

BIRMINGHAM CITY COUNCIL

**REPORT OF ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

12 APRIL 2017
ALL WARDS

REGULATING FACE TO FACE FUNDRAISING
INSTITUTE OF FUNDRAISING SITE MANAGEMENT AGREEMENT

1. Summary

- 1.1 In April 2016 this Committee agreed to trial a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA) (now known as the Institute of Fundraising), by which the PFRA would manage face to face fundraisers in the city centre. The trial began on 1 July 2016.
- 1.2 The trial was based on restricting the number of zones in the city centre within which fundraising would be permitted to a maximum of 3 per day, and to no more than 4 fundraisers working in any one zone. This limited the total number of fundraisers to 12 per day across the city centre.
- 1.3 Officers were asked to monitor the trial, to aim to reduce the number of zones in daily use from 3 to 2, and to carry out a consultation on the impact of the Site Management Agreement.
- 1.4 This report contains the outcome of the consultation and the revised proposals from the Institute of Fundraising for a long-term Site Management Agreement.

2. Recommendations

- 2.1 That the Committee approves a Site Management Agreement for the city centre with the Institute of Fundraising based on the new proposals identified in Section 6 of this report.
- 2.2 That the Committee authorises officers to bring forward proposals for Site Management Agreements for any other suburban town centres in Birmingham where an identified demand is recognised.

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3. Background

- 3.1 In 2015 we began a process to obtain a byelaw to control (but not ban) face to face fundraising in Birmingham. It went to the Department for Communities and Local Government for approval, but it was rejected because we had not provided evidence as to why a Site Management Agreement (SMA) with the PFRA (Public Fundraising Association) was not felt to be appropriate.
- 3.2 The PFRA became the Institute of Fundraising (IoF) in 2016. It is the professional membership body for UK fundraising and represents fundraisers working on behalf of charities. It operates SMAs in many towns and cities across the UK in conjunction with local authorities. The purpose of a SMA is to agree with the IoF when and where face to face fundraising can take place and how many fundraisers are permitted to work at any given time. The agreement can then be monitored by the IoF itself, the fundraising companies that have signed up to it, and the local authority, although only the IoF would be able to issue sanctions for breaches of the Agreement. The IoF publishes a rule book that fundraisers agree to follow and it can impose financial penalties on companies that disregard the rules.
- 3.3 On 20 April 2016 this Committee agreed to trial a SMA for the city centre. The SMA marked a notable reduction to the number of collectors that were operating prior to the agreement when there were no controls in place. The city centre was divided into 7 zones:
- New Street (divided into 2 zones).
 - Cherry Street/Union Street.
 - Colmore Row.
 - High Street.
 - Broad Street.
 - Corporation Street.
 - Bull Street (to be used as a relief site on days when activities at any of the other sites made fundraising not possible).
- 3.4 The maximum number of fundraisers was limited to 4 per zone and no more than 3 zones would operate on any given day, with only 2 zones on Wednesdays. None of the zones would adjoin each other on a day when fundraisers were working and the zone in Corporation Street was shortened to prevent it overlapping with New Street. Victoria Square was removed completely from the original proposal. It was agreed that New Street would be completely free of fundraisers on Wednesdays and Saturdays. Broad Street was removed entirely because of its proximity to the war memorial.

4. Trial Site Management Agreement

- 4.1 An agreement based on the terms outlined above was signed between the City Council and the PFRA and it took effect on 1 July 2016. It was signed for a 3-month period and has since been renewed monthly and can be cancelled with a month's notice by either party. Officers in Licensing and City Centre

Management have noticed a considerable reduction in the number of fundraisers working in the city centre since the agreement came into force. However, there is clearly a view amongst businesses and the general public that there are still too many fundraisers working there.

- 4.2 Under the SMA, the IoF send Birmingham City Council a diary sheet in advance for every week to say which charities or fundraising organisations have been given permission to work on which days and in which locations.
- 4.3 Since the SMA came into effect on 1st July 2016 Regulation and Enforcement has not received any complaints from businesses or members of the public about fundraisers

5. Consultation Results

- 5.1 A public consultation was carried out using the Council's BeHeard website during October and November 2016 to measure public perceptions of fundraisers and to determine whether the public had noticed the difference that the SMA had brought about. Ninety people responded to it. The results are contained in Appendix 1 to this report, but the highlights are shown below:

90% objected to being approached by fundraisers

38% said that they had noticed a reduction in the number of fundraisers in the city centre

62% had not had not noticed a difference in numbers.

62% said that they had not seen any improvements in the behaviour of fundraisers

83% wanted to see less fundraising happening

- 5.2 Despite the measurable reductions in numbers of fundraisers, the consultation results show that the public still regard fundraising as something that they object to and they want it to be reduced more. Using the results from the consultation, officers have engaged with the IoF to ask for further reductions.

6. Revised Proposals from the Institute of Fundraising

- 6.1 The IoF has consulted its member organisations and put forward a revised fundraising schedule which is shown below and alongside the current schedule.

Zone	Current Agreement	Proposed Agreement	Notes
New Street Zone 1 (between High Street and Corporation Street)	Monday Friday	Monday Friday	This ensures that there will never be fundraisers working simultaneously in both ends of New Street
New Street Zone 2 (between Corporation Street and Victoria Square)	Tuesday Thursday	Tuesday Thursday	
Cherry Street / Union Street	Monday Wednesday Friday	Monday Friday	Removal of Wednesday. This zone extends to both sides of Corporation St, but is classed as one zone
Colmore Row	Monday Wednesday Friday	Monday Friday	Removal of Wednesday
High Street	Tuesday Thursday	Tuesday Thursday	These days ensure that High Street and Union Street do not conflict
Corporation Street	Tuesday Thursday	Tuesday Thursday	Between Fore Street and Bull Street to ensure that it does not conflict with Corporation St.

6.2 The change proposed by the IoF would remove fundraisers from Cherry Street / Union Street and from Colmore Row on Wednesdays. A maximum of 4 fundraisers per zone would still be permitted with never more than 3 zones operational on the same day, but the new schedule will mean no fundraising at all on Wednesdays, Saturdays or Sundays in the city centre.

6.3 The SMA can be cancelled by either party with 4 weeks' notice. A copy of the current SMA is attached as Appendix 2 for information.

7. Options Available to the Committee

7.1 Although it had been the Committee's original intention to enact a byelaw, the DCLG refused to endorse the byelaw without being able to prove that we had

exhausted all other ways of managing fundraisers. The DCLG referred to the service offered by the PFRA at the time as being one which we had not used.

7.2 At best, a byelaw would only manage the worst excesses of fundraising. The byelaw, as drafted, would have created an offence if the fundraising was carried out in a street or public place 'in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that street or public place'. It would not have limited the numbers of fundraisers or the frequency of collection days. The cost of enforcing a byelaw would have to be met by the local authority without an associated income stream.

7.3 The IoF solution places no administrative, enforcement or financial burdens on the City Council. Whilst members may wish to see even greater reductions to the frequency of fundraising in the city centre, the IOF believes that it has moved as far as it can. If the Committee does not agree to the proposed SMA the reality is that we will revert to the unmanaged and unregulated situation that existed before 1st July 2016.

8. Suburban Shopping Areas

8.1 The contents of this report relate to the city centre of Birmingham; however suburban shopping centres are just as affected by face to face fundraisers as the city centre. If the Committee approves the recommendation to agree to the revised SMA, it is further proposed to ask officers, in conjunction with relevant Business Improvement Districts and town centre managers, to agree separate SMAs for each one and to bring them to the Committee for approval.

9. Implications for Resources

9.1 The cost of administering and policing the SMA will be met by the IoF, not the City Council, which is a major benefit of this self-regulatory approach.

10. Implications for Policy Priorities

10.1 Addressing people's concerns about face to face fundraising will support the Council's strategic priorities of 'succeed economically' and 'stay safe in clean, green neighbourhoods', by making the city centre more welcoming. Allowing the IoF to manage fundraisers is consistent with the Council's ambition to become an enabling authority.

11. Public Sector Equality Duty

11.1 No specific issues have been identified with the contents of this report.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil