, Cllr Penny Butterill, Cllr Arthur Moran, Cllr Rod Menlove.

6. Policy Implications

- 6.1. This report aligns to the Council's Vision and Strategy for Economic Growth: East Cheshire Engine of the North, which articulates the need to increase investment in our town centres, by ensuring they offer themselves as attractive locations for retail and leisure operators.
- 6.2. Additionally, the draft Local Plan Strategy (March 2014) recognises that town centres "are key drivers in Cheshire East's economic prosperity and the focus will be on the continued development of the centres as commercial, retail, visitor and leisure hubs" and that the Council is "keen to preserve and enhance the vitality and viability of its existing town centres"

7. Implications for Rural Communities

- 7.1. None

8. Financial Implications

- 8.1. None

9. Legal Implications

- 9.1. The council has no legal powers to regulate or restrict the activities of face to face fundraisers unless they are collecting cash in the streets.

10. Risk Management

- 10.1. In adopting a Site Management Agreement the risk in relation to the operations of this type of fundraising will reduce. The PFRA as the body responsible for managing their members address this by having in place an Activity Code of Fundraising Practice.

11. Background and Options

- 11.1. This form of fundraising is normally undertaken by individuals who approach members of the public with a request to make a regular donation to a particular charity by way of a monthly direct debit. These individuals are clearly identified through the tabards they wear identifying the charity they are collecting for.
- 11.2. The council is unable to formally deal with complaints from members of the public and/or local businesses relating to face to face fundraisers unless they are making street collections. Furthermore, face to face fundraising agencies are currently unrestricted in terms of where they can fundraise and which towns to visit in Cheshire East.
- 11.3. In order to look at ways to control face to face fundraisers more effectively, a council led working group was established. All towns across Cheshire East were invited to send representatives to join the group and responses were received from 6 towns, where face to face fundraising issues had been identified (Crewe, Congleton, Knutsford, Macclesfield, Nantwich and Wilmslow). The result of the working group was a recommendation to approach the PFRA and draw up a Site Management Agreement (SMA) for Cheshire East.
- 11.4. The PFRA is the charity-led self-regulatory membership body for all types of face to face fundraising. It currently has 90% of the organisations, both charity and fundraising agency members, currently involved in all types of face to face fundraising activity signed up to the self-regulatory scheme.
- 11.5. The PFRA has a dual role in regulatory face to face fundraising:-
 - Professional standards – by enforcing the institute of fundraising's face to face activity code of fundraising practice, running a mystery shopping programme, and ensuring members complete an accreditation process.
 - Ensuring fair allocation of fundraising – via a fair and equitable site allocation programme and work with local councils to negotiate Site Management agreements (SMA's) that contain guarantees about the locations and times that fundraising can take place.
- 11.6. Although the Council is unable to restrict face to face fundraisers from visiting towns within Cheshire East, we can seek to exert some influence over the access, location, times and numbers through an agreed Site Management Agreement (SMA).

12. Site Management Agreement

- 12.1. A Site Management Agreement will:

- Specify which days of the week fundraisers can attend.
 - Specify how many fundraisers may attend.
 - Specify the times fundraisers may operate.
 - Specify locations fundraisers can operate
- 12.2. Representatives from Cheshire East Town Councils and ourselves have, in conjunction with the PFRA, drawn up an SMA for the Cabinet Member for Localism and Enforcement to consider. A copy of the SMA is attached (Appendix A).
- 12.3. The SMA includes details of the number of fundraisers and the number of weekly visits towns can receive. In addition each of the towns has the discretion to notify the PFRA of any exclusion dates' which are extra dates on which the council can restrict fundraisers if there are special events.
- 12.4. In addition to the SMA, fundraisers will be expected to adhere to the face to face Activity Code of Fundraising Practice and the PFRA/ Institute of Fundraising abridged Code of Practice and any other rules promulgated by the PFRA.
- 12.5. The SMA will be introduced from 22nd June 2015 and reviewed 6 months after the agreement is signed, and then every 12 months, if necessary, or earlier if there is just cause to do so. There is no cost to the council to sign an SMA.
- 12.6. The PFRA enforces its rules through financial penalties.

13. Access to Information

Background papers and other information relating to the content of this report can be obtained by contacting the report writer:

Name: Richard Christopherson
Designation: Area Partnership Manager (North)
Tel No: 01270 685881
Email: Richard.christopherson@cheshireeast.gov.uk



Public



Fundraising



Regulatory



Association

March 2015

Site Management Agreement

Site Management Agreement

Between PFRA and Cheshire East Council

Prepared by: **Stephen Service**
Outreach Officer

+44 (0)20 7401 8452
Stephen@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 Cheshire East and provide a 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 Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

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:

Crewe

Zone 1:

Market Street, between Market Square and Victoria Street

Zone 2:

Victoria Street, between Queensway and Charles Street

Capacity: maximum of 4 fundraisers in total.

Positioning: Fundraisers to be spread out along the length of the site. No more than 2 fundraisers in either of the above zones.

Frequency: Tuesdays, Wednesdays and Thursdays only.

Macclesfield

Pedestrianised area of Mill Street between Exchange Street and Church Street.

Capacity: maximum of 4 fundraisers

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

Frequency: Mondays, Wednesdays and Thursdays only.

Wilmslow

Pedestrianised area of Grove Street between Green Lane and junction of Alderley Road/Water Lane

Capacity: maximum of 2 fundraisers

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

Frequency: 2 visits a week.

Nantwich

Pedestrianised area of High Street between Hospital Street, Oatmarket and Churchyardside / Pepper Street.

Capacity: maximum of 2 fundraisers

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

Frequency: 2 visits a week.

Knutsford

Princess Street, between Church Hill Street and Tatton Street.

Capacity: maximum of 2 fundraisers

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

Frequency: 2 visits a week.

Congleton

Pedestrianised area of Duke Street, Bridge Street and High Street between Swan Bank and Market Street/Moody Street.

Capacity: maximum of 3 fundraisers

Positioning: fundraisers should be spread out along the length of the site, avoiding the bottle-neck by the planters.

Frequency: 1 visit a week.

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. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Cheshire East Council is Mr Richard Christopherson and his contact details are Partnership Manager, Richard.christopherson@cheshireeast.gov.uk (01270 685881). In his absence all enquiries should be made to dawn.clark@cheshireeast.gov.uk (01270) 686663

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:

Crewe Town Council:-

Steve McQuade, Town Clerk, Crewe Town Council,
steve.mcquade@crewetowncouncil.gov.uk

Tel: 01270 756975.

If not available, Rob MacKenzie, Deputy Town Clerk,
rob.mackenzie@crewetowncouncil.gov.uk ,

Tel: 01270 756977.

Macclesfield:-

Diane Smith, Town Centre Manager, Macclesfield Town Hall, Macclesfield, Cheshire.
SK10 1HR

Diane.smith@cheshireeast.gov.uk

Tel: 01625 383771

Wilmslow Town Council:-

Matthew Jackson, Town Clerk, Wilmslow Town Council, Cliff Road, Wilmslow. SK9 4AA
townclerk@wilmslow-tc.org.uk

Tel: 01625 402907

Nantwich Town Council:-

Ian Hope, Town Clerk, Nantwich Town Council, Nantwich Civic Hall, Market Street,
Nantwich. CW5 5DG

Tel: 01270 619224

ian.hope@nantwichtowncouncil.gov.uk
www.nantwichtowncouncil.gov.uk

Knutsford Town Council:-

Adam Keppel-Garner, *Town Clerk & Town Centre Manager*
Knutsford Town Council, Knutsford Council Offices,
Toft Road, Knutsford, WA16 6TA

Tel: 01565 653929

www.knutsfordtowncouncil.gov.uk

Congleton Town Council:-

Jackie MacArthur, Town Centre and Marketing Manager, Congleton Town Council email
jm@congletontowncouncil.co.uk

Secondary e-mail:- Ruth Boffey, Streetscape Supervisor, rb@congletontowncouncil.co.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).

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

6 Working Together

Cheshire East 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 Fundraising 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 Fundraising 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:

Print name:

Job title:

Date:

Signed For and On Behalf Of Cheshire
East Council:

Print name:

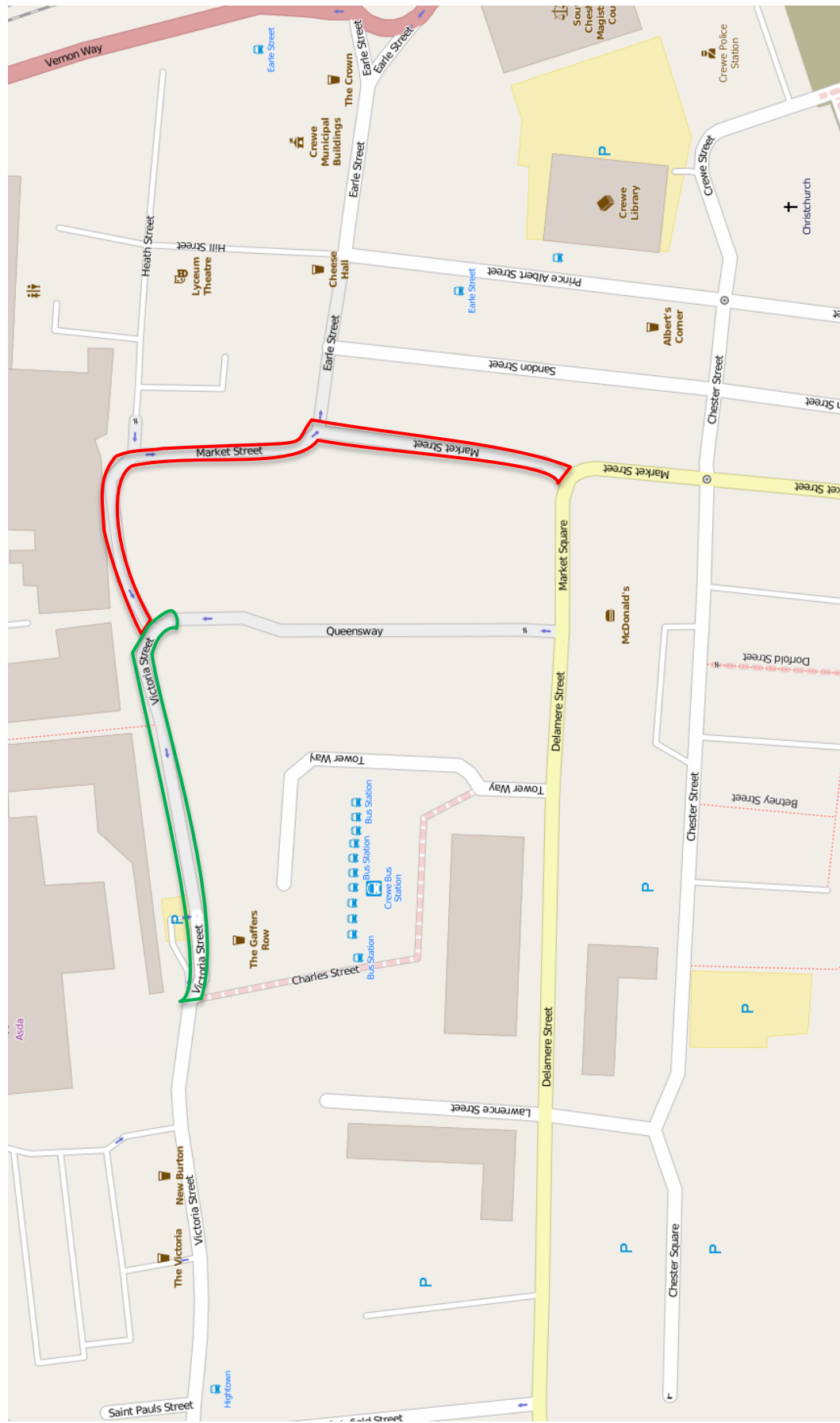
Job title:

Date:

Appendix 1 - Map(s)

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

Crewe



Macclesfield

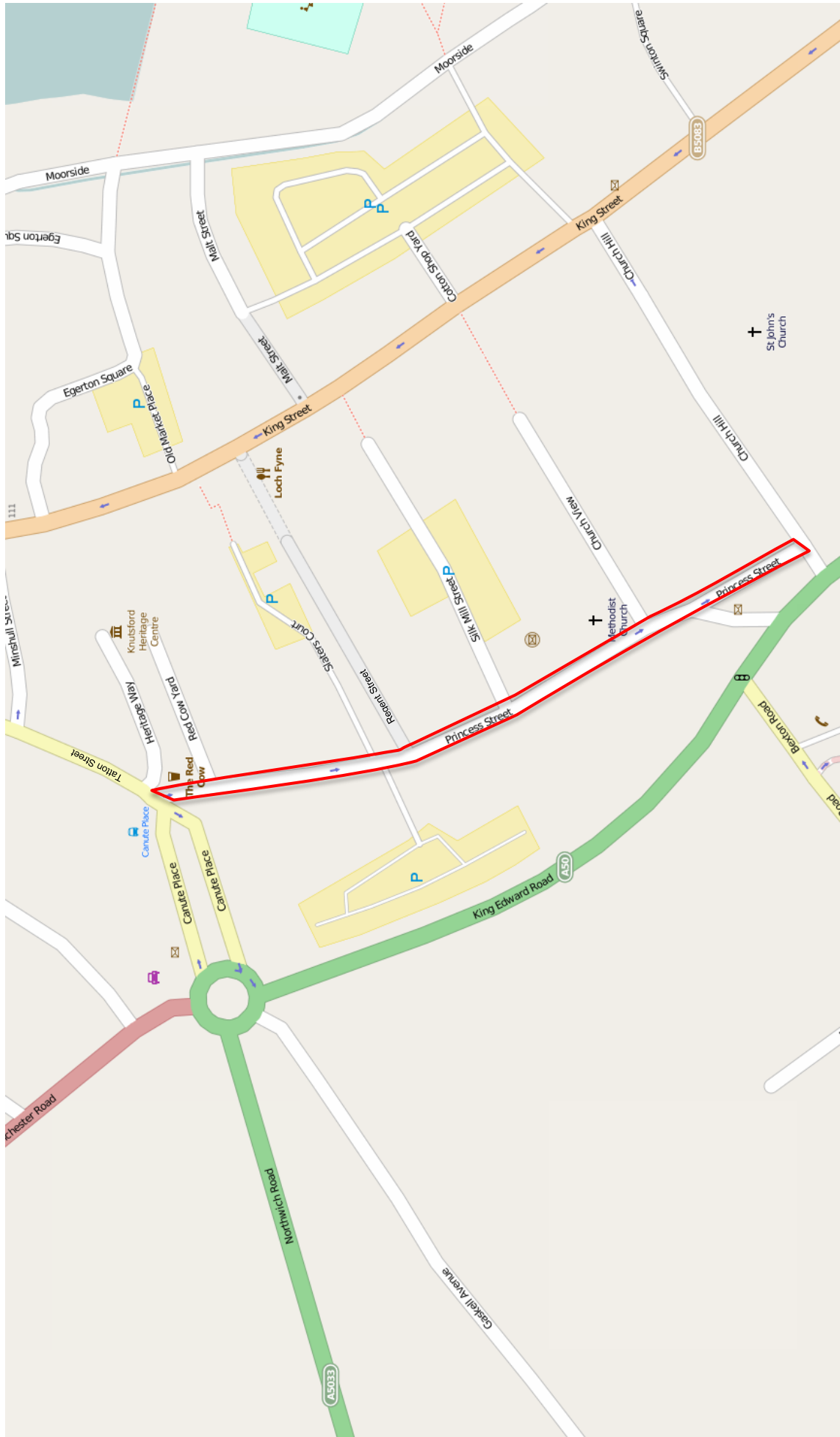


Wilmslow

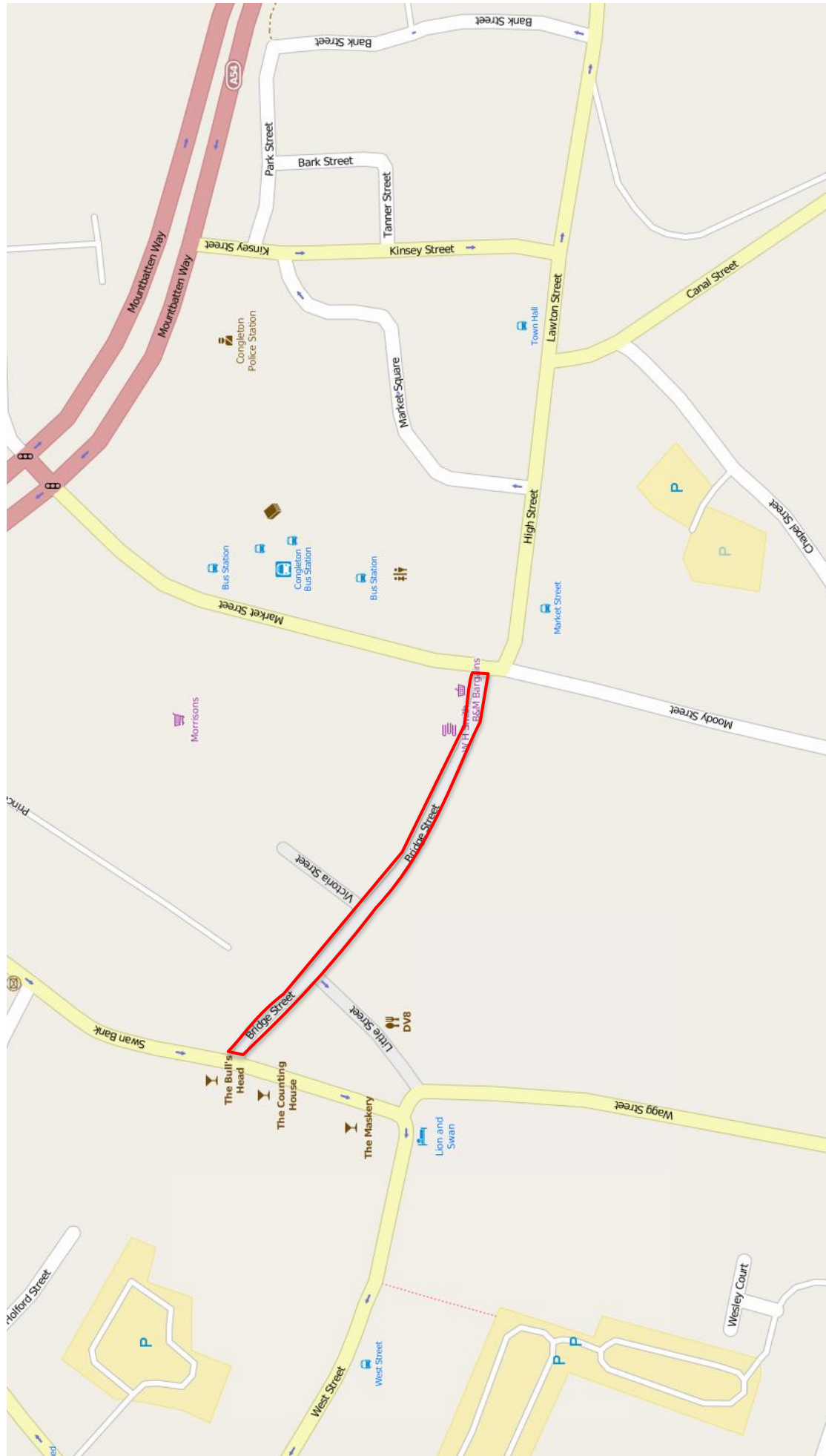




Knutsford



Congleton



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.

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