

CHESHIRE EAST COUNCIL

Cabinet Member for Localism and Enforcement

Date of Meeting: 27th 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:

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